

## ACADEMIC APPEALS PROCEDURE

### Purpose

1. The Academic Appeals Procedure is intended to allow students enrolled on undergraduate and taught postgraduate courses at the University of Suffolk to appeal their ratified academic results, as published by Assessment Boards, or circumstances relating to them.
  
2. The Academic Appeals Procedure comprises three stages: an informal stage for early resolution; a formal stage in which a panel of academics appointed by the Academic Registrar considers the appeal; and a review stage which a student may follow if they are dissatisfied with the outcome of their formal stage appeal.
  
3. The Academic Appeals Procedure operates in accordance with the Quality Assurance Agency (QAA) UK Quality Code for Higher Education Chapter B9: Academic Appeals and Student Complaints published in April 2013, and the Good Practice Framework for Handling Complaints and Academic Appeals issued by the Office of the Independent Adjudicator (OIA) in December 2014.

### Definition

4. An academic appeal is defined in Chapter B9 of the UK Quality Code as “a request for the review of a decision of an academic body charged with making decisions on student progression, assessment and awards.”
  
5. Any academic appeal should relate to one or more of the following categories:
  - a final award result;
  - an examination mark;
  - a coursework mark (including portfolio, dissertation, project, and physical performance);
  - required withdrawal from a course;
  - a verdict of, or penalty applied in respect of, academic misconduct;
  - a refusal to permit the late submission of coursework or other decision of the Extenuating Circumstances Panel.

### Scope

6. This procedure applies to any appeals against an academic result or decision as defined in paragraph 5. There are separate procedures that deal with appeals against decisions relating to Fitness to Practise and Criminal Convictions. Concerns about other matters should be raised

via the Student Complaints Procedure (which includes complaints about academic matters that do not concern an academic result). Issues raised under appeals and complaints procedures are kept separate to avoid confusion of outcomes. However, in cases where an appeal is contingent on the outcome of a complaint, the complaint should be resolved first. Appeals against admissions decisions by applicants to the institution will be dealt with under the Student Complaints Procedure.

7. This Academic Appeals Procedure does not apply to those courses where academic results are decided by an external awarding body. In such cases, that body's appeals procedure shall apply.

8. Each appeal will normally be considered individually. Where a series of appeals involve the same subject matter, the appeals may be considered collectively, subject to any confidentiality requirements. In such a case, the individual students involved will normally be invited to nominate one of their number as a spokesperson to facilitate the process.

### **Commitments**

9. The University of Suffolk takes academic appeals seriously and the procedure is designed to enable a student's appeal to be investigated and considered fully without risk of disadvantage. As such, students who submit a case under this procedure will not be unfavourably treated for having done so. Any student who believes that they have been disadvantaged by submitting a case should contact the Office for Student Appeals, Complaints and Conduct (OSACC) immediately.

10. The University expects that students will not engage in frivolous, vexatious or malicious appeals. This could include:

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

In such cases, the Academic Registrar or nominee reserves the right to terminate consideration of the appeal. The student will be given an explanation, in writing, of why their appeal has been terminated and details of any further right to appeal. Where an appeal is found to have been brought with frivolous, vexatious or malicious intent, this may itself prove grounds for disciplinary action against the student under the Student Discipline Procedure.

11. In considering any appeals, appropriate attention will be paid to the requirements of the Equality and Diversity Policy. In particular, reasonable adjustments will be made for those with disabilities, specific learning difficulties or long-term medical conditions.

12. All parties to the appeal and individuals who have been involved in any related investigation and/or the management and/or the administration of the appeal will observe the requirements for confidentiality. Whilst confidential information may need to be disclosed in order to consider the appeal, this will only be to those staff involved in the consideration of the appeal.

13. While the appeal remains unresolved, normally the student shall have the right to attend the next stage of the course or to continue on the stage or part of the course on which he/she was last enrolled. Exceptions to this are: a) when the academic decision being appealed is withdrawal from the course; b) when the progression requirements of regulatory bodies and/or funding limitations require that the student intercalate and rejoin the course (if appropriate) when the matter is resolved; and c) when the Academic Registrar or nominee deems this would jeopardise the welfare of the subject (whether patient, pupil or client) and/or contravene any relevant professional code of conduct and/or is incompatible with behaviour required by the profession. In the latter circumstances, the Academic Registrar or nominee shall make a report to the relevant Head of Department (or equivalent) to determine whether action under the Fitness to Practise Procedure should proceed.

14. If the academic decision being appealed is the requirement that a student's work and/or practice be reassessed, the reassessment shall proceed in accordance with the original timescales specified by the Assessment Board and shall not be delayed because of the academic appeal (which shall be considered separately and expeditiously).

15. A student may withdraw an appeal at any point providing OSACC is advised in writing, but may not later re-launch the appeal.

16. All personal information will be processed in accordance with the Data Protection Act 1998.

### **EARLY RESOLUTION (INFORMAL STAGE)**

17. Students are encouraged to seek feedback whenever possible and to try to resolve the matter they are concerned about informally before submitting a formal appeal.

18. A number of avenues exist through which further information or explanation can be provided which might satisfactorily answer a student's concerns. An informal approach could be made to a lecturer, personal tutor, module leader, course leader or the Academic Services/HE Administration Office.

19. Students can be assisted in making an informal approach by the Students' Union Advice Centre and/or Student Services.

20. If a student believes their result was affected by extenuating circumstances that were unknown to the Assessment Board at the time it reached an academic decision and could not reasonably have been made known to the Board before it met, they may submit a claim for consideration of retrospective extenuating circumstances under the Extenuating Circumstances Policy. The Extenuating Circumstances Panel will consider the claim and, if approved, request that the academic decision be reconsidered by the Assessment Board without requiring the student to submit a formal stage appeal. If the claim is not approved, the student will have fifteen days from notification of the decision of the Extenuating Circumstances Panel to submit a formal stage appeal.

21. Should the informal approach not resolve the matter to the student's satisfaction, the student may make a formal academic appeal under the Formal Stage of the procedure.

## **FORMAL STAGE ACADEMIC APPEAL**

### **Submitting a Formal Stage Academic Appeal**

22. The student must submit the completed Formal Stage Academic Appeal form and any supporting documents to OSACC within fifteen working days of the notification of the result or academic decision against which they wish to appeal. Appeals submitted after this deadline with good reason for the delay may still be considered. The student should contact OSACC immediately if they are unable to meet this deadline. The Academic Registrar or nominee will determine whether a late appeal can be accepted.

23. The Formal Stage Academic Appeal form is available on MySuffolk. The student must state the grounds on which they wish to appeal and must include all necessary supporting evidence and documentation. No evidence submitted can be anonymous.

### **Grounds for Formal Stage Academic Appeals**

24. The grounds on which a formal stage appeal can be considered are:

- correct procedure was not followed which undermined the validity of the academic result or decision;
- prejudice or bias on the part of the markers, the Academic Misconduct Panel, the Extenuating Circumstances Panel and/or the Assessment Board affected the academic result or decision;
- the student's performance was adversely affected by extenuating circumstances that he/she had not previously submitted to the Extenuating Circumstances Panel and which he/she could not have reasonably been expected to submit in advance of the meeting of the Assessment Board;
- significant changes were made to a course without being properly communicated;
- alleged unfair treatment or discrimination in the assessment process which, for good reason, has not been considered previously under the Student Complaints Procedure.

25. All appeals shall be considered on their merit. However, the following will not normally be considered as valid grounds for appeal and any appeal submitted on one or more of these is likely to be rejected:

- retrospective reporting of extenuating circumstances which the student could reasonably have been expected to submit in advance;
- appeals against the academic judgement of internal or external markers on the quality of the work itself or the criteria being applied to mark the work. Work will not be remarked, except in cases of procedural irregularity;
- appeals based upon the informal assessment of the student's work by academic staff;
- appeals to obtain a higher award classification due to marginally missing the required mark;
- retrospective complaints against the standard of tutoring (these must be made through the Student Complaints Procedure before the results of the Assessment Board are published).

### **Supporting Evidence for Formal Stage Academic Appeals**

26. Students should submit, to OSACC, all evidence and supporting documentation relevant to their appeal with their completed Formal Stage Academic Appeal form. This should include evidence to show any attempts at early resolution of their concerns and appropriate evidence to support the stated grounds for their appeal.

27. The Academic Registrar or nominee has the right to request additional written evidence from the student and/or staff and to include such additional evidence as he/she thinks is conducive to reaching a better informed judgement.

### **Consideration of Formal Stage Academic Appeals**

28. All formal stage appeals submitted will be acknowledged by OSACC on receipt and then screened to determine whether there are valid grounds for the appeal and that the form is fully completed, with necessary supporting evidence including evidence of an attempt at early resolution, and submitted within the required timeframe.

29. Where the appeal has been submitted outside of the timeframe, as detailed in paragraph 22, it will not normally be considered without good reason for the delay. The Academic Registrar or nominee will determine whether a late appeal can be accepted. This decision will be final. If a late appeal is not accepted, the student will be issued with a Completion of Procedures letter within ten working days of receipt of the formal stage academic appeal.

30. Where additional evidence and/or clarification is requested from the student, this should be submitted to OSACC by the given deadline. Should it not be received by this date, the appeal will be considered on the evidence provided with the original submission.

31. Where an appeal has met the requirements as detailed in paragraphs 28 and 29 (where applicable), the appeal will be passed to the relevant Academic Appeals Panel (referred to as the Panel from hereon) for consideration. The Panel will be convened at regular intervals (normally monthly) to ensure the timely consideration of all appeals. OSACC will inform the student, normally within five working days of receipt of the appeal by OSACC, of the date of the Panel meeting where their appeal will be considered and the date by which they should normally expect to be advised of the Panel's decision.

### **Academic Appeals Panel**

32. The Panel, appointed by the Academic Registrar, shall comprise:

- A nominated Head of Department or equivalent in the partner colleges (who will act as Chair) who will not normally be the Chair of the Assessment Board from where the appeal has been lodged
- Two members of academic staff, who are not in the pool for the Academic Misconduct Panel or the Extenuating Circumstances Panel

Membership of the Panel may be varied to ensure that the academic staff members are not considering any appeals concerning their own modules, but have the necessary understanding of the discipline to inform discussions. For professional courses, one of the academic members should be a registrant of the relevant Professional, Statutory or Regulatory Body (PSRB) where

possible. A representative from OSACC will be in attendance to record the Panel's decision and justification for that decision.

33. The Panel will consider all appeals based only on the documentary evidence provided. In exceptional cases, for example where reasonable adjustments are required or where the interpretation of evidence is disputed, a student may be permitted to attend the meeting to present evidence in person. The decision as to whether to permit a student to attend will be made by the Academic Registrar in consultation with the Chair of the Panel. The student may be accompanied at such a meeting by a friend. A friend is defined as a member of staff of the University of Suffolk or one of the partner colleges, or a registered student of the University, or a member of staff or sabbatical officer of the Students' Union. The role of a friend is to act as an observer, give moral support and assist the student to make their case. In addition, where reasonable adjustments are required, a student may be accompanied by a supporter e.g. a sign language communicator or a notetaker, and a student with difficulty in understanding English may be accompanied by an interpreter.

34. OSACC will provide the Panel with the documentation submitted by the student and any additional evidence gathered in accordance with paragraph 27, prior to the meeting of the Panel. The Chair of the Panel may also request that additional evidence be gathered prior to the Panel meeting.

35. With limited exceptions (for example, where information cannot be disclosed because of the University's obligations under the Data Protection Act), all written material considered by the Panel under this procedure will be accessible to the student if requested.

36. The Panel, having considered the evidence, will decide whether the appeal should be upheld, partly upheld, or rejected.

37. The decision of the Panel is final and will be reported to the student and relevant Assessment Board.

### **Outcomes**

38. The student can expect to hear the outcome of the Panel, in writing via OSACC, within five working days of the Panel meeting. The student will also be informed within that time if the complexity of the case prevents an outcome being reached and advised of the likely timescale for further action and notification of the outcome.

39. In all cases, regardless of whether the appeal was upheld, in full or in part, or rejected, the outcome letter will give a full and clear explanation of the decision and rationale.

40. Where the Panel determines that an appeal should be upheld, in part or in full, the relevant Assessment Board will be convened (where necessary as an extraordinary meeting) to consider the consequence of the Panel's decision and to decide, in the context of the student's overall profile, the relevant assessment regulations and any PSRB requirements, the appropriate action. This may include:

- a further attempt at a component of assessment;
- a revised penalty in relation to a verdict of academic misconduct;
- retrospective approval of extenuating circumstances leading to the granting of a deferral;
- any other action to correct procedural irregularity, unfair treatment, prejudice or bias.

41. The Chair of the Assessment Board will notify the student, in writing, of the consequence of the Panel's decision and the appropriate course of action within fifteen working days of the date of the letter informing the student of the Panel's decision to uphold the appeal. A copy of the letter will be sent to OSACC for information.

42. A student who is not satisfied with the outcome of their formal stage appeal (whether or not it was upheld) may decide to move to the review stage of the Academic Appeals Procedure as described below.

## **REVIEW STAGE ACADEMIC APPEAL**

### **Submitting a Review Stage Academic Appeal**

43. The student must submit a completed Review Stage Academic Appeal form (and any supporting evidence) to OSACC within ten working days of the notification of the outcome of the formal stage appeal (either the decision of the Panel, referred to in paragraph 38, where the appeal was rejected or partially upheld, or the letter from the Assessment Board, referred to in paragraph 41, where any part of the appeal was upheld). The student should contact OSACC immediately if they are unable to meet this deadline. The Academic Registrar or nominee will determine whether a late appeal can be accepted.

44. The Review Stage Academic Appeal form is available on MySuffolk. The student must state the grounds on which they wish to appeal and must include all necessary supporting evidence and documentation. No evidence submitted can be anonymous.



### **Grounds for Review Stage Academic Appeal**

45. The grounds on which a review stage appeal can be considered are:

- there is new information put forward by the student that, for good reason, could not have been provided earlier in the process;
- there was procedural irregularity in the conduct of the formal stage;
- there was prejudice and/or bias or the appearance of prejudice and/or bias, in the conduct of the formal stage;
- evidence put forward at the formal stage was not fully and properly considered.

### **Supporting Evidence for Review Stage Academic Appeals**

46. Students should ensure they submit all appropriate evidence to support the stated grounds for their appeal. The Academic Registrar or nominee has the right to request additional written evidence from the student and/or staff and to include such additional evidence as he/she thinks is conducive to reaching a better informed judgement.

### **Consideration of Review Stage Academic Appeals**

47. OSACC will acknowledge receipt of the review stage appeal and undertake an initial assessment in consultation with the Academic Registrar or nominee to check that the appeal meets at least one of the grounds in paragraph 45 and that the form is fully completed with necessary supporting evidence and submitted within the required timeframe. If one or more of these are not met, the Academic Registrar or nominee may reject the appeal (see paragraph 56) or ask the student for further clarification and/or additional evidence.

48. Where the appeal has been submitted outside of the timeframe, as detailed in paragraph 43, it will not normally be considered without good reason for the delay. The Academic Registrar or nominee will determine whether a late appeal can be accepted. This decision will be final. If a late appeal is not accepted, the student will be issued with a Completion of Procedures letter within ten working days of receipt of the review stage academic appeal.

49. Where additional evidence and/or clarification is requested from the student, this should be submitted to OSACC by the given deadline. Should it not be received by this date, the appeal will be assessed on the evidence provided with the original submission.

50. Following the initial assessment, the Academic Registrar or nominee will determine whether the review stage appeal should be reconsidered by a newly convened Panel or, in consultation with a senior representative of the awarding institution be rejected.

### **Reconsideration by the Panel**

51. Where the Academic Registrar or nominee determines that a review stage appeal should be reconsidered by a Panel, the Panel will be convened as detailed in paragraph 32, with different membership to the original Panel who considered the appeal at the formal stage. The Panel will normally meet within twenty working days of receipt of the review stage appeal.

52. OSACC will send a copy of the review stage appeal form and supporting evidence submitted by the student along with the documentation submitted and considered at the formal stage to the new Panel.

53. On receiving a review stage appeal, the Panel will reconsider the decision made at the formal stage in accordance with paragraphs 33 to 36. The Panel will notify the Academic Registrar or nominee of their decision, giving a clear rationale for the decision.

54. If the Panel decides that the appeal should be upheld, the Academic Registrar or nominee, via OSACC, will notify the student and the relevant Assessment Board of the decision, normally within five working days of the Panel meeting, and the appeal will proceed in accordance with paragraphs 40 to 41. In such cases, the student will be issued with a Completion of Procedures letter by OSACC following the meeting of the Assessment Board.

55. If the Panel does not change the formal stage decision, the Academic Registrar or nominee will consult a senior representative of the awarding institution to agree that the appeal should be rejected. The Academic Registrar, on behalf of the senior representative of the awarding institution, will notify the student in writing, through the issue of a Completion of Procedures letter, within ten working days of the Panel meeting. The Assessment Board will also be notified of the outcome in writing.

### **Rejection of Review Stage Appeals**

56. Where the Academic Registrar or nominee determines that the appeal should be rejected, the appeal will be referred to a senior representative of the awarding institution for consideration.

57. If the senior representative determines that the appeal should be reconsidered by a Panel, the appeal should proceed in accordance with paragraphs 51 to 55.

58. If the senior representative confirms that the appeal should be rejected, the student will be informed in writing of the outcome of their review stage appeal through the issue of a Completion

of Procedures letter. Students can expect to receive this letter within twenty five working days of receipt of the review stage appeal by OSACC.

59. If the review stage appeal is rejected, this decision is final and there is no further right of appeal within the University of Suffolk. Students may be able to seek a review by the OIA (see paragraph 61).

### **Further right to appeal**

60. Students who are dissatisfied with the outcome of their review stage appeal may be able to seek a review by the OIA should the case be eligible under the OIA's rules (see <http://www.oiahe.org.uk/>). Details will be provided in the Completion of Procedures letter advising the student of the final outcome of their review stage appeal.

### **Monitoring and Evaluation**

61. The University of Suffolk will monitor and evaluate the effectiveness of the Academic Appeals Procedure and reflect upon the outcomes for enhancement purposes. A report will be submitted annually to the Equality and Diversity Committee, Quality Committee and Senate. The report will include equality monitoring data.