The Academic Regulations Appendix 22: Academic Appeals

2020 – 2021



Edge Hill University

The Academic Regulations

Appendix 22: Academic Appeals

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Summary

This policy provides details of the process for students to follow if they wish to make an academic appeal. It explains the conditions that apply, steps to follow and gives full details about the process that will be applied by the University.

Glossary of Terms

Term	Meaning
Academic Appeal	A request to review a decision made by an academic body responsible for deciding student progression, assessments and awards

Purpose

The purpose of this document is to set out how academic appeals should be made and considered. It is for staff so that they are aware of the process to follow, and for students so that there is complete transparency about the University's approach.

Regulations

1 Introduction and scope

1.1 An academic appeal is a request to review a decision made by an academic body responsible for deciding student progression, assessments and awards. At Edge Hill these bodies are: assessment and award boards, academic malpractice panels and fitness for practise panels.

1.2 An academic appeal cannot be submitted against:

- decisions made under the Student Disciplinary Regulations
- decisions made by bodies other than those listed in 1.1
- complaints about the student learning experience

Separate procedures apply in these cases and a list of associated policies is provided under
section 9.

1.3 A student may only submit an academic appeal on one or more of the following grounds:

i. Procedural irregularity in the assessment process
ii. Bias or perceptions of bias

iii. Exceptional mitigating circumstances, details which were, for good reason, not previously available to the appropriate assessment boards

1.4 The following matters do not, of themselves, form grounds for an appeal:

i. Disagreement with a mark or grade
ii. Dispute of a degree classification awarded
iii. Challenges to academic judgements of examiners on an assessment outcome or the level of award recommended or granted
iv. Claims that academic performance was adversely affected by factors such as ill-health, where there is no independent, medical or other evidence to substantiate this
v. Disagreement with the outcome of a properly considered exceptional mitigating circumstances claim
vi. Complaints against the delivery of teaching and methods of assessment
vii. Appeals where no new circumstances are presented or where there is no justification for failing to present the circumstances to the original board/panel

1.5 An academic appeal can only be submitted once the relevant decision has been made and the result formally communicated to the student. All such formal results notifications to students will include information on the right of appeal.

1.6 Where the issue raised affects a number of students, a group appeal may be submitted provided the group nominates one student to act as the group representative. All students included within a group appeal must sign the notification form so that the University can be confident that the submission fairly represents the views of all members of the group.

1.7 The Academic Appeals Procedures apply to all students enrolled or registered for an award made by Edge Hill University whether the programme is delivered directly by the University or through a collaborative arrangement with a partner institution.

2. Principles

2.1 The Academic Appeals Procedures give all Edge Hill students the opportunity to seek redress if there are grounds to indicate an irregularity has occurred. The procedures also enable corrective action to be taken where there is good reason why the University made a decision without full knowledge or awareness of all relevant circumstances.

2.2 The Academic Appeals Procedures shall be operated in a climate of mutual respect, where:

i. any student who wishes to submit an academic appeal feels able to do so without fear of reprisal

ii. proper submission of an academic appeal does not disadvantage the student

iii. the student is responsible for raising all relevant issues and providing all supporting documentation, including evidence, when they submit an academic appeal

iv. student expectations about possible outcomes are managed appropriately. If their expectations appear to go beyond what the University can reasonably provide, the student will be advised of this in writing

v. all information relating to academic appeals is kept confidential, except where sharing information is necessary to progress, investigate or respond to the matter

vi. decisions are made objectively at all stages of the process by people with no conflict of interest. Officers considering academic appeals are required to declare to the Academic Registrar if any case of an academic appeal presents a conflict of interest. In such cases the Academic Registrar will designate another officer of equivalent standing to undertake that stage of the process

vii. students are encouraged to obtain advice and support throughout the process. Academic Registry can provide advice on the operation of these regulations, the Students' Union Advice and Representation Centre can provide support, advocacy and advice independent of the University

viii. attention is given to identifying academic appeals that require particularly swift action. This includes, but is not limited to, cases where the impact of the issues raised may be detrimental to the student's mental health. It also includes cases where external time limits apply, for example in meeting regulatory requirements for the completion of professional courses

2.3 The University accepts that the circumstances of an appeals process may cause people to act out of character and become persistent, angry or upset. However, an academic appeal may be suspended by the Academic Registrar if a student behaves unreasonably or makes unacceptable demands. Should the Academic Registrar decide to suspend an appeal, the student will receive a written explanation of the reasons for doing so.

2.4 When considering all academic appeals the University will ensure that due attention is given to items declared in the appeal that do not fall into the category of an academic appeal. Where such items are identified, students will be advised about next steps for progressing matters that fall outside the Academic Appeals Procedures.

2.5 In some instances the University will also be bound by professional body requirements when making decisions on academic appeals and in all relevant cases professional body standards will be maintained.

2.6 Overarching all stages of the Academic Appeals Procedures is the Equality Act 2010.

3. Establishing a case

3.1 All requests for an academic appeal must be completed on an academic appeal notification form and should:

i. indicate which of the grounds set out in paragraph 1.3 the request is based on
ii. include clearly stated facts that support the appeal
iii. provide sufficient evidence to support the case being made
iv. be submitted by the stipulated deadline

3.2 All academic appeals must be received, in full, within 10 working days of the decision being published. All relevant notification letters will include a specific deadline for students to submit an academic appeal.

3.3 Academic appeals submitted outside the specified deadline will normally be ruled invalid. In exceptional circumstances, the Academic Registrar may exercise flexibility in the deadline where a student makes a demonstrable

case that they would not reasonably be able to submit by the deadline. In such cases the student must contact the Academic Registrar detailing the reasons for the delay and stipulate the date that the academic appeal will be available for consideration. The Academic Registrar reserves the right to extend a submission deadline or to rule that an application cannot be submitted late.

3.4 All academic appeals are logged by the University and will be acknowledged by way of a receipt to the student within 10 working days of the University receiving the appeal.

3.5 Upon receiving an academic appeal, the Academic Appeals Officer will consider whether an appeal has met the criteria for appeal and assess if the application is coherent, timely and complete.

3.6 If the appeal is admissible under these regulations, the Academic Appeals Officer will progress the appeal to ‘stage one’ and the process described under section 4 will be followed.

3.7 If the academic appeal does not meet the criteria stated under 3.1 the appeal will not be progressed to stage one and the case will be dismissed. The Academic Appeals Officer will, within 20 working days of receipt, inform the student of the reasons for this decision and will set out the right of review, as described under Section 6.

4. Stage one: review of case

4.1 Where a case has been established on the grounds of new information the appeal will be referred to the Chair of the relevant academic body. The Academic Appeals Officer will request that the Chair reconsiders the original decision in light of the new circumstances and evidence presented.

4.2 Where a case is established that directly calls into question the operation of an academic body, the Academic Appeals Officer will refer the case for consideration to a Dean or Associate Dean of Faculty who was not involved in the panel or board proceedings.

4.3 The designated officer shall investigate the academic appeal in consultation with others as they deem appropriate and a decision will be reported to the Academic Appeals Officer.

4.4 The Academic Appeals Officer will inform the student of the decision, normally within 20 working days from the date of the referral to stage one. The letter to the student shall set out a summary of the issues considered, the decision taken, the reasoning for that decision and the student's options if they are dissatisfied with the outcome.

4.5 If the student is not satisfied with the response from stage one of the process, they have the right to appear before an academic appeal panel (see sections 5 and 6.2).

5. Stage two: academic appeal panel

5.1 Where an eligible student requests for an academic appeal panel to be convened, the panel shall normally meet within 20 working days of receipt of the request.

5.2 The panel will be constituted as follows:

- Chair: Dean/Associate Dean of Faculty (not from the same Faculty as the student), Dean of Service or Academic Head of Department
- One member of teaching staff who is not associated with the teaching of the student;
- An elected representative of the Students' Union
- A non-voting secretary
- The Academic Registrar or their nominee may attend to offer procedural advice and guidance to the panel

For regulated programmes: where an external representative of the profession concerned was involved in the original decision making process, the appeal

panel will also include an equivalent professional who has no prior association with the student.

5.3 The student will be notified in writing of the date, time and place of the panel meeting and shall be given no less than 10 working days' notice.

5.4 The stage one reviewing officer will be required to prepare a report of proceedings to date for the panel and student's consideration. He/she shall have the right to attend and be heard at the academic appeals panel. The Head of Department or Curriculum Area is also entitled to attend and to speak.

5.5 The student may provide additional written material for the panel's consideration and has the right to attend the panel meeting. The student may also be accompanied to the meeting by a friend. Appendix 23 to the Academic Regulations provides further details on the role of a student's friend in academic conduct procedures.

5.6 Any additional written material and the name and standing of any friend must be submitted to the Secretary to the panel by no less than five working days before the meeting.

5.7 At the panel meeting both the student and the reviewing officer under stage one (or their nominated representative) will be invited to present their case. Both parties may be questioned by members of the appeals panel. Each party will be given the opportunity to question the other under the guidance of the Chair of the academic appeals panel.

5.8 If, for good reason, the student is unable to attend the meeting then the meeting may be reconvened at a subsequent date. If the student declines the invitation to attend the meeting for voluntary reasons or fails to attend without prior notification, the panel may proceed in the student's absence.

5.9 The terms of reference for an academic appeals panel are to consider:

i. were the relevant procedures followed during the formal stage?
ii. was the outcome reasonable in all the circumstances?
iii. has new material evidence been provided?
iv. if new material evidence has been provided, has the student given valid reasons for not supplying this earlier?

5.10 The outcome of an academic appeals panel will be to either:

i. Dismiss the academic appeal; or
ii. Uphold the appeal and return a recommendation to the Chair of the original board or panel for the implementation of the panel's decision[1].

5.11 The decision of the panel may be reported verbally to the student by the Chair as soon as possible following the meeting and will be confirmed in writing by the secretary to the academic appeals panel within 10 working days of the panel.

5.12 A completion of procedures notification will be issued with the decision letter to advise the student that the University's procedures are complete and to inform the student of any further right of review (see Section 6: Right of Review).

6 Right of Review

6.1 *Initial application*

i. If a student is dissatisfied with the decision made by the Academic Appeals Officer under paragraph 3.5, they may request that it is reviewed by the Academic Registrar. Such a request must:

a. be in writing to the Academic Registrar
b. be submitted within 10 working days of receiving the Academic Appeals Officer's response
c. set out the full reasons why they believe the decision of the Academic Appeals Officer is incorrect

ii. The Academic Registrar shall acknowledge the request within 10 working days from receipt of the request. The decision of the Academic Appeals Officer will be reviewed to ensure it was made correctly, according to paragraph 3.1. The student will be informed in writing of the outcome and the reasons for it, normally within 20 working days of the request being received.

iii. If the Academic Registrar upholds the decision of the Academic Appeals Officer, the student will receive a letter clearly stating that the University's internal appeals procedure has now been completed. A completion of procedures letter will then be issued which informs the student of their right to refer their case to the Office of the Independent Adjudicator (OIA) for review if they remain dissatisfied.

iv. If the Academic Registrar overturns the decision of the Academic Appeals Officer, then the student will be advised that the academic appeal has progressed to stage one.

[1] Where professional body approval is required, the implementation of the Appeals Panel decision will be subject to consultation with the professional body.

6.2 *Stage one: review of case*

i. Where a case has progressed to stage one but the student remains dissatisfied with the outcome, the student has the right to request that an academic appeals panel be convened so that they can present their case in person.

ii. To request an academic appeals panel, the student must contact the Academic Registrar in writing within 10 working days from the date of the stage one decision notification letter.

iii. If no appeals panel is requested within 10 working days then a letter will be issued to indicate that the case will be closed.

6.3 *Stage two: academic appeal panel*

Students who remain dissatisfied after completing stage one may refer their case to the Office of the Independent Adjudicator (OIA) for review. Referrals to the OIA are normally only accepted when all the University's internal procedures have been exhausted. Further details on how to refer a matter to the OIA will be outlined in the completion of procedures letter which will be issued as part of the notification to the student of the outcome of the appeal.

7. Redress

7.1 In all cases where an appeal is upheld the University will undertake to restore the student's original position, in so far as is practicably possible.

7.2 The University disclaims all responsibility for any financial or other implications relating to the student, or any party acting on his/her behalf, as a result of a decision properly made by the University. The University may however meet reasonable and proportionate expenses necessarily incurred by a successful appellant where it is accepted that fault rests with the University.

7.3 Where an academic appeal is upheld, the University will consider whether it is appropriate to issue an apology to the student. Where an apology is issued, it will be made promptly and:

- acknowledge the failure
- accept responsibility for it
- explain clearly why the failure happened
- express sincere regret for any resulting injustice or hardship
- set out the action taken to remedy the matters complained about

8. Monitoring and enhancement

8.1 Oversight of the appeals procedures is maintained by the Academic Quality Enhancement Committee (AQEC), which receives an annual report on numbers, types and outcomes of appeals.

8.2 Reports to AQEC may also include other factors considered as relevant at the time. These analytical reports will identify the root cause of concerns and lessons learned to enable the University to take action to reduce the chance of problems reoccurring.

8.3 Students' Union members sit on AQEC. This enables student involvement in and transparency about the University's actions in response to issues identified through the appeal process.

Key to Relevant Documents

9. Related Guidance

The following is a list of policies, procedures and guidance that students may wish to refer to when considering whether the matter of their circumstances constitutes an academic appeal:

- Complaints Procedure
- Equality and Diversity Policy
- Student Debt Policy
- Student Disciplinary Regulations

Annexes

There are no annexes to this policy.

End matter

Title	Appendix 22: Appeals Procedures
Policy Owner	Academic Registrar & Clerk to Governors
Lead for Updates	Senior Registrar: Student Cases Manager
Policy Contributor	Academic Registrar & Clerk to Governors
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