

SECTION O.3: Student Academic Appeals 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 in respect of decisions relating to student progression and/or academic awards.

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. 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. If, an appeal may affect the classification of a degree to be awarded, the student will be informed that consideration of the appeal will necessarily delay the conferment of the award and attendance at an awards ceremony may also be delayed.

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 a bias or inadequacy in the assessment of their work on the part of one or more of the examiners.

4. Invalid Grounds for Academic Appeals:

4.1 A student may not make an appeal to the Appeals Committee of Academic 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.

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. 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 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 shall submit to the Complaints and Appeals Officer within 10 working days of the publication of the results, a full written submission on the relevant form.

- 5.2 The written submission must state:
- a) fully and unambiguously the grounds on which the appeal is made;
 - b) the precise decision against which the appeal is made;
 - c) the nature of the revised decision being sought.
- 5.3 The written submission must be accompanied by documentation or other 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.
- 5.4 On receipt of an appeal, the Complaints and Appeals Officer shall forward within 3 working days of the receipt the claim to the Head of Registry Services who will decide within 5 working days of receipt of the appeal whether there are prima facie grounds for an appeal (see 2.1 above).
- 5.5 In the event that any factual information is required from the Department before a decision can be made on whether there are prima facie grounds for an appeal, this will be requested before any decision is made.
- 5.6 Where the decision of the Head of Registry Services is that there are no grounds for appeal, the student will be notified in writing and reasons given. S/he will be advised at the time of writing of their right to appeal to the Deputy Vice Chancellor.
- 5.7 In the event that a student appeals to the Deputy Vice Chancellor, the Head of Registry Services will provide a report of the decision taken. The Deputy Vice Chancellor will on receipt of the report
- either
- (a) confirm the decision of the Head of Registry Services that there are no prima facie grounds for appeal
- or
- (b) decide that prima facie grounds do exist and refer the matter back to the Head of Registry Services with the request that an Appeals Committee be established to hear the case.
- 5.8 Where the Head of Registry Services or the Deputy Vice Chancellor decides that there are grounds for appeal he or she will notify the Complaints and Appeals Officer. The Complaints and Appeals Officer will forward the appeal to the Head of Department concerned within 3 working days of the decision of the Head of Registry Services or Deputy Vice Chancellor.
- 5.9 The Head of Department or nominee will make a written response to the Complaints and Appeals Officer within 7 working days of receipt of the appeal.

- 5.10 On receipt of the response, the Complaints and Appeals Officer shall either where the response accepts the students case, forward this, together with the student's submission to the Head of Registry Services who will approve the appeal without a hearing. Or and in all other cases set up a hearing by the Appeals Committee, which shall 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 Committee established to hear appeals on behalf of Academic Board shall comprise:

Three members of Academic Board, one of whom shall act as Chair. No member of the Committee shall have been involved in the decision against which the appeal is lodged or shall have prior knowledge of the case.

- 6.2 A member of the Head of Registry Service's staff 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 Head of Registry Services, 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

All parties concerned shall receive the same papers.

8. Attendance of the Student at the Hearing

- 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, nominate another person to attend the hearing 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 shall include the sabbatical officers)
- 8.4 The student or nominee may be accompanied by a representative, who must be a member of the University, i.e.:
- 8.4.1 a registered student
 - 8.4.2 a member of staff
 - 8.4.3 a member of staff of the Union of Students (which shall include the sabbatical officers)
- 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 shall 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 hearing 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 hearing 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 hearing to allow the student to make a response.
- 10.4 The format of the meeting 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 shall take a record of the proceedings. The formal minute of the Committee shall record those present and in what capacity present, the decision of the Committee and the reasons for its decision.

11. Decision of the Committee

The Committee shall determine either:

- 11.1 that the student has established no grounds for reconsideration and therefore the original decision of the Board of Examiners stands.
or
- 11.2 that the student has established a case for reconsideration and that the appeal is upheld.
- 11.3 The most likely remedy will be a further opportunity to take the assessment. In exceptional cases, the Committee may decide to increase a student's mark. 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.
- 11.4 Where the appeal is not upheld the student may:-

Either:
 - a) If they feel there has been a procedural irregularity, ask the Vice Chancellor to investigate (see 12)
or
 - b) Ask for the appeal to be referred to the Board of Governors (see 13).

12. Procedures for the Review of the Decision

- 12.1 The student may request the Vice Chancellor to investigate the decision of the Appeals Committee, if there are grounds for believing that there have been procedural irregularities in the consideration of the appeal at the First Stage of these procedures. The student may also request a review if new evidence, which was unavailable at the time the appeal was first heard, becomes available. Requests must be submitted within 10 working days of the Committee's decision, except in the case of new evidence which is not time-limited.
- 12.2 If, after investigating the case, the Vice Chancellor decides that there are grounds which justify a review, a second Appeals Committee will be established, chaired by the Deputy Vice Chancellor and comprising two further members of Academic Board with no previous knowledge of, or involvement in, the case. In all other cases, the student will be informed that the Vice Chancellor has decided there are no grounds for a review.
- 12.3 The Committee shall have the power to see all papers relating to the case, to request further written evidence, and to call any witnesses it may wish, including the student. The student has no automatic right to attend the meeting. In the event of the Committee deciding to meet with the student, s/he will have the right to be accompanied by a member of the University (see 8.3).
- 12.4 The Head of Quality Assurance and Enhancement shall act as Secretary to the Committee.
- 12.5 Where a hearing is held the conduct of the second stage Appeals Committee shall follow the procedure set out at above.
- 12.6 Where the Vice Chancellor decides that there are no grounds for a review or where a second Appeals Committee rejects the appeal, the student may ask for the appeal to be referred to the Board of Governors (see 13).

13. Appeal to the Board of Governors

Within 10 working days of the receipt of the decision of an Appeals Committee or the Vice Chancellor's decision that there are no grounds for a review a student may request that the appeal be considered by the Board of Governors. The request shall be submitted in writing to the Registrar and Secretary, who on receipt of the request shall, within 20 working days, convene a sub-committee of three members of the Board of Governors who will receive and review all papers relating to the appeal and will interview the appellant, who may be advised at the hearing by a representative who must be a member of the University. The proceedings will be minuted by the Registrar and Secretary. The decision of the Committee, which shall be final, will normally be communicated to the parties concerned within two days. Where the decision of the governors is not to uphold the appeal, the letter to the appellant will draw attention to the individual's right to refer the matter to the Office of the Independent Adjudicator (OIA).

Note: 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) claimants will be kept fully informed of the progress of their claim.

Enquiries about these Procedures should be directed to the Complaints and Appeals Officer, in Registry Services.

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Revision History

Committee	Date	Change
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 prima facie 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