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## Senate Regulation 10: Regulations governing academic appeals

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### Introduction

- 10.1 These Regulations apply to all registered students who wish to appeal against the decision of a Board of Examiners or another academic body responsible for decisions on student assessment, progression and award.
- 10.2 A student may only appeal the most recent decision by a Board of Examiners, or other academic body. The University reserves the right to consider earlier decisions as part of the consideration of the appeal. However, a student may not appeal decisions made in previous years/levels of study.
- 10.3 The original decision of the Board of Examiners, or other academic body, will remain in place while the appeals process is ongoing.
- 10.4 The consideration of the appeal will follow the procedure and timescales set out below. Students will be kept informed if there is a departure from the standard timescales.
- 10.5 The University will make reasonable adjustments to the academic appeals procedure as appropriate to accommodate the needs of students with a disability, as defined by the Equality Act 2010.
- 10.6 Students are strongly encouraged to seek advice from their school or from the Advice Service of the Students' Union to ensure that they understand why an academic decision has been made and what possible outcomes a successful appeal can lead to.
- 10.7 An Academic Appeal can only grant outcomes permitted by Senate Regulations. Therefore, the outcome which a student wishes for must be one which is permitted within the proper application of Senate Regulations. An Appeal requesting an outcome not permitted by Senate Regulations will not be accepted.
- 10.8 These regulations do not cover complaints concerning the academic and non-academic services of the University. These are addressed by Senate Regulation 12 governing student complaints. If, on receipt of an appeal or at any stage in the consideration of it, it is determined that the matters raised would be better considered under an allied procedure the student will be notified.

### Grounds for Appeal

- 10.9 A student may only appeal on the following grounds:
  - (a) that there are or were mitigating circumstances materially affecting the student's performance, for which supporting evidence exists, which were not previously submitted via the mitigating circumstances procedure or known to the Board of Examiners or other academic body at the time a progression or award decision was taken, and which it was not reasonably practicable for the student to make known beforehand;
  - (b) that there is evidence of a disability or learning difference, as defined by the Equality Act 2010, which it was not reasonably practicable for the student to make known beforehand in time for reasonable adjustments to be made for the assessment(s) under consideration;
  - (c) that there were procedural irregularities in the conduct of assessment procedures of such a nature as to create a reasonable possibility that the academic outcome may have been different if they had not occurred;
  - (d) that there is evidence of prejudice or bias or lack of proper assessment on the part of one or more of the examiners.
- 10.10 An appeal which questions the academic or professional judgement of those responsible for assessing a student's academic performance or professional competence will not be permitted.

- 10.11 Students who wish to challenge an assessment related decision should be aware that Boards of Examiners do not have the authority to change marks for individual students and a successful appeal will not lead to a change of mark.

#### Submission of an Academic Appeal

- 10.12 A student may only submit an Academic Appeal once they have received a results notification of the Board of Examiners' or another academic bodies' decision. An appeal cannot be made against provisional results (i.e. before the relevant body approves them). Schools can advise when results will be approved.
- 10.13 An appeal form with supporting evidence must be submitted to Education Services within the deadline set out below.
- 10.14 The deadlines for submitting an appeal are as follows:
- **All full-time campus based taught students:** within **10 calendar days** of the notification of the Board of Examiners' decision
  - **All part-time campus based taught, distance learning and postgraduate research students:** within **20 calendar days** of the notification of the Board of Examiners' or other examining bodies decision

- 10.15 It is a student's responsibility to submit an appeal by the given deadline. Appeals submitted after the deadline will be deemed to be out of time and will not be considered unless there is clear documentary evidence which the University accepts as demonstrating that a student was prevented from submitting the appeal by the deadline. Students will be notified if the appeal is not accepted and issued with a Completion of Procedures Letter. This will represent the completion of University procedures.

- 10.16 A student must submit an appeal on their own behalf and appeals which are submitted by a third party will not be accepted.

#### Provision of evidence

- 10.17 Where an appeal is based on mitigating circumstances as in 10.9(a) above third party documentary evidence will normally be required to support a claim. Evidencing requirements for mitigating circumstances will follow the requirements set out in the Mitigating Circumstances Policy.
- 10.18 The evidence supplied must be in English; where the original is in another language students are responsible for submitting a certified copy in English.
- 10.19 Medical certificates or other documentary evidence should normally be submitted at the time of the illness or other circumstances. Retrospective evidence may be considered at the discretion of an Appeals Panel and students must provide an explanation as to why it was not possible to submit the evidence at the time. Panels will only accept evidence where it is considered there was good reason for it not to have been submitted at the appropriate time.
- 10.20 The University reserves the right to verify the authenticity of any evidence submitted. Failure to divulge information and provide evidence at the appropriate time or the inability of the University to verify documentary evidence may mean that there is insufficient evidence to be taken into account and the claim will be rejected.

#### Initial consideration of an Academic Appeal

- 10.21 On receipt an appeal will be considered by Education Services to determine 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 its decision, Education Services may also request a report from the relevant school.

- 10.22 If on receipt of a copy of an appeal, a school considers that there is new evidence of either mitigating circumstances that were not known at the time for good reason or a procedural irregularity in light of which a Board of Examiners would have been likely to have reached a different decision it may request the opportunity to refer the student's case back to the Board of Examiners.
- 10.23 Where the appeal is dismissed because no eligible grounds have been demonstrated within the appeal submission, Education Services will write to inform the student of the decision, giving an explanation for that decision. The student will be informed of the right to request a review of the decision within 14 calendar days of the date the decision is issued. The process for conducting an Appeal Review is set out under 10.32 – 10.38 below. If a review is not requested this will represent the completion of University procedures.
- 10.24 If it appears that the appeal has been made on one of the grounds specified in paragraph 10.9 above and sufficient evidence has been provided, the school report, along with the student's appeal form and supporting evidence will be considered by the next available Appeals Panel. A copy of the school report will be provided to the student with an opportunity to comment on the report and these comments will be provided to the Appeal Panel.

#### Appeals Panels

- 10.25 An Appeals Panel will comprise three members of the academic staff of the University drawn from the annual list nominated by Colleges and approved by the Education Committee. No member of the Panel will be drawn from the student's own school(s) or have had previous involvement with the student. Students will be notified of the members of the Appeal Panel in advance of the Panel meeting.
- 10.26 A member of Education Services will serve as Secretary to each Appeals Panel. The student and school will be notified of the date on which an appeal will be considered.
- 10.27 The Panel will consider all appeals on the basis of the documentation only, submitted by students and their schools.
- 10.28 Students and schools may not attend Appeals Panel meetings but will be notified in writing of the panel's decision within seven calendar days of the date of its meeting.
- 10.29 After considering the evidence, an Appeals Panel may decide in the case of undergraduate or taught postgraduate students:
- (a) To dismiss the appeal;
  - (b) To uphold the appeal and require the Board of Examiners or appropriate academic body to reconsider its decision taking into account such information or findings that the Appeals Panel deems appropriate;
  - (c) To adjourn to seek additional information or clarification from the student or school involved.
- 10.30 After considering the evidence an Appeals Panel may decide in the case of a research student:
- (a) To dismiss the appeal;
  - (b) To uphold the appeal and recommend that the student be permitted to re-submit for the degree for which he/she was registered;
  - (c) To uphold the appeal and recommend that the student be permitted to re-submit for a master's degree;
  - (d) To adjourn to seek additional information or clarification from the student or school involved;
  - (e) With respect to (b) and (c) above the Panel may choose to recommend the appointment of new examiners.

10.31 If the Appeals Panel determines that the appeal should be dismissed, the Panel Secretary will write within 7 calendar days to inform the student of the decision giving an explanation of the reason(s) for that decision. The student will be informed of the right to request a review of the decision within 14 calendar days of the date the appeal outcome is issued. The process for conducting an Appeal Review is set out under 10.32 – 10.38 below. If a review is not requested this will represent the completion of University procedures.

#### Appeal Review

10.32 A student may request a review of the outcome of their appeal on the following grounds:

- (a) There is evidence of procedural irregularities in the initial consideration of the appeal;
- (b) There is evidence within the appeal which it would appear has not been fully considered;
- (c) There is new material evidence now available, which could not reasonably have been made available at an earlier stage in the appeal process.

10.33 Any request for review must be submitted within 14 calendar days of the receipt of the outcome of the appeal. Requests received after this time will be deemed to be out of time and will not be considered unless there is clear documentary evidence which the University accepts as demonstrating that a student was prevented from submitting by the deadline. Students will be notified if the request for an Appeal Review is not accepted and issued with a Completion of Procedures Letter. This will represent the completion of University procedures.

10.34 The Appeal Review will be considered by a senior member of Student and Academic Services who may determine that:

- (a) grounds for the review have not been established and dismiss the case. Students will be notified and issued with a Completion of Procedures Letter. This will conclude the University's procedures;
- (b) the appeal should be referred to an Appeal Review Panel, the members of which having had no previous involvement with the student or their appeal case.

10.35 The School, if consulted about matters raised in the review, may also request the opportunity to refer the case back to the Board of Examiners prior to consideration by an Appeal Review Panel.

10.36 The procedure for the Review Panel will follow that for an Appeals Panel (10.25 – 10.31).

10.37 If the Appeal Review Panel dismisses the appeal, the Panel Secretary will write within 7 calendar days to inform the student of the decision giving an explanation of the reason(s) for that decision.

10.38 At this point the University will close the appeal process and a Completion of Procedures letter will be issued notifying the student of their right to submit a complaint to the Office of the Independent Adjudicator for Higher Education, if it is eligible under its scheme.

#### Timescales and termination of an appeal

10.39 The University seeks to conclude the handling of appeals through every stage of the University's internal procedures within 90 calendar days. If the University is unable to conclude the process within 90 calendar days, Education Services will write to the student setting out the reasons for the delay and anticipated date for the issuing of a decision.

10.40 The University reserves the right not to continue with the operation of the appeals procedure if the appeal is conducted in a way which is frivolous or vexatious. Examples of frivolous or vexatious appeals include:

- academic appeals which are obsessive, harassing, or repetitive;

- insistence on pursuing non-meritorious academic appeals and/or unrealistic, unreasonable outcomes;
- insistence on pursuing meritorious academic appeals in an unreasonable manner;
- academic appeals which are designed to cause disruption or annoyance;
- demands for redress which lack any serious purpose or value.

10.41 The Academic Registrar will decide whether to terminate consideration of the appeal, giving reasons for this decision. Alternatively, the Academic Registrar will issue a warning that the consideration of the appeal will be terminated if a further instance of vexatious or frivolous behaviour occurs.

10.42 If the Academic Registrar decides to terminate consideration of the appeal on these grounds, then a student has a right to request a review of that decision by a Senior Officer/Pro-Vice Chancellor of the University. A student wishing to request a review should make their request in writing to Education Services within 14 calendar days of the notification of the Academic Registrar's decision.