Academic Appeal Regulations

Regulations governing representations against decisions of Boards of Examiners

1. Introduction, Purpose & Scope

1.1 An academic appeal is a representation against a decision of a Board of Examiners in respect of an assessment outcome for an individual student. The purpose of these regulations is to provide a framework within which a student may seek to challenge that decision of a Board of Examiners in respect of that student's assessment, in order to protect against potential unfairness resulting from omission or error on the part of the University, and to ensure that proper regard is paid to legitimate mitigating circumstances which might have disadvantaged a student. The regulations are intended to provide an opportunity to remedy material disadvantage to a student.

1.2 No student appealing under these regulations, whether successfully or otherwise, shall be treated less favourably than would have been the case had an appeal not been made.

1.3 If a student wishes to present a complaint about the University, its courses or services or the individuals concerned in their delivery, the *Student Complaints Policy* should be used. Where a student submits an academic appeal against a decision of a Board of Examiners in accordance with these regulations which, in the opinion of the Quality Manager, requires an investigation which falls outside the remit of the Board of Examiners and which constitutes a complaint under the provisions of the *Student Complaints Procedure*, then the matter shall be referred for consideration under the *Student Complaints Procedure*. The academic appeal shall be held in abeyance until the consideration of the matter under the *Student Complaints Procedure* has been concluded. The findings of the Student Complaint investigation will then inform the consideration of the academic appeal.

1.4 A decision of a Board of Examiners may only be modified by that Board of Examiners, including by the Chair of the Board acting on behalf of the Board, or by a superior Board.

1.5 These regulations apply to all taught undergraduate and postgraduate students of the University.

2. Process for submitting an appeal

2.1 Students may wish to seek advice and guidance from the Students' Union and/or the Quality Manager prior to submitting any academic appeal.

2.2 Academic appeals must be submitted by completing the Academic Appeals Form (form AAF1) available to download from the UCA website (http://www.uca.ac.uk/quality-assurance-enhancement/university-regulations-policies-and-procedures/) or from Campus Registries. An academic appeal may only be submitted by the student whose assessment outcome is being appealed against.

2.3 The completed form must stipulate clearly and unambiguously the nature and grounds upon which the academic appeal is based, and detail in full all matters relevant to the appeal, including all relevant dates where appropriate. The completed form must include a comprehensive written statement, and must be accompanied by all relevant written documentary evidence (e.g. a medical certificate). If evidence is in a foreign language it is the student's responsibility to have it independently translated, by an accredited translator, prior to submission. The completed form must also state the decision of the Board of Examiners that is being appealed against, including where appropriate the specific assessment components and/or units.

2.4 The academic appeal, once submitted, is considered to be the definitive statement of the student's case and may not be added to other than to submit evidence which was not previously available.

2.5 Academic appeals may be submitted by either of the following methods:

2.5.1 by e-mail to academic_appeals@uca.ac.uk

2.5.2 by post addressed to the Quality Manager, Department of Quality Assurance and Enhancement, Academic Registry, Farnham Campus.

2.6 All appeals must be submitted within 10 working days of the publication of confirmed results and the deadline for receipt of an academic appeal is **5.00pm on the 10th working day from the date of publication of the decision being appealed against.** Exceptionally, and at the absolute discretion of the Quality Manager, the deadline may be extended by a maximum of 10 further working days, and only at the request of the student and where the student is able to demonstrate good reason for not being able to meet the original deadline.

2.7 If a student has a specific learning disability and feels s/he may require more time to complete his/her appeal in order to seek support from Student Services, they should contact the Quality Manager **before** the deadline for submitting appeals described in 2.6 above.

2.8 In submitting an appeal, a student is giving consent to the information provided in the appeal being made available to all persons involved in the consideration of that appeal, as stated in these regulations.

2.9 Pending the outcome of an academic appeal the original decision of the Board of Examiners shall stand.

2.10 Any expenses incurred by the student in submitting or pursuing the appeal will be met by the student.

3. Grounds for Appeal

3.1 A decision of a Board of Examiners may only be modified where one or both of the following criteria (the grounds) have been demonstrated to the satisfaction of the body considering the appeal:

3.1.1 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;

3.1.2 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.

3.2 All students who submit or present themselves for assessment are, in doing so, declaring themselves fit to be assessed. Therefore when considering an academic appeal on the grounds stated at paragraph 3.1.2 above (mitigating circumstances) in relation to an assessment which

the student has submitted or presented, the body considering the academic appeal must also be satisfied that due to the nature of the mitigating circumstances the student was not fit to determine that s/he was not fit to be assessed when deciding to submit or present for assessment.

3.3 An academic appeal on grounds stated at paragraph 3.1.2 above (mitigating circumstances) may be made against a decision of a Board of Examiners only in relation to individual assessment components. Decisions relating to final unit marks and results, final awards and classifications, progression, compensation, awards of re-assessment are defined by regulations and are not within the discretion of the Board of Examiners, and thus can only be challenged on grounds of administrative or procedural error (paragraph 3.1.1 above).

3.4 Academic appeals which seek to challenge the academic judgement of the Board of Examiners will not be considered, and therefore matters of academic judgement will not be grounds for appeal.

4. Stage 1 – Consideration of a *Prima Facie*[1] Case

4.1 Once an academic appeal has been received, the Quality Manager will consider the submission and determine whether or not there is a *prima facie* case.

4.2 The Quality Manager shall restrict him/herself to considering the information provided by the appellant in support of the appeal, but may seek further information or documentary information where clarification is needed. However under no circumstances may the Quality Manager seek comments or representations to rebut the appellant's case.

4.3 Where the Quality Manager determines that there is a *prima facie* case, consideration of the academic appeal shall move to Stage 2 (see paragraph 5 below).

4.4 Where the Quality Manager determines that there is not a *prima facie* case, the Quality Manager will reject the appeal.

4.5 A *prima facie* case will only be determined where, in the opinion of the Quality Manager, all of the following criteria (referenced against the requirements of paragraph 3 above) are met:

4.5.1 that the academic appeal was submitted by the stated deadline (where it was not, it will be regarded as being out of time); and

4.5.2 that the academic appeal was submitted on the correct form, the form was completed in full, and, where relevant, the form was accompanied by supporting evidence (where it was not, it will be regarded as not having been received); and

4.5.3 that the academic appeal is not based solely on a challenge to academic judgement; and

Either, in respect of an academic appeal based on the grounds stated at paragraph 3.1.1 above:

4.5.4 that there is evidence of administrative or procedural error on the part of the University; and

4.5.5 that where there is evidence of such an error, the error had the potential to materially disadvantage the appellant.

[1] A *prima facie* case is defined as a case which, on its face and without rebuttal, is sufficient to justify further examination (source: OIA Annual Report 2011)

Or, in respect of an academic appeal based on the grounds stated at paragraph 3.1.2 above:

4.5.6 that the reported circumstances were outside the appellant's control; and

4.5.7 that the appellant was unable or, for valid reason(s), unwilling to divulge such circumstances to the Board before the Board reached its decision; and

4.5.8 that where such circumstances exist they had the potential to adversely affect the appellant's assessment performance; and

4.5.9 that the alleged circumstances are true (where in the opinion of the Quality Manager the appeal claim is fraudulent the Quality Manager will normally refer the appellant for disciplinary action in accordance with the University's *Regulations for Student Conduct*); and

4.5.10 that, in cases where the academic appeal is against a decision of a Board of Examiners in respect of an assessment which the appellant has already submitted or presented, the nature of the alleged circumstances had the potential to impair the appellant's judgement in determining that s/he was fit to be assessed; and

4.5.11 that the academic appeal is against a decision in relation to individual assessment components or units.

No other criteria shall be taken into account in determining whether or not there is a *prima facie* case.

4.6 The Quality Manager will write to the appellant normally within 10 working days of receipt of the appeal to advise whether or not there is a *prima facie* case. Where it is not possible for the Quality Manager to meet this deadline the appellant will be informed and will be advised of the reasons for the delay.

4.7 Where the Quality Manager determines that there is not a *prima facie* case, the appellant will be advised of the reasons for this decision, with reference to paragraphs 3 and 4.5 above, and informed of the right to request a review of this determination.

Request for Review

4.8 Should the appellant be dissatisfied with the determination of the Quality Manager, the appellant may request the Head of Quality Assurance and Enhancement to consider the appeal afresh. Such a request must be received in writing within 10 working days of the notification of the Quality Manager's determination. Where such a request is not received by the deadline, the University's internal procedures are completed. On receipt of such a request, the Head of Quality Assurance and Enhancement will consider the appeal in accordance with the criteria set out at paragraph **4.5** above, and determine whether or not there is a *prima facie* case; the appellant may submit a further written statement and/or documentary evidence that may not have been included in the original appeal submission as part of the review request. The Head of Quality Assurance and Enhancement will write to the appellant normally within 10 working days of receipt of the request to advise whether or not there is a *prima facie* case, together with the reasons for the decision. Where it is not possible for the Head of Quality Assurance and Enhancement to meet this deadline the appellant will be informed and will be advised of the reasons for the delay. Where the Head of Quality Assurance and Enhancement determines that there is no *prima facie* case there shall be no further right of appeal, and the University's internal procedures are completed.

5. Stage 2 – Consideration by Board of Examiners

5.1 Where it is determined that there is a *prima facie* case (see paragraph 4 above), the academic appeal submission shall be referred to the Chair of the relevant Board of Examiners for consideration by that Board. No further evidence shall normally be considered.

5.2 The Board is not required to meet to consider the academic appeal, however the Chair of the Board will consult with the members of the Board, and it is expected that all members will receive full details of the academic appeal and will have an opportunity to put their views to the Chair. It is not required that all members of the Board contribute to the consultation, provided that they have had the opportunity to do so.

5.3 In considering the academic appeal, the Board will take into account the following criteria, referenced against the requirements of paragraph 3 above, and may only uphold the appeal if all of the criteria are met:

5.3.1 that the academic appeal is not based solely on a challenge to academic judgement; and

Either, in respect of an academic appeal based on the grounds stated at paragraph 3.1.1 above (procedural error):

5.3.2 that there was administrative or procedural error on the part of the University; and

5.3.3 that such error was significant; and

5.3.4 that such error materially disadvantaged the appellant, such that had it not been for the error the decision of the Board would probably have been substantively different.

Or, in respect of an academic appeal based on the grounds contained in paragraph 3.1.2 above (mitigating circumstances):

5.3.5 that the appellant's performance was adversely affected by circumstances outside the appellant's control; and

5.3.6 that the appellant was unable or, for valid reason(s), unwilling to divulge such circumstances to the Board before the Board reached its decision; and

5.3.7 that the appellant was materially disadvantaged by such circumstances such that had it not been for those circumstances the appellant's performance would have been better and the decision of the Board would, as a consequence, have been substantively different; and

5.3.8 that, in cases where the academic appeal is against a decision of a Board of Examiners in respect of an assessment which the appellant has already submitted or presented, due to the nature of the mitigating circumstances the appellant was not fit to determine that s/he was not fit to be assessed when deciding to submit or present for assessment; and

5.3.9 that the academic appeal is against a decision in relation to individual assessment components or units.

5.4 Where, in the opinion of the Board of Examiners, all of the relevant criteria are met, the Board shall uphold the appeal. Where one or more of the relevant criteria are not met the Board shall reject the appeal.

5.5 Where the appeal is upheld, the Board may modify its original decision.

5.6 The Chair of the Board shall notify the Quality Manager of the Board's decision, and the comprehensive reasons for its decision, normally within 20 working days of receipt by the Board of the appeal. Where it is not possible for the Chair of the Board to meet this deadline the appellant will be informed and will be advised of the reasons for the delay.

5.7 The Quality Manager shall notify the appellant of the Board's decision, and the reasons for the decision, normally within 5 working days of receipt of the Board's decision, and will advise the appellant of the right of appeal.

6. Stage 3 – Review by the Head of Quality Assurance and Enhancement of request for an Appeal

6.1 Should the appellant be dissatisfied with the Board's decision the appellant has the right to request the Head of Quality Assurance and Enhancement to refer the matter for consideration by an Appeal Panel. Such a request must be received by the Head of Quality Assurance and Enhancement within 10 working days of the date of notification of the Board's decision, and may be submitted by e-mail or by post. Where such a request is not received by the deadline, the University's internal procedures are completed.

6.2 Such a request must be submitted on the form designed for this purpose (form AAF2), available from the Quality Manager or a Campus Registry. The completed form must stipulate clearly and unambiguously the grounds upon which the request is based, and include a comprehensive statement explaining why the grounds have been met. No further evidence relating to the original appeal may be submitted, and any such evidence that is submitted will not be considered. All evidence submitted must relate only to the grounds for the request.

6.3 The only possible grounds are as follows:

6.3.1 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;

6.3.2 that the reasons provided by the Board for its decision are insufficient to support that decision.

6.4 The Head of Quality Assurance and Enhancement will consider the request against these grounds, and only these grounds.

6.5 Where, in the opinion of the Head of Quality Assurance and Enhancement, there is evidence that one or both of the grounds might have been met the Head of Quality Assurance and Enhancement shall accept the request and refer the matter for consideration by an Appeal Panel.

6.6 Where, in the opinion of the Head of Quality Assurance and Enhancement, there is no such evidence the Head of Quality Assurance and Enhancement shall reject the request. There shall be no further opportunities for appeal, and the University's internal procedures are completed.

6.7 The Head of Quality Assurance and Enhancement shall notify the appellant in writing of the decision normally within 15 working days of receipt of the request. Where it is not possible for the Head of Quality Assurance and Enhancement to meet this deadline the appellant will be informed and will be advised of the reasons for the delay.

7. Stage 4 – Hearing by Appeal Panel

7.1 Where the Head of Quality Assurance and Enhancement accepts a request to refer the matter to an Appeal Panel, the Quality Manager will convene an Appeal Panel to hear an Appeal Hearing.

7.2 The Appeal Panel shall be constituted as follows;

a) A Head of School or Executive Dean from a School or Faculty other than that of the appellant (Chair);
b) The Head of Quality Assurance and Enhancement, or his/her nominee;
c) A student[2], nominated by the Students' Union;
d) A member of academic staff from a School other than that of the appellant

The Quality Manager shall normally act as secretary to the Panel.

7.3 The quorum of an Appeal Panel shall be three, and shall include the Chair.

7.4 Appeal Hearings shall be held in private.

7.5. The Appeal Hearing shall normally be held no more than 30 working days after the written notification of the Head of Quality Assurance and Enhancement's decision to accept the request to refer the matter to an Appeal Panel. Where it is not possible for the Hearing to be held within this timeframe the appellant will be informed and will be advised of the reasons for the delay.

7.6 The appellant may be represented at a Hearing by any one member of the University (employee, student or Student Union officer). The appellant may additionally be accompanied at a Hearing by one friend or family member. Only the designated representative will be permitted to speak on the appellant's behalf. If the appellant is to be represented and/or accompanied at the Hearing, the name(s) of the person(s) must be notified by the appellant to the Quality Manager at least 5 working days in advance of the Hearing.

7.7 Written notice of the Hearing date and venue will be sent to the appellant at least 5 working days in advance of the Hearing, along with notification of the appellant's rights to be represented and accompanied.

7.8 The Chair of the Board of Examiners against whose decision the appeal is being heard will also be requested to attend the Hearing.

7.9 Any other persons may also be invited or requested to attend the Hearing where, following discussion between the Quality Manager and the Chair of the Appeal Panel, it is believed that the attendance of such persons will help to inform the Panel's consideration of the appeal.

7.10 The absence of the appellant or the Chair of the Board of Examiners will not prevent the hearing from taking place, nor invalidate the proceedings.

7.11 The Appeal Panel shall determine the conduct of the Hearing, but must provide for the appellant to have the opportunity to make opening and closing statements and to put questions to the Chair of the Board of Examiners (where in attendance), and to all other persons invited by the Panel.

7.12 The Appeal Panel shall consider the documentation submitted by the appellant to the Head of Quality Assurance and Enhancement, and shall limit its consideration to the grounds stated at paragraph 6.3 above. It is not the purpose of the Appeal Hearing to re-hear the original academic appeal.

[2] For the purpose of this regulation, 'student' shall be deemed to include a sabbatical officer of the Students' Union

7.13 Where the Appeal Panel finds that the one or more of the grounds stated at paragraph 6.3 are met, the Panel shall uphold the appeal. Where the Appeal Panel finds that neither of the grounds is met, the Panel shall reject the appeal.

7.14 Where the appeal is upheld, the Appeal Panel shall refer the matter back to the Board of Examiners and instruct the Board to re-consider the original academic appeal. The Panel will provide full reasons for its decision, and may make recommendations to the Board of Examiners.

7.15 Where the appeal is rejected, there shall be no further opportunities for appeal, and the University's internal procedures are completed.

7.16 The appellant will normally be notified of the Panel's decision at the conclusion of the Hearing. The Chair of the Appeal Panel shall additionally notify the appellant in writing of the Panel's decision, normally within 5 working days of the conclusion of the Hearing, and will give full reasons for the decision. Where it is not possible for the Chair of the Panel to meet this deadline the appellant will be informed and will be advised of the reasons for the delay.

8. Stage 5 – Consideration of the academic appeal by Academic Board

8.1 Where an Appeal Panel has upheld an appeal and referred the academic appeal back to the Board of Examiners, the Board of Examiners shall proceed in accordance with the requirements of paragraph 5 above.

8.2 Where the appellant remains dissatisfied with the reconsidered decision of the Board of Examiners, the appellant is entitled to have the academic appeal considered by a special committee of the University's Academic Board. Should the appellant wish to take up this entitlement, the appellant must notify the Quality Manager in writing (by e-mail or by post) within 10 working days of the notification of the Board's decision. Where such a notification is not received by the deadline, the University's internal procedures are completed.

8.3. Upon receipt of such notification the Quality Manager shall arrange to convene a special committee of Academic Board to hear the appeal. The membership of the special committee shall be at the discretion of the Vice Chancellor (as Chair of Academic Board), except that it must comprise at least 4 members, all of whom must be academic staff members of Academic Board, none of whom may be from the same school as the appellant or have had any prior involvement in the case, and it must be chaired by either the Vice-Chancellor or Deputy Vice-Chancellor. The Quality Manager shall normally act as secretary to the committee.

8.4 The special committee of Academic Board shall normally meet within 30 working days of receipt of notification of the appellant's intention to have the academic appeal considered by this committee. Where it is not possible for the committee to meet within this timeframe the appellant will be informed and will be advised of the reasons for the delay

8.5 The special committee of Academic Board shall consider the academic appeal in accordance with the provisions of paragraph 5.3 and 5.4 above.

8.6 As a superior Board to the Board of Examiners making the original decision, the special committee of Academic Board may substitute the judgement or decision of that Board with the judgement or decision of its own.

8.7 The Quality Manager shall notify the appellant of the committee's decision, and the reasons for the decision, normally within 5 working days of the meeting of the committee. Where it is not possible for the Quality Manager to meet this deadline the appellant will be informed and will be advised of the reasons for the delay.

8.7 The decision of the special committee of Academic Board is final. There shall be no further opportunities for appeal, and the University's internal procedures shall be completed.

9. Office of the Independent Adjudicator

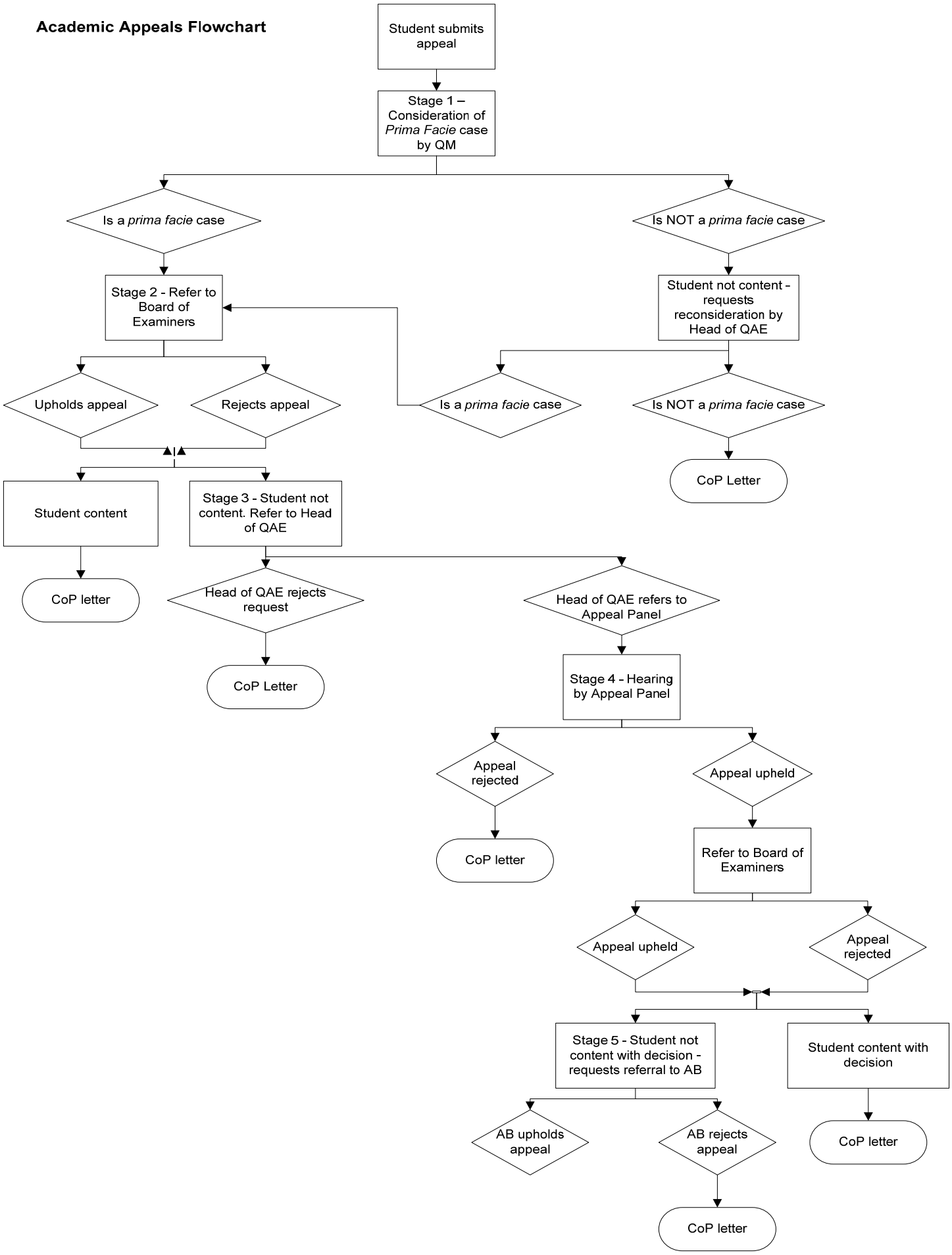
9.1 Where an appellant is dissatisfied with the outcome of the University's academic appeal procedure, they may refer the outcome of their appeal, once the University's internal procedures have been completed, to the Office of the Independent Adjudicator for Higher Education (OIA).

9.2 The OIA provides an independent scheme for the review of student complaints. The complaint must be submitted to the OIA within 12 months from the date of issue of the Completion of Procedures letter. A Completion of Procedures letter shall be sent to the appellant upon the completion of the University's internal procedures, as defined by these regulations.

9.3 Further details about the OIA can be obtained from the Quality Manager, or from the following website: http://www.oiahe.org.uk/ or by contacting the OIA at the following address:

Office of the Independent Adjudicator for Higher Education
Second Floor
Abbey Gate
57-75 Kings Road
READING
RG1 3AB
Telephone: 0118 959 9813
Email: enquiries@oiahe.org.uk

10. Monitoring of academic appeal cases

10.1 The outcome of appeals against decisions of Boards of Examiners and the operation of these regulations are formally monitored by the University and an annual report is presented to Academic Board.

Academic Appeals Flowchart