

## Student Academic Appeals Procedures

Yellow highlighted text identifies the most recent revisions to the procedures.

### 1. Introduction

- 1.1 An appeal is a request from a student that a decision of a Board of Examiners should be reviewed because it is believed that an injustice has occurred.
- 1.2 These Procedures define the grounds for making an appeal and describe how appeals will be investigated and heard.
- 1.3 These procedures apply to all students of the University including students studying at a partner organisation in respect of decisions relating to student progression and/or academic awards.
- 1.4 The University seeks to resolve all appeals through our internal processes: if a student starts legal proceedings against the University, any appeal will be paused until those proceedings are complete.
- 1.5 Collective appeals will be managed on a case-by-case basis depending on the nature of the appeal. Each individual student of the collective appeal must provide their individual details and signature as required on the Academic Appeal Form, together with independent confirmation of their support for the appeal, and willingness to engage in the appeal process. A collective appeal will be managed in the same way as an individual appeal, in accordance with the Procedure.

### 2. Principles

- 2.1 The University of Worcester will, in considering appeals observe the rules of natural justice and procedural fairness, namely:
  - 2.1.1 That whoever takes decisions should be impartial, meaning that there should be no personal interest in the outcome of the case and there should be no real likelihood of bias on the part of any member of the Appeals Committee.
  - 2.1.2 Any body with the power to reach a decision must be able to consider the case fully in the light of all the evidence available. Consequently, the Appeals Committee is empowered to consider all appeals and to make a final decision on them, without reference back to the Board of Examiners.
- 2.2 Where a student has declared a disability to the University, the University will endeavour to ensure that information is available to them at all stages of the procedure in appropriate formats, and that any reasonable adjustments are made to the associated proceedings to accommodate the student's needs.

- 2.3 Any student who submits an appeal to the Appeals Committee will normally be permitted to continue in attendance on the programme for which he or she is registered, pending the outcome of the appeal. A student appealing a decision which relates to a final award may be able to attend an award ceremony where an award has been confirmed if he/she wishes. Attendance will not prejudice the appeal. Subsequently, if the outcome of the appeal permits the student to receive a different classification of degree or a different award, the student will be required to return any original award certificate obtained before receiving a revised award certificate.
- 2.4 The student has the right to be accompanied by a representative, who is not acting in a legal capacity, at any meeting arranged to discuss the academic appeal. The representative is there to provide advice and support the student, not to act on their behalf. The representative must be a member of the University, i.e.:
- a) a registered student;
  - b) a member of staff;
  - c) a member of staff or Sabbatical Officer of the Students Union.
- 2.5 Where these Procedures state that certain actions will be taken within a specified timescale, and this is not possible (e.g. because of the timing or because key information takes longer to obtain) students will be kept fully informed of the progress of their appeal.

### **3. Grounds for Making an Appeal**

- 3.1 A student may make an appeal to the Appeals Committee of Academic Board if they feel that there has been:
- 3.1.1 a material administrative error in the conduct of the assessment process or in the recording, transcription or reporting of assessment results;
  - 3.1.2 an error by the Board of Examiners who did not act in accordance with the relevant regulations and procedures;
  - 3.1.3 some other material irregularity relevant to the assessment(s) concerned which has substantially prejudiced the results of the assessment.
  - 3.1.4 and, in the case of postgraduate research students only: that there has been bias in the assessment of their thesis on the part of one or more of the examiners. The University's definition of bias is an apparent prevention of objective judgement by one or more of the examiners. This means that bias only exists where there is a material and negative connection between the examiner and the student which, in the opinion of a fair-minded person, prevents the examiner from exercising their objective.

#### **4. Invalid Grounds for Academic Appeals:**

4.1 A student may not make an appeal to the Appeals Committee of Academic Board on the grounds that:

4.1.1 They did not understand or were unaware of the published assessment regulations and procedures for a module, subject or course.

4.1.2 They disagree with the academic or professional judgement of the Board of Examiners in assessing the merits of an individual piece of work, or in reaching any assessment decision based on the marks, grades, progression or award. Academic judgment is considered to include:

- a) the confirmed assessment mark/grade
- b) a requirement to repeat, re-sit, or take no further assessments
- c) the circumstances of such e.g. with or without attendance, and or as first or repeat attempts
- d) the class/level of award recommended

4.1.3 They failed to submit a claim of mitigating circumstances, and therefore to draw such circumstances to the attention of the University prior to the meeting of the relevant Board of Examiners or wish to challenge the outcome of a claim of mitigating circumstances. Claims relating to the consideration of Mitigating Circumstances are the subject of separate procedures, "Procedures for the Consideration of Claims of Mitigating Circumstances."

4.2 The University has established procedures for complaint which may arise during a programme of study and expects these to be resolved as and when they occur. In this context, alleged inadequacy of supervision, tuition or any other arrangements during the programme of study will not constitute grounds for an academic appeal unless there are exceptional reasons for the matter not to have been raised until after the assessment had been completed.

4.3 Academic Appeals will not normally be accepted until after a progression or an award board has had the opportunity to consider a student's performance for all modules in their current stage of study.

4.4 Appeals will not be accepted from third parties.

#### **5. Procedures for Making an Appeal on the Grounds of Material Irregularity**

5.1 A student who wishes to make an appeal will submit to the Complaints and Appeals Officer within ten working days of the publication of the results, a full written submission on the relevant form.

5.2 For an Academic Appeals Form<sup>1</sup> to be considered valid it must be completed in full and specify:

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<sup>1</sup> Available from the Registry Services web pages: [www.worcester.ac.uk/registry](http://www.worcester.ac.uk/registry) and SOLE

- a) the full name of the student;
  - b) the correct student ID number;
  - c) fully and unambiguously the grounds on which the appeal is made;
  - d) the precise decision against which the appeal is made;
  - e) the nature of the revised decision being sought;
  - g) be signed and dated by the student, unless it is impossible for the student to sign;
  - h) be accompanied with the appropriate documentary evidence. Examples of supporting evidence may include copies of the rubric of examination papers, written information about an assessment, any other material relating to the assessment about which a claim is made.
- 5.3 The student should keep a copy of their academic appeal form and any other documentation submitted for their own records.
- 5.4 The University's Complaints and Appeals Officer will acknowledge receipt of the academic appeal and will forward the academic appeal to the Academic Registrar within three working days.
- 5.5 The Academic Registrar will decide within ten working days of receipt of the appeal whether eligible grounds and supporting evidence have been presented. Where this is not the case the appeal may either be rejected or a request for further information or evidence made. In reaching the decision the Academic Registrar may also request a report from the relevant department.
- 5.6 Where the decision of the Academic Registrar is that there are no grounds for appeal, the student will be notified in writing and reasons given. The student will be advised at the time of writing of their right to request a review of the decision to the Deputy Vice Chancellor. A student who wishes to request a review must make such a request in writing within ten working days of the written decision.
- 5.7 In the event that a student requests a review of the decision to the Deputy Vice Chancellor, the Academic Registrar will provide a report of the decision taken. The Deputy Vice Chancellor (or nominee) will on receipt of the report either
- (a) confirm the decision of the Academic Registrar that no eligible grounds and supporting evidence have been presented
  - or
  - (b) decide eligible grounds and supporting evidence have been presented and refer the matter back to the Academic Registrar.
- 5.8 Where the Academic Registrar or the Deputy Vice Chancellor decides that there are grounds for appeal he or she will notify the Complaints and Appeals Officer.
- 5.9 The Academic Registrar or the Deputy Vice Chancellor, after reviewing the case, may identify simple and remedial action which may be taken to remedy the appeal to the satisfaction of the student. In such cases, the Academic Registrar or the Deputy Vice Chancellor will propose such action in writing to the student and submit a report to the University's Complaints and Appeals Officer.

- 5.10 In cases where simple and remedial action cannot be taken, the Complaints and Appeals Officer will forward the appeal to the Head of Department<sup>2</sup> concerned within three working days of the decision of the Academic Registrar or Deputy Vice Chancellor.
- 5.11 The Head of Department or nominee will make a written response to the Complaints and Appeals Officer within seven working days of receipt of the appeal.
- 5.12 On receipt of the response, the Complaints and Appeals Officer will either where the response accepts the students case, forward this, together with the student's submission to the Academic Registrar who will approve the appeal without a meeting of the Appeals Committee or and in all other cases set up a meeting of the Appeals Committee, which will take place within 15 working days of the receipt of the response by the Complaints and Appeals Officer.

## **6. Academic Board Appeals Committees**

- 6.1 Membership of the Appeals Committee of established to hear an appeal on behalf of Academic Board will consist of three members of Academic Board, one of whom will act as Chair. Members will be appointed in a way which ensures that none of the members will have prior knowledge of or involvement with the academic appeal.
- 6.2 The Academic Registrar will act as Secretary to the Committee. The Secretary is not a member of the Committee.
- 6.3 The student will be notified the membership of the Committee at least five working days in advance of Committee meeting and will be allowed to object to a member(s) of the Committee on grounds of personal acquaintance and/or possible personal bias. Subject to the approval of the Academic Registrar, the person concerned will be required to withdraw his or her membership of the Committee and proceedings will, if necessary, be adjourned until a replacement is appointed.

## **7. Documentation**

- 7.1 All parties concerned will receive the same papers.

## **8. Attendance of the Student at the Appeals Committee**

- 8.1 The student will be notified the date and the time of the meeting at least five working days in advance of Committee meeting
- 8.2 The student has the right to be present at the meeting of the Committee, and will be required to indicate whether or not it is their intention to attend in their written submission.
- 8.3 In cases where a student wishes to appear but for personal reasons is unable to do so, s/he may, subject to the approval of the Chair of the Appeals Committee,

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<sup>2</sup> The Head of Institute

nominate another person to attend the Appeals Committee in his or her place. The person nominated must be:

- a) a registered student of the University,
- b) a member of the staff
- c) a member of the staff of the Students' Union (which will include the sabbatical officers)

8.4 An Appeals Committee meeting does not act as a Court of Law. It is therefore considered inappropriate for the parties to have legal representation. The University would therefore not normally expect the student to be accompanied to the meeting of the Appeals Committee by a legal representative. Should the student choose to be accompanied by a legal representative, the University then reserves the right to its own legal representative at the meeting.

8.5 The meeting may proceed in the absence of a student who has indicated an intention to be present, provided that the Committee feels it has sufficient evidence available to consider the case and that the student has been given sufficient notice of the meeting.

## **9. Attendance of a Representative of the Department**

9.1 The Department will be represented at the meeting. This will normally be the person who has responded to the appeal.

## **10. Conduct of the Meeting**

10.1 All evidence will be heard in the presence of Committee members, the student and his or her companion, the staff representative, and the Secretary. Should any party need to leave the meeting, the Appeals Committee will be adjourned until they return.

10.2 The introduction of additional material will not be permitted unless it was not known to the student, or was unavailable, at the time of the original submission. Additional material will be admitted at the discretion of the Chair of the Committee who will, if necessary, defer the Appeals Committee to allow the Department representative to make a response.

10.3 The Department representative will not be permitted to introduce material not included in their original response unless it was not known, or was unavailable, at the time of the response. Additional material will be admitted at the discretion of the Chair of the Committee who will, if necessary, defer the Appeals Committee to allow the student to make a response.

10.4 The format of the meeting will shall normally be as follows:

- a) Private meeting of the Committee.
- b) Student, and his or her representative, and the Department representative invited to join the meeting.

- c) The Chair will summarise the procedure to be adopted and ask if there are any procedural questions.
  - d) The facts relevant to the case will be introduced by the Chair.
  - e) The student will be invited to make an initial statement
  - f) The Department representative may question the student
  - g) The Committee may then question the student
  - h) The Department representative will respond to the student's written and oral submissions
  - i) The student and his or her companion will be given an opportunity to comment on the Department's statement.
  - j) The committee may then question the Department's representative.
  - k) The student and his or her companion may then make a final statement.
  - l) The student, his or her companion and the Department representative will then be asked to withdraw.
  - m) Private meeting of the Committee.
- 10.5 The Secretary will take a record of the proceedings. The formal minute of the Committee will record those present and in what capacity present, the decision of the Committee and the reasons for its decision.

## **11. Decision of the Committee and possible remedies**

- 11.1 The Committee will determine either:
- a) that the student has established no grounds for reconsideration and therefore the original decision of the Board of Examiners stands.
- or
- b) that the student has established a case for reconsideration and that the appeal is upheld.
- 11.2 The most likely remedy will be a further opportunity to take the assessment. In all cases where the remedy proposed involves a re-classification of the student's award, the matter will be referred back to the relevant Board of Examiners. In all other cases, the Committee will be empowered to apply the remedy without reference to the Board of Examiners. A mark/grade for an assessment item will only be changed if there was an error in recording or processing of the mark/grade.
- 11.3 The Appeals Committee forms the final stage of the Academic Appeals Procedure, therefore, the student will be issued with a Completion of Procedures letter.

## **12. Office of the Independent Adjudicator for Higher Education (OIA)**

- 12.1 A student who is not satisfied with the outcome of the Student Academic Appeals Procedure and has exhausted all the stages of the procedure may request that the [Office of the Independent Adjudicator](#) (OIA) reviews the case. This may be done by completing the OIA scheme application form within twelve months of the date of the University's Completion of Procedures letter.

- 12.2 Where a case is considered eligible, the OIA will provide independent adjudication on the resolution of complaints, once the University's internal procedures have been exhausted.

**13. Costs**

- 13.1 The University will meet the reasonable costs incurred by a student in bringing a successful appeal. This will include any travelling expenses a student incurs in travelling to any committee meeting where this takes place outside semester time. It will not include costs of any legal advice the student may choose to take.

**14. Monitoring**

- 14.1 The Complaints and Appeals Officer will make an annual report to Academic Board. Academic Appeals will be monitored according to the gender, ethnicity, age and any disability of students.

**15. Advice and Support**

- 15.1 If you have any queries in respect of the Student Academic Appeals Procedure, please contact the Complaints and Appeals Officer, Registry Services.
- 15.2 The University recognises that making an academic appeal can be stressful and burdensome for all parties involved. Students are therefore advised to seek advice and guidance before making an academic appeal from the Students' Union.

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Date document comes into effect: 1 September 2017

Author of the document: Kevin Pickess

Date document is due for review: 1 September 2021

**Revision History**

Committee	Date	Change
Academic Board v2.4	26 April 2017	Minor revisions [AB16/40] WEF 1 September 2017
Academic Board v2.3	6 July 2016	Minor revisions and corrections Replace references to <i>prima facie</i> grounds with eligible grounds and supporting evidence Replace Pro Vice Chancellor (Academic) with Deputy Vice Chancellor
Academic Board v2.2	29 April 2015	Minor revisions
Academic Board v2.1	8 October 2014	Minor revisions and corrections Replace Deputy Vice Chancellor with Pro Vice Chancellor (Academic)
Academic Board v2.0	23 January 2013	Revised procedure approved
Academic Board v1.1	4 February 2010	Revised Title Section 1 expanded; Section 3 – grounds clarified New Section 4 added bringing together in one section invalid grounds for appeal and the introduction of when an appeal should normally be submitted (at progression/award); 5.5 added – identifying that the Head of Registry Services may collect information from a department whilst identifying whether <i>prima facie</i> grounds exist; 6.3 & 8.1 – Clarification regarding notification to student about date, time and membership of committee.
Academic Board v1.0	16 June 2004	New Procedure Approved