

Academic Handbook  
Section 4M  
Academic Appeal Procedure

Version: 2.5

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Approved by: Academic Registrar

Last updated: September 2023

Review date: July 2024

## 1. Introduction

- 1.1. This procedure relates to:
  - 1.1.1. An appeal against the decision of a Progression and Award Board (PAB); and,
  - 1.1.2. An appeal against the decision to withdraw a student on the grounds of non-attendance.
- 1.2. When you receive your end of year results you may not always feel the decision of the Board is correct. If this is the case, you can appeal this and ask that the decision is reconsidered.
- 1.3. In line with the QAA's Quality Code for Higher Education, the University defines an appeal as: "A request for a review of a decision of an academic body around a mark, outcome or decision. Students may appeal an outcome on the basis of evidence or procedure, but not on the basis of disagreement with academic judgement." (please note that the term 'student' refers to all types of learners, for example apprentices and cadets).
- 1.4. The University will assess your appeal against the criteria set out in the University's policy and procedure. While you may not get the outcome you wanted, we will always give your appeal serious consideration.
- 1.5. In making an academic appeal the burden of proof is on the student to show that one of the matters listed in paragraph 3 applies.
- 1.6. The standard of proof in academic appeals is on the 'balance of probability' rather than 'beyond all reasonable doubt'.
- 1.7. The policy and procedure applies to all current students. You can appeal without any concern that you may be treated less favourably as a result of an appeal.
- 1.8. Where you raise new Extenuating Circumstances (EC) these will be treated in line with the University's Extenuating Circumstances Policy.
- 1.9. Where you have a recorded specific learning disabilities (e.g. dyslexia, dyspraxia) you may request an extension to the normal appeal deadlines.
- 1.10. For help and advice in using this procedure, please see the contact information at the end of this document.

## 2. What cannot be appealed?

- 2.1. Like the Office of the Independent Adjudicator (OIA), the University defines academic judgement as "A decision about scholarship that only a suitably experienced academic can make". You cannot appeal academic judgement. This means that you cannot ask for a review of your mark or grade just because you think it is worth more than the lecturer has given.
- 2.2. In addition, the appeals procedure does not cover the following matters, for which separate procedures exist, as indicated in brackets below:
  - 2.2.1. disciplinary matters (Student Disciplinary Procedure);
  - 2.2.2. complaints relating to the Solent Students' Union (further information can be sought from the President of the Students' Union);
  - 2.2.3. complaints of personal misconduct against a member of staff (refer to the Student Complaint Procedure);
  - 2.2.4. research students (the appeals procedure is set out in Section 2R: Examination of Research Awards, of the University's Academic Handbook); and
  - 2.2.5. 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 (see the Student Complaint Procedure).

2.3. Where an appeal at either stage of the process is deemed to fall under the separate procedures listed above, the University will inform you that the matters you have raised have been referred to be dealt with under the appropriate procedure. Where this is the case any time limits for the new procedure will begin again from the date of referral.

### **3. What can be appealed?**

3.1. You may appeal the decision of a Board where:

3.1.1. 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 Progression and Award Board;

3.1.2. processes were not conducted in accordance with current approved policies and procedures or there was other irregularity concerned with the assessment process;

3.1.3. there has been a material and significant error in the recording and/or processing of assessments/results;

3.1.4. there has been a procedural error in the calculation of the award/progression decision;

3.1.5. academic penalties were not applied in accordance with current approved policies and procedures.

### **4. Making an appeal**

4.1. If you wish to appeal the decision of the Progression and Award Board you must put it in writing to the Student Registry within ten working days of the date of the formal results publication.

4.2. Where an appeal is received outside of this deadline it will be considered at the discretion of the Student Registry Team Leader (or nominee).

4.3. To raise an appeal you should complete the University's 'Academic Appeal Form'. You can download this from the results page on the student portal or get one from the Student Hub. You need to state what your reasons are for appealing the decision of the Board and provide any relevant evidence.

4.4. An appeal can normally only be lodged by you and cannot be made by a third party (parents/friends etc.). The only exception is where you are seriously physically or mentally unwell and cannot act for yourself. If this is the case, evidence must be provided. In accordance with the Data Protection Act, the University will only enter into correspondence with a third party where you have provided written authorisation.

4.5. The Student Registry, on behalf of the Chair of the Progression and Award Board, will investigate your appeal and you can normally expect a formal response to be made within ten working days of receipt of the appeal.

4.6. While the Student Registry will normally reply to your appeal within the timescales mentioned, there may be circumstances where they cannot reasonably do so. If that is the case, they will inform you.

## 5. Extenuating circumstances

- 5.1. Appeals concerning new Extenuating Circumstances will be referred to the Chair of the University's Extenuating Circumstances Panel for a decision. You must present compelling evidence (see the Extenuating Circumstances Procedure) as to why you could not submit your Extenuating Circumstances at the appropriate time.
- 5.2. Where you are appealing the decision of an Extenuating Circumstances panel you must explain why you believe the panel did not process your original claim appropriately. In such circumstances the evidence will be considered by a member of staff independent from the original Extenuating Circumstances panel decision.
- 5.3. **You cannot appeal on the grounds of extenuating circumstances if you submitted the assessment or sat the examination except where you are requesting Extenuating Circumstances for a late submission.**
- 5.4. Where the Extenuating Circumstances is accepted, the appeal shall be referred back to the Student Registry team for your results to be amended as appropriate.
- 5.5. If the Student Registry, on behalf of the Chair of the relevant Board, rejects the appeal, they will inform you in writing giving the reasons.
- 5.6. This marks the end of the appeal stage of the process. If you believe the decision is incorrect you may request an Academic Appeal Review.

## 6. Appealing a non-attendance withdrawal

- 6.1. 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.
- 6.2. 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 Student Registry within ten 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 Student Registry Team Leader.
- 6.3. The Student Registry, on behalf of the Chair of the relevant board, will investigate the appeal and provide a written response within ten working days of receipt of the appeal.
- 6.4. This marks the end of the appeal stage of the process. If you believe the decision is incorrect you may request an Academic Appeal Review.

## 7. Academic appeal review

- 7.1. If your appeal has not been resolved to your satisfaction, you have the right to formally request an academic appeal review. If you wish to request an appeal review you should write, within ten working days of notification of the outcome of the academic appeal, to: [appeals.complaints@solent.ac.uk](mailto:appeals.complaints@solent.ac.uk).
- 7.2. Where an appeal is received outside of this deadline it will be considered at the discretion of the Complaints and Appeals Manager.
- 7.3. In your letter you should state in full the grounds on which you are requesting an appeal review and provide any necessary supporting evidence.
- 7.4. An appeal review request will normally be considered on the basis of the documentary evidence. It will not normally be necessary for an appeal review panel to be convened.
- 7.5. The Complaints and Appeals Manager will investigate your appeal review request.

- 7.6. Where elements of the appeal review request relate to academic issues, the Complaints and Appeals Manager will consult with the Chair of the relevant Board.
- 7.7. The Complaints and Appeals Manager shall determine whether you have valid grounds under these regulations. To assist in this process they may request further information from you. You should try and get this information to them as soon as possible. The timescale for a decision on the appeal review request will start again from the receipt of such additional evidence.
- 7.8. If Complaints and Appeals Manager deems there are no valid grounds, this shall be communicated in writing to you within ten working days of the receipt of the appeal review request (or any additional evidence, as above). This marks the end of the University's formal appeals procedure.
- 7.9. If you still believe that the University has made an incorrect decision, you have the option to take your appeal to the Office of the Independent Adjudicator for Higher Education Student Complaints Scheme (see below).
- 7.10. If it is decided that there are grounds to be considered under these procedures, the Complaints and Appeals Manager will either:
  - 7.10.1. Where the evidence provided demonstrates conclusively that there has been a procedural irregularity, an error in the recording of results, or where new extenuating circumstances have been accepted, Chair's action will be taken to amend the decision of the Board; or
  - 7.10.2. Where the Complaints and Appeals Manager, having reviewed the appeal review request, considers that there is ambiguity in the procedures or evidence an appeal review panel will be convened, to which you will be invited.

## **8. The appeal review panel**

- 8.1. The purpose of the Appeal Review Panel is to review the decision of the Board. The panel will normally be held within twenty working days of you being informed that an appeal review meeting is to be held.
- 8.2. To make sure that you receive a fair hearing, no-one on the panel will have been involved in any previous stage of the appeal or teach on your course.
- 8.3. The composition of each panel shall consist of:
  - 8.3.1. Chair to be a Head or Associate Head of Department;
  - 8.3.2. one staff member of the Academic Board or Education Committee;
  - 8.3.3. one member of academic staff, independent of the department in which the course is based; and
  - 8.3.4. the President of Solent Students' Union or a sabbatical or an elected officer of the Students' Union, nominated by the President.
- 8.4. A quorum for a panel shall be three members, one of whom must be the Chair.
- 8.5. A member of staff from Student Registry will serve as the Secretary of the panel, advise on procedural issues, and record the decision of the panel.
- 8.6. If you do not wish to attend the panel meeting you can submit further written evidence to support your case. Written additions to the case must be received by the Complaints and Appeals Manager at least five working days before the panel meets.
- 8.7. You may be accompanied to the panel by a friend/representative<sup>1</sup> and they shall also have the

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<sup>1</sup> The definition of friend/representative excludes professional representation, unless the case is made that this would not be natural justice

right to address the panel. You can only call witnesses with the prior agreement of the Chair of the panel.

8.8. Under no circumstances shall the University be responsible for the costs incurred by the friend/representative.

## **9. Meeting of the appeal review panel**

9.1. The University will ensure that all parties have equal access to the evidence, both written and oral, which will be used as a basis for determining the outcome.

9.2. The procedure of each panel shall be in the following order:

9.2.1. the panel, in private, considers the written evidence and determines matters for clarification and decides in which order it wishes to interview the parties;

9.2.2. the student with friend / representative and relevant members of staff shall be invited into the panel meeting in turn;

9.2.3. the panel shall interview you with your friend/representative and University staff in the order it thinks fit, first allowing each party to present their case, and then asking questions on matters of clarification;

9.2.4. you shall be given a final opportunity to say anything that you have not been able to raise during the course of the appeal;

9.2.5. you and your friend/representative and the University staff then leave the panel.

9.2.6. the panel considers the case and all relevant evidence and makes a decision or recommendation.

## **10. Resolution of an appeal review**

10.1. You will be sent a copy of the panel report and recommendation within ten working days of the date of the panel.

10.2. A panel may decide that your grounds for appeal are valid and will request that the Board amends its decision.

10.3. Where attending an appeal panel would result in financial hardship, you can apply to the University to help meet these costs.

10.4. A panel may decide in relation to the grounds of the appeal that there is no substance to your case and reject the appeal. You will be provided with a copy of the panel report explaining the reasons. This marks the end of the University's appeals process. The University will send you a 'Completion of Procedures' letter informing you of the decision. The letter will also provide you with details of the Office of the Independent Adjudicator for Higher Education Student Complaints Scheme.

## **11. Completion of procedures**

11.1. If you are unhappy with the decision of the University you can take your appeal to the Office of the Independent Adjudicator for Higher Education (OIA).

11.2. You must send an application form within twelve months of the date of the letter giving the University's decision on your appeal review request.

11.3. You can fill in the OIA's complaint form online or download a copy from the OIA website.

<https://www.oiahe.org.uk/students/how-to-complain-to-us/>. The OIA also publishes An Introduction to the OIA Scheme for Students, which can be downloaded from <https://www.oiahe.org.uk/students/can-you-complain-to-us/>.

## **12. Accessibility**

12.1. The academic appeals procedure is designed to be accessible to all students. If you have any special needs that prevent you using the procedure as set out above then please contact the Complaints and Appeals Manager on 023 8201 3808 or email [appeals.complaints@solent.ac.uk](mailto:appeals.complaints@solent.ac.uk).

## **13. Support contact details**

13.1. For help and guidance on using these procedures please contact the Student Hub, the Student Union's Academic Caseworker or the Complaints & Appeals team:

Students' Union Academic Caseworker

T: 023 8201 6432

E: [suadvice@solent.ac.uk](mailto:suadvice@solent.ac.uk)

Student Hub

T: 023 8201 5200

E: [student.hub@solent.ac.uk](mailto:student.hub@solent.ac.uk)

Complaints and Appeals Manager

Academic Registry

T: 023 8201 6808

E: [appeals.complaints@solent.ac.uk](mailto:appeals.complaints@solent.ac.uk)