

Academic Appeals: Guidance Notes for Students

These guidance notes should be read in conjunction with the Academic Appeals Regulations and the Academic Appeal Form (Form AAF1). They are intended for guidance only, and do not in any way replace the Academic Appeals Regulations.

Should you need further advice, or to ask whether or not you have a good case for an appeal, you can contact the Students' Union or the Quality Manager (see contact information in section 8. below).

1. What is an Academic Appeal?

An academic appeal is a request to overturn or change a decision of a Board of Examiners in respect of your assessment outcome. The University understands that sometimes it gets things wrong and that sometimes, for a variety of reasons, the decisions it makes in respect of student assessment are not fair. The academic appeals process provides an opportunity to put these things right.

2. What kinds of decisions can be appealed?

Boards of Examiners make decisions on a range of matters. The following are those decisions that can be challenged by way of an academic appeal:

- the mark or result of an individual assessment component
- the mark or result of a whole unit
- your final award / degree classification
- a decision that you may not progress to the next stage of your course
- a decision that a failed unit cannot be compensated
- a decision that you are not allowed another assessment attempt
- a decision that you must do a retake rather than a resit

3. Under what circumstances can I make an academic appeal?

The circumstances under which you can make an appeal (the 'grounds') are very specific, and must be met completely if your appeal is to be successful. There are two grounds for appeal (you must choose either one or both of the grounds), and these are stated in the Academic Appeal Regulations as follows:

- 3.1 *"that there has been significant administrative or procedural error on the part of the University which has materially disadvantaged the student, such that had it not been for the error the decision of the Board would probably have been substantively different"*

You should choose this ground where you believe that the University has done something wrong and, crucially, that this has resulted in an unfair decision. The fact that the University has done something wrong does not necessarily mean that you were treated unfairly or that your appeal will be successful – the thing that the University did wrong must have been 'significant' (i.e. serious) and must have 'materially disadvantaged' you (i.e. it resulted in the Board of Examiners making an unfavourable decision that it would otherwise not have made). The kinds of thing that the University might do wrong, and which might be a ground for an academic appeal, include:

- not assessing you in accordance with the validated (approved) unit descriptor (e.g. making you do three 10,000 word essays instead of one 5,000 word essay; changing the weightings of the unit assessment components etc.)

- incorrectly calculating the unit mark (e.g. adding up the marks incorrectly or missing out a component mark entirely)
- calculating the degree classification incorrectly
- incorrectly applying the regulations (e.g. concerning progression, compensation or re-assessment)

3.2 *“that a student’s assessment performance was adversely affected (including as a result of non-submission) by circumstances outside the student’s control (mitigating circumstances) and which the student was unable, or for valid reason(s) unwilling, to divulge to the Board before the Board of Examiners reached its decision, such that the student was materially disadvantaged and had it not been for those circumstances the student’s performance would have been significantly better (or, in the case of non-submission, the student would have been able to make a full submission) and the decision of the Board would, as a consequence, have been substantively different”*

You should choose this ground where you believe you have mitigating circumstances that had a negative impact on your assessment performance. The two most important things to note about this ground are that, in order for your appeal to have a chance of being successful:

- a) in accordance with the University’s ‘fit to sit’ policy (see paragraph 10 of the Mitigating Circumstances Regulations), where you submitted the assessment in question you must be able to show that the nature of your mitigating circumstances meant that you didn’t realise that you weren’t fit to do the assessment (e.g. you were suffering from a mental illness or disturbance).
- b) in all cases you must be able to show that you could not have presented your mitigating circumstances before the Board of Examiners made its decision, as is required by the University’s Mitigating Circumstances Regulations. This normally means that the circumstances were of such a highly personal and sensitive nature, or caused the balance of your mind to be so disrupted, that it was not reasonable to expect you to have revealed them previously.

The reason for these rules is to prevent students from ‘hedging their bets’ – if you do your assessment you are declaring that you are fit to do it. If you have mitigating circumstances which mean that you are not fit to do it, you should seek an extension at the time – it would not be fair on other students if you were able to wait to see how you had done, and then only submit mitigating circumstances when you find out that you have not done as well as you had hoped. This is an important principle not only of UCA but of most UK Universities.

If you feel as if you are in the position described in 3.2 (b) above, refer to 4.10 of the Mitigating Circumstances policy, which refers to ‘unfit to sit’ claims. Claims of this nature must be lodged at least 5 working days *prior* to the meeting of the Board of Examiners.

An appeal based on mitigating circumstances which does not meet the criteria listed above, is almost certain to be rejected.

3.3 There are no other grounds for academic appeal. Specifically, any appeal based on ‘academic judgement’ (e.g. where you disagree with the examiners on the quality of your work, or on the impact that any mitigating circumstances had on your performance) will certainly be rejected.

4. How do I make an Academic Appeal?

You need to complete an Academic Appeal Form (Form AAF1). This can be downloaded from the UCA website, or is available in hard copy from your Campus Registry. You need to complete this form in full. If you do not, the University may not be able to consider your appeal.

5. What do I do with the form once I have filled it in?

You must send your completed form to the Quality Manager. You can do this through the post to:

Quality Manager
Academic Registry
University for the Creative Arts
Farnham Campus
Falkner Road
Farnham
Surrey
GU9 7DS

Or by e-mail to: academic_appeals@uca.ac.uk

6. What is the deadline for submitting my Academic Appeal?

The Quality Manager must receive your completed form by 5.00pm on the 10th working day (weekdays, not including Bank Holidays) from the date that the decision that you are appealing against was published.

If you need additional time, for example if you are still in the process of gathering evidence, you should ask the Quality Manager for an extension. This will only be granted if you show that you have a good reason for not being able to meet the original deadline, and any extension granted will be for a maximum of 10 days.

7. How do I fill in the Form?

7.1 In the 'Summary of Appeal' section you must firstly select on which of the two grounds you are appealing. You may select both. You should be sure that you understand the grounds (this is explained in paragraph 3 above) and that your appeal meets your chosen ground(s) completely. You will have to give details explaining how your appeal meets these grounds later on. Your appeal will be rejected if it does not meet your chosen ground(s).

7.2 You then need to select the kind of decision that you are appealing against. These are as listed in paragraph 2 above. You may only select one. If you want to appeal against more than one decision, you need to complete a separate form for each.

Note that if you are appealing against any of the following types of decision you may only appeal on grounds of administrative or procedural error (as described at paragraph 3.1 above):

- your final award / degree classification
- a decision that you may not progress to the next Stage of your course
- a decision that a failed unit cannot be compensated
- a decision that you are not allowed another assessment attempt

- a decision that you must do a retake rather than a resit

You may not appeal against these types of decision on grounds of mitigating circumstances (paragraph 3.2 above). This is because these types of decision are defined by regulations and are a consequence of unit assessment marks, and thus are not within the discretion of Boards of Examiners. Mitigating circumstances may only result in an individual assessment component or unit mark being set aside, and may never result in a change to a degree classification, progression decision etc.

Although a successful appeal against a unit mark may result in the Board of Examiners changing a decision about progression, reassessment or final award classification, this would be an automatic consequence of the appeal outcome and would not be the subject of the appeal itself. If you base an appeal against the types of decision listed above on grounds of mitigating circumstances your appeal will be rejected.

- 7.3 In the 'Supporting Statement' section you must give details of the decision you are appealing against, how your appeal meets the ground(s) you have chosen (with reference to the criteria at paragraph 3 above), and refer to all relevant evidence. Your statement should be specific, and should limit itself to addressing the grounds for appeal.

It may be useful for you to seek advice and guidance from your Students' Union Campus Officer at this point (see section 8. below for further details).

- 7.4 You should also enclose with your form all relevant evidence. This may take the form of medical certificates, university regulations, copies of unit descriptors, witness statements etc.

8. Can I contact anyone for advice?

Yes. Should you need any advice in filling out the form, or to ask whether or not you have a good case for an appeal, you can contact the Students' Union (email: suadvice@uca.ac.uk / tel: 07827 316142) or your Campus Registry.

The Students' Union is a source of impartial and confidential advice and can support you through the entire process of your appeal. Campus Officers will make time to arrange one-to-one meetings with you to discuss your case. Campus Officers can also represent you at an Appeal Panel (see section 13. below).

As well as giving you advice on whether you have good grounds for an appeal, the Students' Union can help you to focus your supporting statement and ensure your case is clear and easy to understand.

9. What happens once I have submitted the Form?

The Quality Manager will conduct an initial review of your submission to see if there is a *prima facie* case - a *prima facie* case is defined as a case which, at first appearance, is sufficient to justify further examination. In doing so the Quality Manager will assess your appeal against a number of criteria – these criteria are stated at paragraph 4.5 of the Academic Appeals Regulations. The Quality Manager will endeavour to write to you to inform you of his/her decision within two weeks of receiving your appeal – where s/he needs more time (typically where your case is particularly complex) s/he will write to you to let you know.

Where the Quality Manager finds that there is a *prima facie* case, your appeal will be referred back to the Board of Examiners to review and re-consider its original decision – that is, the decision that you are appealing against.

Where the Quality Manager finds that there is not a *prima facie* case, you have the right to request the Registrar to consider your appeal afresh. Such a request must be received in writing within 10 working days of the notification of the Quality Manager's determination. The Registrar will look at your appeal again decide whether or not there is a *prima facie* case. Where the Registrar finds that there is a *prima facie* case, your appeal will be referred to the Board of Examiners to review and re-consider its original decision. Where the Registrar agrees with the Quality Manager that there is not a *prima facie* case, there is no further right of appeal, however you may seek to take your case to the Office of the Independent Adjudicator (see below).

10. What does the Board of Examiners do with it?

If your appeal has been referred to the Board of Examiners, the Board will assess your appeal against a number of criteria relating to the ground(s) of your appeal - these criteria are stated at paragraph 5.3 of the Academic Appeals Regulations, and reflect the requirements of the grounds for appeal as explained above at paragraph 3.

As explained above, your appeal can only be successful if the grounds are met in full. Where the Board finds that the ground(s) have been met, it will uphold your appeal.

Where your appeal is upheld, the Board will normally modify its original decision – what this means for you will depend on the type of the Board's decision that you are appealing against, and the grounds of your appeal. The following table shows examples of possible outcomes that you might expect:

Ground of Appeal	Type of decision being appealed against	Examples of possible outcomes if appeal is upheld
Admin or procedural error	the mark or result of an individual assessment component	Correct mark / result awarded
	the mark or result of a whole unit	Correct mark / result awarded
	the final award / degree classification	Correct award / classification awarded
	a decision that you may not progress to the next Stage of your course	Permitted to progress
	a decision that a failed unit cannot be compensated	Failed unit compensated
	a decision that you are not allowed another assessment attempt	Permitted another assessment attempt
	a decision that you must do a retake rather than a resit	Permitted a resit rather than a retake
Mitigating Circumstances	the mark or result of an individual assessment component	Mark / result set aside and permitted another attempt as if for the first time
	the mark or result of a whole unit	Mark / result set aside and permitted another attempt as if for the first time

11. What can I do if my appeal is rejected?

If the Board of Examiners rejects your academic appeal you have an opportunity to request that an Appeal Panel be convened.

If you want to do this, you must complete Form AAF2 (Request for Academic Registrar to Convene an Appeal Panel), available upon request from the Quality Manager and submit this to the Registrar within 10 working days of being notified of the Board of Examiners' decision.

12. How will the Registrar consider my request?

It is important to note that the Registrar will not consider the substance of your academic appeal, but will be limited to considering whether one or both of the following grounds might have been met:

- *that there was a significant procedural error in the Board's consideration of the academic appeal which has materially disadvantaged the appellant, such that had it not been for the error the decision of the Board might have been substantively different;*
- *that the reasons provided by the Board for its decision are insufficient to support that decision.*

Therefore when completing the Form AAF2 you should limit your supporting statement to one or both of these grounds. Only where the Registrar is persuaded that one or both of the grounds might have been met will the matter be referred to an Appeal Panel. Where the Registrar is not so persuaded, there is no further right of appeal, however you may seek to take your case to the Office of the Independent Adjudicator (see below).

13. What does the Appeal Panel do?

It is important to note that the Appeal Panel will not consider the substance of your academic appeal, but will limit itself to considering whether, in its judgement, one or both of the following grounds have been met:

- *that there was a significant procedural error in the Board's consideration of the academic appeal which has materially disadvantaged the appellant, such that had it not been for the error the decision of the Board might have been substantively different;*
- *that the reasons provided by the Board for its decision are insufficient to support that decision.*

You will be invited to attend the hearing of the Appeal Panel in order to present your case. You have the right to be accompanied by a friend or family member for support when attending the panel hearing, however, they will not normally be permitted to speak on your behalf. You may however request representation by your Campus Officer, who will be able to speak in support of your case.

You must limit yourself to addressing the grounds stated above, as the Panel will not consider the substance of your academic appeal. This is because an Appeal Panel cannot replace the decision or judgement of a Board of Examiners with one of its own (only the Board of Examiners, or a more senior Board of Examiners, may do this) – the Appeal

Panel can only determine whether the Board of Examiners acted fairly, properly and transparently.

Where the Appeal Panel believes that one or both of these grounds have been met, the Panel will uphold your appeal. This means that the Panel will refer your original academic appeal back to the Board of Examiners and instruct the Board of Examiners to reconsider it. The Panel may also make recommendations to the Board of Examiners. The Board of Examiners will then be required to look again at your academic appeal.

Where the Appeal Panel rejects your appeal, there is no further right of appeal, however you may seek to take your case to the Office of the Independent Adjudicator (see below).

14. What if the Board of Examiners rejects my appeal again?

If the Board of Examiners rejects your academic appeal for a second time, having been asked to reconsider it by an Appeal Panel, you have a right to have your academic appeal considered by a special committee of the University's Academic Board. It is anticipated that this will only be necessary in exceptional circumstances, as the Board of Examiners will normally, having been guided by an Appeal Panel, revise its decision. Where the special committee rejects your appeal, there is no further right of appeal, however you may seek to take your case to the Office of the Independent Adjudicator (see below).

15. Office of the Independent Adjudicator

When the University's own internal procedures have been completed in full, and you remain dissatisfied with the outcome, you have the right to make a complaint about the University to the Office of the Independent Adjudicator for Higher Education (OIA). The OIA is an independent body set up by the Government to review student complaints. You can find out more about the OIA scheme here: <http://www.oiahe.org.uk/>