

# 2M: Academic Appeal Policy

Quality Management

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## Introduction

1. The University is committed to having in place fair, effective and timely procedures for handling student academic appeals.
2. The University defines an appeal as “a request for a review of a decision of an academic body charged with making decisions on student progress, assessment and awards”.
3. The policy and procedure apply to all current students and may be accessed without concern that they may be treated less favourably as a result of an appeal.
4. Where a student raises new Extenuating Circumstances these will be treated in line with the University’s Extenuating Circumstances Policy.
5. The procedure shall enable the process to be conducted in a timely, fair and reasonable manner, and have due regard to any applicable law.
6. The University will ensure that appropriate action is taken following an appeal to communicate decisions to all parties and ensure that these are acted upon in a fair and timely manner.
7. The University will ensure that appropriate guidance and support is available for persons making an academic appeal, including those studying at partner institutions or by distance-learning.
8. The University will have effective arrangements, through its Academic Board, to monitor, evaluate and improve the effectiveness of its policy and procedure and to reflect on the outcomes for enhancement purposes.
9. This policy relates to:
  - a) An appeal against the decision of a Progression and Award Board (PAB);
  - b) An appeal against the decision of a Extenuating Circumstances Panel; and,
  - c) An appeal against the decision to withdraw a student on the grounds of non-attendance.
10. The University shall ensure that suitable briefing and support is provided for all staff and students involved in handling or supporting appeals.
11. The policy does not cover the following matters, for which separate procedures exist:
  - i. disciplinary matters (Student Disciplinary Procedure);

- ii. complaints relating to the Solent Students' Union (further information can be sought from the President of the Students' Union);
  - iii. complaints of personal misconduct against a member of staff (refer to the Student Complaints policy);
  - iv. appeals made by postgraduate research students (refer to section 2R of the Academic Handbook); and
  - v. complaints of specific concern or expression of dissatisfaction about the courses, facilities or services provided by the University, or about actions or lack of actions by the University and its staff (refer to the Student Complaints policy).
12. Where an appeal at either stage of the process is deemed to fall under the separate procedures listed above, the University will inform the student that the matters raised have been referred to be dealt with under the appropriate procedure.
13. The University takes all appeals seriously and expects students to submit any appeal in a responsible manner. Where the University receives a frivolous or vexatious appeal, the University will terminate consideration of the matter and inform the student of the reasons for doing so and any right of appeal against that decision. Examples of such 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 what may be 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.
14. An appeal can only be lodged by the student and cannot be made by a third party, other than in circumstances where, at the time allowed for the appeal to be lodged, the student is suffering from such physical or mental incapacity as to prevent the student acting for himself/herself.
15. A two-stage process is operated by the University: an initial appeal being made to the Assessment and Ceremonies Manager or the Head of Student Registry Services and Student Systems for Extenuating Circumstances appeals, with further recourse to a request for an academic appeal review to the Head of Compliance if the appeal is not resolved to the satisfaction of the student.
16. Where students receive their formally published results, and are unclear on any terminology or the impact of these results, they should in the first instance contact the Student Hub who can advise students on their results. Where they remain dissatisfied, students have the right to submit an academic appeal.

## Grounds for Appeal

17. The University defines academic judgement as “A decision about scholarship that only a suitably experienced academic can make”, similar to the definition used by the Office of the Independent Adjudicator. There is no right of appeal by students against the academic judgements of academic staff or of recognised committees of the Academic Board, including Extenuating Circumstances Panel or Progression and Award Boards, i.e. a student cannot query or appeal a mark or grade given for an assessment except where there has been an irregularity in the assessment process.
18. A student may appeal the decision of a Board or a Panel where:
  - i. new, relevant, written extenuating circumstances are presented (see University Extenuating Circumstances policy), supported by appropriate evidence, that for good reason were not originally made available to the Extenuating Circumstances panel, and therefore were not considered at the time of the decision of the Board;
  - ii. processes were not conducted in accordance with current approved policies and procedures or other irregularity concerned with the assessment process;
  - iii. there has been a material and significant error in the recording and/or processing of assessments/results;
  - iv. there has been a procedural error in the calculation of the award/progression decision; or
  - v. academic penalties were not applied in accordance with current approved policies and procedures.
19. In making an academic appeal the burden of proof is on the student to show that one of the matters listed in paragraph 18 applies.
20. The standard of proof in academic appeals is on the ‘balance of probability’ rather than ‘beyond all reasonable doubt’.
21. A student wishing to appeal the decision of a Board must submit an appeal in writing to the Assessment and Ceremonies Manager within 10 working days of the date of the results publication. Where an appeal is received outside of this deadline it will be considered at the discretion of the Assessment and Ceremonies Manager.
22. The Assessment and Ceremonies Manager, on behalf of the Chair of the relevant assessment board, will investigate the appeal and provide a written response within ten working days of receipt of the appeal.
23. A student wishing to appeal the decision of an Extenuating Circumstances Panel must submit an appeal in writing to the Head of Registry Services and Student Systems within 10 working days of the date of receipt of the decision. Where an appeal is received outside of this deadline it will be considered at the discretion of the Head of Registry Services and Student Systems.

24. The Head of Registry Services and Student Systems will investigate the appeal and provide a written response within ten working days of receipt of the appeal.

### **Appealing a Non-Attendance Withdrawal**

25. Where a student, following implementation of the University's attendance policy, has been withdrawn from the course they have the right to appeal this decision.
26. A student wishing to appeal the decision where they have been withdrawn on the basis of non-attendance must submit an appeal in writing to the Assessment and Ceremonies Manager within 10 working days of the notification of withdrawal. Where an appeal is received outside of this deadline it will be considered at the discretion of the Assessment and Ceremonies Manager.
27. The Assessment and Ceremonies Manager, on behalf of the Chair of the relevant assessment board, will investigate the appeal and provide a written response within 10 working days of receipt of the appeal.

### **Academic Appeal Review**

28. Where the appeal is not resolved to the satisfaction of the student, they may request an academic appeal review through the office of the Head of Compliance, Academic Services.
29. A request for an academic appeal review to the Head of Compliance must be made in writing within 10 working days of receipt of the appeal outcome. Where a request for an academic appeal review is received outside of these deadlines it will be considered at the discretion of the Head of Compliance.
30. The Head of Compliance (or nominee) shall assess whether there are valid grounds for appeal.
31. Where the Head of Compliance, on the basis of evidence, upholds the appeal, the Chair of the relevant Assessment Board or the Extenuating Circumstances Panel will be required to take Chair's action to amend the decision of the Board or Panel.
32. Where elements of the appeal relate to non-procedural matters, the Head of Compliance will consult with the Chair of the relevant Board or Panel.
33. Where the Head of Compliance, having reviewed the appeal, considers that there is ambiguity in the procedures or evidence an appeal panel will be convened, to which the appellant will be invited.
34. Where there are no grounds for appeal, the student will be informed and notified that this marks the end of the University's internal procedures.

## **The Appeal Panel**

35. The composition of each panel shall be:
  - i. Chair to be a Director of School or Academic Registrar;
  - ii. one academic staff member, independent of the school/service to which the appeal relates;
  - iii. one member drawn from Academic Board or the Learning, Teaching and Student Achievement Committee (LTSAC); and
  - iv. the President of Solent Students' Union or a sabbatical or an elected officer of the Students' Union, nominated by the President.
36. A quorum for a panel shall be three members, one of whom must be the Chair.
37. A member of staff from Academic Services will serve as the Secretary of the Panel and advise the Panel on procedural issues and record the decisions of the panel.

## **Decision of an Appeal Panel**

38. The panel shall make recommendations by majority vote. In the event of an equality of votes, the Chair shall have a casting vote.
39. The Progression and Award Board or Extenuating Circumstances Panel Chair is required to accept the decision of the appeal panel.
40. Where the appeal is rejected or not resolved to the student's satisfaction at the formal appeal stage, they will be informed in writing that this will mark the end of the University's appeals process.

## **External Examiners**

41. The appropriate External Examiner will be informed of any changes to Board decisions made as a result of an academic appeal that results in a change to a progression or award decision.

## **End of the internal procedure relating to an academic appeal**

42. Where the student has exhausted the University's internal appeals processes the University will provide the student with a 'Completion of Procedures Letter'. The letter will draw the student's attention to the Office of the Independent Adjudicator

for Higher Education Student Complaints Scheme, to whom any final appeal can be made.

## **Monitoring and Reporting**

43. Academic Services will maintain a record of appeal outcomes and ensure that appropriate action has been taken in response to specific appeals.

An annual report on academic appeals will be provided to Academic Board and the Board of Governors.