

ACADEMIC APPEALS PROCEDURE 2009/10

1. Introduction

- 1.1 These procedures describe how a student may submit an Academic Appeal and the grounds under which they may do so. A student submitting an Academic Appeal is referred to in these procedures as 'the appellant'.
- 1.2 These procedures apply to students studying at the University of Chester for undergraduate and taught postgraduate awards made at this institution. Academic Appeals may only be made after a decision has been made by an Awards Assessment Board or an Examination Committee which are the bodies charged with making decisions on student progression and awards (or exceptionally, by the Chair of an Awards Assessment Board or Examination Committee acting on its behalf), and must be made within the specified time limit.
- 1.3 The purpose of these procedures is to safeguard the interests of all students. They may be used only when there are adequate grounds for doing so and may not be used simply because a student is dissatisfied with the outcome of his/her assessment or other decision concerning their academic position or progress or as an alternative to using the Mitigating Circumstances or complaints procedure at the proper time.
- 1.4 The University expects that students take responsibility for managing their learning, revision and assessment activities throughout the duration of their studies. However, the University acknowledges that exceptional or mitigating circumstances may at times affect a student's performance. Thus, the University has put in place a system of extensions and deferrals for which a student may apply when such difficulties arise. The University also provides extensive student support through the PAT system and SGSS. A student in difficulties is expected to make use of support systems put in place by the University and to request an extension or deferral if appropriate.
- 1.5 Students should appreciate that Academic Appeals do not always produce the outcome preferred by an appellant.

2. Right to Appeal

- 2.1 An Academic Appeal is a request for a review of a decision of an Awards Assessment Board or Examination Committee. An Academic Appeal may only be made on one or more of the following grounds:
 - 2.1.1 that the appellant's performance in the assessment was adversely affected by illness or other exceptional circumstance(s) only if s/he was unable, or for valid and compelling reasons unwilling, to divulge such illness or circumstance(s) before the Awards Assessment Board or Examination Committee reached its decision. Such illness or circumstance(s) must have had a demonstrable and substantial negative impact on the resulting assessment outcome;
 - 2.1.2 that the assessment was not conducted in accordance with the relevant assessment regulations, leading to a demonstrable and substantial negative impact on the resulting assessment outcome;

- 2.1.3 that there was administrative error which had a demonstrable and substantial negative impact on the resulting assessment outcome;
- 2.1.4 that some other material irregularity occurred in the conduct of the assessment which had a demonstrable and substantial negative impact on the resulting assessment outcome;
- 2.1.5 that the appellant has been assessed as having a specific learning difficulty during the current academic session, subject to the following.

A student who is diagnosed during a programme, and who is debarred from submitting a retrospective claim to the Mitigating Circumstances Board under section 3 of the handbook governing the assessment of students, may none the less lodge an appeal in respect of assessment taken prior to, but in the same academic session (year) as, the diagnosis. A successful appeal in these circumstances will mean that the results of such assessments are set aside, and deferred assessments are granted. In no circumstances will deferral of assessment be granted in respect of assessment taken in a previous academic session.

The Dean of Academic Quality and Standards is empowered to grant a deferral of assessment on receipt of satisfactory evidence of the diagnosis of a Specific Learning Difficulty, provided the conditions set out in paragraphs 3 and 4 of section 9 of the handbook governing the assessment of students apply, without the need to convene an Appeals Board. In cases of doubt, recourse shall be had to the full Appeals procedure. In the case of students on professional programmes, those academic appeals which have been upheld on this ground shall normally be referred to the Assessment Review Board, in order that assessment of the professional components may be considered.

- 2.2 Academic Appeals on other grounds shall be deemed inadmissible.
- 2.3 Appeals against the decision of an academic malpractice panel may only be made on the following grounds:

2.3.1	that the appellant had exceptional circumstances which affected her/his ability to mount a defence of the allegation, only if s/he was unable, or for valid and compelling reasons unwilling, to divulge such illness or circumstance(s) to the academic malpractice panel;
2.3.2	that the academic malpractice panel was not conducted in accordance with the relevant regulations;
2.3.3	that there was administrative error which had a demonstrable and substantial negative impact on the operation of the academic malpractice procedures or of the academic malpractice panel;
2.3.4	that some other material irregularity occurred in the conduct of the academic malpractice procedures or conduct of the academic malpractice panel assessment outcome.

- 2.3 The decision of an academic malpractice panel is one of academic judgement, and thus a student may not appeal against the decision of an academic malpractice panel merely because they disagree with the decision.

- 2.4 Students are assured that they will not be subject to discrimination for lodging an Academic Appeal in good faith, irrespective of the outcome of the Academic Appeal.
- 2.5 Students should note that the University's complaints procedure should be invoked in other areas of potential dispute. There may be appeals against academic decisions that refer to matters or allegations that are, or that become, the subject of a formal complaint. In cases where matters that are the substance of a complaint are linked to matters which are the substance of an Academic Appeal, the Dean of Academic Quality and Standards and the University Proctor shall decide whether the cases shall be considered concurrently or consecutively.
- 2.6 Students studying under a collaborative partnership agreement at another institution or overseas on taught programmes delivered by University of Chester shall be expected to comply with the Academic Appeals Procedures as detailed herein, and to submit full written evidence in support of any Academic Appeal to the Dean of Academic Quality and Standards, University of Chester.

3. Exclusions from Academic Appeal

- 3.1 The following are illustrations of claims that cannot be considered as the basis for an Academic Appeal:
- 3.1.1 disagreement with academic judgement of a Programme (or Subject) or an Awards Assessment Board in assessing the merits of an individual piece of work or in reaching any assessment decision based on the marks, grades and other information relating to a student's performance;
 - 3.1.2 disagreement of an academic malpractice panel;
 - 3.1.3 complaints related to teaching, supervision or services. These must be raised at the time when they occur and through the appropriate channels e.g. Personal Academic Tutor, Head of Subject, Staff-Student Liaison Committee, or the University's Complaints Procedure;
 - 3.1.4 any other complaint which can be properly dealt with under the University's Complaints Procedure;
 - 3.1.5 circumstances which have already been considered by the Mitigating Circumstances Board or relevant Assessment Board;
 - 3.1.6 circumstances which could have been considered, had notice been given prior to the meeting of the Mitigating Circumstances Board or Assessment Board, and where the student has no valid reason for having failed to give such notice;
 - 3.1.7 circumstances which do not fall within one of the permitted grounds, or are wholly without substance or merit, or are frivolous or vexatious, or are unsupported by evidence;
 - 3.1.8 claims that academic performance was adversely affected by factors such as ill health, where there is no independent medical or other evidence;
 - 3.1.9 claims that academic performance was adversely affected by factors such as ill health which are accompanied by medical evidence which does not contain opinion or diagnosis, but merely repeats what the student has *post hoc* reported to the doctor (or other medical practitioner).

- 3.1.10 claims that academic performance was adversely affected by factors such as ill health which are accompanied by medical evidence stating that the illness 'may have an impact' or which state "the patient informs me".
- 3.1.11 mitigating circumstances in cases where the student could reasonably have avoided the situation or acted to limit the impact of the circumstances. Examples of mitigating circumstances which would not be considered by an Appeals Board can be found in the accompanying guidance;
- 3.1.12 circumstances which might have fallen within one or more of the permitted grounds for Academic Appeal, but which were not the subject of an Academic Appeal at the time of the assessment that was allegedly affected.
- 3.1.13 Academic appeals on the grounds of specific learning difficulties where the appellant began the process of diagnosis after the assessment in question.

The above list is not exhaustive.

4. Responsibilities of the student

- 4.1 The University acknowledges that there may be exceptional or mitigating circumstances where a student cannot divulge such circumstances at the relevant time. However, if a student wishes to lodge an Academic Appeal, the Appeal should be lodged at the first available opportunity i.e. where the circumstances are long-standing an Academic Appeal based on such circumstances should be made at the failure of the first attempt at the assessment rather than waiting until failure at reassessment or third attempt. If a student has a long-term condition or problem which may affect her/his study and assessment, it is the responsibility of the student to seek advice as early as possible, to use the support services available through the University, and to utilise procedures such as extension, deferral or mitigating circumstances procedures where appropriate and permissible.
- 4.2 It is the responsibility of the student to:
 - 4.2.1 ensure the submission of an Academic Appeal and supporting evidence is submitted within the published timescale;
 - 4.2.2 ensure that the Dean of Academic Quality and Standards has an address for correspondence for the timescale of the Academic Appeal;
 - 4.2.3 compile documentation in support of an Academic Appeal. The University does not contact medical practitioners or other professionals on behalf of an appellant for supporting evidence. Impartial guidance about the compilation of supporting evidence can be obtained from the Students' Union.

5. Procedures for Academic Appeal

- 5.1 A student wishing to appeal MUST:
 - 5.1.1 within seven days of the publication of results, give notice in writing to the Dean of Academic Quality and Standards of the intention to appeal, using form APP1 or APP1 (H) signed by the appellant stating the grounds for such an Academic Appeal;

- 5.1.2 within fourteen days of the publication of results, submit form APP2 or APP2 (H) signed by the appellant and present a full case for an Academic Appeal in writing, including appropriate documentary evidence;
 - 5.1.3 not proceed to any awards ceremony pending determination of the Academic Appeal. An Academic Appeal will not be considered once the student has accepted an award.
- 5.2 An Academic Appeal signed by someone other than the appellant shall not be considered, unless prior permission is granted by the Dean of Academic Quality and Standards.

Time Limits

- 5.3 Failure by an appellant to comply with any of the time limits specified in these procedures will render an Academic Appeal inadmissible, with the consequence that it cannot be pursued further, unless the Dean of Academic Quality and Standards is satisfied that circumstances exist which made it not feasible for the appellant to have complied within the time limit specified.

Evidence

- 5.4 All Academic Appeals on the grounds of illness or other exceptional circumstances as described in section 2.1.1 or 2.3.1 must be accompanied by medical, professional or other sufficiently independent evidence which is contemporaneous with the period of the assessment concerned. Other than in exceptional cases, retrospective medical or other certification will not be accepted as valid.
- 5.5 Any medical or other certification submitted in support of an Academic Appeal must relate specifically to the dates, nature, onset and duration of the illness or circumstances. Additionally, in the case of illness, the certification must contain a clear medical diagnosis, opinion or description of symptoms and a statement on the severity of the impairment, and not merely report the student's claim that s/he felt unwell, nor report the student's claim that s/he had reason to believe s/he was ill.
- 5.6 Letters of support from family members or friends will not be considered as independent evidence.
- 5.7 All supporting evidence should be in English. Where original documentary evidence is in another language, it must be accompanied by a certified translation into English.
- 5.8 Where an appellant submits falsified evidence in support of an Academic Appeal, the University reserves the right to disallow the Appeal and to institute disciplinary or other appropriate procedures.
- 5.9 Where an appellant is studying on, or having had their studies terminated, is seeking to return to a professional programme, at any stage in the procedure the Dean of Academic Quality and Standards, the Appeals Board or the Assessment Review Board may advise or require that professional suitability procedures are invoked, if the nature of the academic appeal, or the evidence supplied in support of the academic appeal occasions this course of action.

Status of a student who has submitted an Academic Appeal

5.10 The decision of an Awards Assessment Board remains until and unless it is overturned by an Assessment Review Board. In the case of students whose studies have been terminated, the student may not recommence studies unless a decision to that effect has been made by an Assessment Review Board, or in the case of an uncontested administrative error, the Chair of an Awards Assessment Board has taken action.

6. Preliminary consideration of Academic Appeal

6.1 The Dean of Academic Quality and Standards (or nominee) and a designated member of the senior staff of Academic Quality Support Services shall decide as soon as reasonably practicable whether the Academic Appeal merits further consideration by an Appeals Board. The Dean and senior member of Academic Quality Support Services may make one of the following decisions:

- 6.1.1 that the appellant's case does not have substance. This decision shall be based on the guidelines appended. The Dean of Academic Quality and Standards will notify the appellant by letter of the reasons for the decision;
- 6.1.2 that the appellant's case wholly or partly warrants further consideration by an Appeals Board;
- 6.1.3 that the Academic Appeal should be dealt with under the process for students identified as having a specific learning difficulty during an academic session;
- 6.1.4 that an Academic Appeal made on the grounds specified in sections 2.1.2, 2.1.3 and/or 2.1.4 is established and a letter is received from the Head of Subject or nominee confirming the error. In this case the Dean shall refer the case directly to the Chair of the relevant Awards Assessment Board.

6.2 Where an appellant is studying on, or having had their studies terminated, is seeking to return to a professional programme, at any stage in the procedure the Dean of Academic Quality and Standards, the Appeals Board or the Assessment Review Board may advise or require that professional suitability procedures are invoked, if the nature of the academic appeal, or the evidence supplied in support of the academic appeal occasions this course of action.

7. Request for a review of the decision at the preliminary stage

7.1 Following the rejection of an Academic Appeal at the preliminary stage, the appellant may request a Dean of an academic School (not the Chair of the Appeals Board) to review the decision. The request for a review must be made within 7 days of the notification of the Dean of Academic Quality and Standards' decision. This request should be sent to the Appeals Section of Academic Quality Support Services who will forward the request together with the relevant papers to the reviewing Dean.

7.2 A request may only be made on the grounds that the appeals procedure was not carried out correctly, or that new evidence had come to light which could not have been made known to the Dean of Academic Quality and Standards at the relevant time. The reviewing Dean may decide:

- 7.2.1 to confirm that the appeal is unsuccessful. A 'Completion of Procedures' letter will be issued (See Section 11.1 below);

or

- 7.2.2 that the appeal should be forwarded for further consideration by the Appeals Board.

8. Appeals Board

- 8.1 The Appeals Board acts with the full delegated authority of Senate. It has the power to require staff and students of the University to make written submissions, attend, give evidence and answer questions.
- 8.2 Following the Awards Assessment Boards, the Appeals Board (Appendix A) will meet as soon as reasonably practicable to consider all written submissions referred by the Dean of Academic Quality and Standards within the specified time limits other than those rejected during the initial consideration, and those on which the Dean has been able to take other action.
- 8.3 After considering all the evidence, the Appeals Board may decide as follows:
- 8.3.1 that the Academic Appeal is unsuccessful, the original decision of the Awards Assessment Board or Examination Committee stands;
or
- 8.3.2 that the Academic Appeal is successful: the Appeals Board shall request the Chair of the relevant Awards Assessment Board to convene an Assessment Review Board.
- 8.4 Where an appellant is studying on, or having had their studies terminated, is seeking to return to a professional programme, at any stage in the procedure the Dean of Academic Quality and Standards, the Appeals Board or the Assessment Review Board may advise or require that professional suitability procedures are invoked, if the nature of the academic appeal, or the evidence supplied in support of the academic appeal occasions this course of action.
- 8.5 The Appeals Board may decide at any stage of its deliberations to adjourn for the purpose of obtaining further evidence in writing or in person.

Attendance at the Appeals Board by the Appellant and Staff of the University

- 8.6 Normally the Appeals Board will only consider written submissions. However, if the Appeals Board decides to adjourn to receive further evidence, a further meeting of the Board shall be convened. The Appeals Board may request further evidence in writing or in person from either the appellant or staff of the University. If the Chair deems that oral evidence is appropriate, the Board may request that (an) appropriate member(s) of staff and the appellant attend the reconvened Board.
- 8.7 The appellant may be accompanied by a "friend" if s/he wishes. The "friend" shall be a member of the University of Chester, either a fellow student or an officer of Chester Students' Union Officer. Exceptionally, the "friend" may be a member of SSG. The name and status of the "friend" shall be notified in advance to the Secretary of the Appeals Board. The role of the "friend" is to support the appellant, and not to act as a legal representative. At the discretion of the Chair, the "friend" accompanying the appellant may be invited to make a statement.

- 8.8 In cases of an oral hearing the appellant shall be sent one copy of all documents made available to the Appeals Board in advance of the hearing.
- 8.9 Where an appellant attends an Appeals Board at the request of the Board, travel expenses limited to the cost of a second class rail fare (mainland only) from the appellant's declared home address shall be permitted.

9. Request for a review of decision after an Appeals Board

- 9.1 If the Academic Appeal is unsuccessful, the appellant may submit a request in writing for a review of the decision. This request must be made within 14 days of the Appeals Board's decision and should be made to the Deputy Vice-Chancellor (Academic) (or a nominated other Pro Vice-Chancellor). This request should be sent to the Appeals Section of Academic Quality Support Services who will forward the request together with the relevant papers to the Deputy Vice-Chancellor.
- 9.2 Normally, there should be new grounds put forward to substantiate the request for review. These might constitute either:
- 9.2.1 evidence of some administrative irregularity in the operation of the Academic Appeals procedures
 - or*
 - 9.2.2 additional evidence of illness or other exceptional circumstances, which could not have been known or presented to the original Appeals Board.
- 9.3 Where possible, the review should be completed within 21 days of receipt of the request in writing from the appellant. The Deputy Vice-Chancellor may decide one or more of the following:
- 9.3.1 no irregularity in procedure is found - Academic Appeal is unsuccessful and a 'Completion of Procedures' letter will be issued (see Section 11.1);
 - 9.3.2 some irregularity in procedure - Academic Appeal is referred back to the Appeals Board;
 - 9.3.3 no new evidence supplied in mitigation - Academic Appeal is unsuccessful and a 'Completion of Procedures' letter will be issued (see Section 11.1);
 - 9.3.4 valid new evidence of mitigating circumstances supplied - Academic Appeal is referred back to the Appeals Board;
 - 9.3.5 there is doubt that natural justice has been applied - Academic Appeal is referred back to the Appeals Board.
- 9.4 Where the Deputy Vice-Chancellor refers a case back to the Appeals Board in accordance with sections 9.3.2, 9.3.4 or 9.3.5, the Appeals Board shall meet to determine the Academic Appeal as soon as reasonably practicable following the Deputy Vice-Chancellor's decision. The decision of that Appeals Board shall be final and if the Academic Appeal is unsuccessful at this stage a 'Completion of Procedures' letter will therefore be issued (see Section 11.1).

10. Assessment Review Board

- 10.1 If an Academic Appeal is successful, an Assessment Review Board (Appendix B) shall carry out a review of those decisions of the Awards Assessment Board that were the subject of the Academic Appeal.
- 10.2 The Assessment Review Board shall as soon as reasonably practicable consider the evidence and any recommendations from the Appeals Board in as much these pertain to a decision the Assessment Review Board makes on the new recommendation for assessment. The Assessment Review Board may not overturn the decision of the Appeals Board.
- 10.3 The options available for recommendation are as follows:
- 10.3.1 the original decision of the Awards Assessment Board is overturned and a new recommendation for the relevant assessment(s) is made.
or
 - 10.3.2 exceptionally, the original decision of the Awards Assessment Board is upheld and the original recommendation confirmed.
- 10.4 In the case of an Academic Appeal being successful on the grounds specified in sections 2.1.2, 2.1.3 or 2.1.4 the Assessment Review Board may consider the effects of the error or other irregularity on other students who may or may not have appealed and be empowered to review the decisions made by an Awards Assessment Board in respect of those students also.
- 10.5 In the case of an Academic Appeal being successful on the grounds specified in sections 2.3.1, 2.3.2, 2.3.3 or 2.3.4, the Assessment Review Board shall normally direct that the student shall be afforded the opportunity to defend the charge of academic malpractice at a hearing of an Academic Malpractice Panel as if for the first time.
- 10.5 In the case of a student studying on a professional programme as defined by the University's Professional Programmes Handbook, the Assessment Review Board, after considering medical or other evidence submitted in support of the academic appeal may advise or require the initiation of Professional Suitability procedures.
- 10.6 The decision of the Assessment Review Board is final, and there is no right to request a review of this decision. A 'Completion of Procedures' letter will therefore be issued (see Section 11.1) at this point.
- 10.7 The decision will be reported to the next meeting of the relevant Awards Assessment Board.

11. Office of the Independent Adjudicator

- 11.1 Where an appellant has exhausted internal procedure, and a Completion of Procedures letter has been issued, there exists a right to take the case to the Office of the Independent Adjudicator for Higher Education (OIA). If the appellant wishes to take his/her complaint to the OIA, s/he must send a Scheme Application Form within three months of the date of the Completion of Procedures letter. A Scheme

Application Form can be obtained from the Institutional Compliance Officer, from Chester Students' Union or downloaded from the OIA website www.oiahe.org.uk.

12. Internal Monitoring of Process

12.1 Academic Quality Support Services will maintain a record of:

- The nature of the Academic Appeal;
- How the matter was dealt with and the time taken for each stage;
- The outcome of the Academic Appeal;
- Equal opportunities information gathered, which will be held separately and anonymously.

12.2 A report will be submitted annually to Quality and Standards Committee detailing numbers of Academic Appeals in the previous academic year, the outcomes of those Academic Appeals, the spread across level and subject, comparison with previous years, and an analysis of any trends. The report shall also highlight any issues which impact upon regulatory matters, managerial issues, matters of interest to students and any other aspects of the life and work of the University.

Annex A : TERMS OF REFERENCE AND COMPOSITION OF APPEALS BOARDS

Terms of Reference

1. To decide Academic Appeals which are eligible for consideration by an Appeals Board having taken into account all the relevant evidence relating to such Appeals. In doing so the Appeals Board acts with the full delegated authority of Senate. It has the power to require staff and students to make written submissions, attend the Appeals Board, give evidence and answer questions.
2. To communicate in writing to an unsuccessful appellant the reason(s) why the Academic Appeal was unsuccessful.
3. To report its decisions to the Assessment Review Board, and if it thinks fit make a recommendation to the Assessment Review Board on the result of the assessment in question or the further assessment opportunity to be granted.
4. To note any matters arising from the Academic Appeals considered, and where appropriate, bring matters to the attention of a subject or support department, School, or relevant committee.

Composition

There shall be an Appeals Board consisting of **three** members. Members of the Appeals Board shall be approved by Senate, for a term of two years. Retiring members may be re-nominated.

Chair: A Dean or Associate Dean of a School who has not been directly involved in the assessment of any module(s) under consideration;

Members: Dean of Academic Quality and Standards (or nominee approved by Senate)
A senior member of staff from a department other than the department(s) within which the modules in question are delivered and assessed.

A minuting secretary will be in attendance.

Before proceeding to decide an Academic Appeal a member of the Appeals Board should consider whether s/he has an interest which conflicts or appears to conflict with the duty to be impartial. Where any member of the Appeals Board believes that s/he may have such a conflict of interest, s/he must declare this to the Chair or Secretary as appropriate, and not take part in any decision making about that case. In such an event, the case may be referred to the next Appeals Board or a new Appeals Board will be convened.

The Appeals Board may permit such observers of its proceedings as is appropriate from time to time.

Annex B : TERMS OF REFERENCE AND COMPOSITION OF ASSESSMENT REVIEW BOARDS

Terms of Reference

1. To make decisions on the assessment of individual components/ modules which have been the subject of a successful Academic Appeal.
2. To make decisions on progression and awards where necessary.

Composition

There shall be an Assessment Review Board.

Chair: A Dean of School (or in exceptional circumstances a suitable nominee may be appointed to act in this capacity);

Members: Two members of the Awards Assessment Board, one of whom shall normally be the Chief External Examiner.

A minuting secretary and a member of Registry Services will be in attendance.

If the Chief External Examiner is unavailable to serve on the Assessment Review Board, an alternative member of the Awards Assessment Board shall be nominated by the Chair. The Chief External Examiner shall nevertheless be consulted over the review proceedings and confirm the decision of the Assessment Review Board.

The Assessment Review Board may determine such observer members as is appropriate from time to time.

The decisions of the Assessment Review Board shall be reported to the next meeting of the Awards Assessment Board.