

Forms for submitting an appeal, together with explanatory notes and procedures, are available from UniHub <http://unihub.mdx.ac.uk/study/assess/appeals/index.aspx>

Throughout these regulations, the role of Secretary to Academic Board may be delegated to a senior manager reporting directly to the Secretary to Academic Board.

### **G1 Definition of an appeal**

**G1.1** An appeal is a request from a student for a reconsideration of a decision made by an Assessment Board or Programme Progression Board (hereafter included in the term 'Assessment Board') regarding his/her assessment, progression or award.

An academic appeal relates to the outcome of an assessment or examination, or a student's progression, and may be based on:

- a) Extenuating or mitigating circumstances where, for good reason, the Assessment Board was not made aware of a significant factor relating to the assessment of a student when it made its original decision;

**And/or**

- b) That there was a material error, either in the conduct of the assessment itself, or in the proceedings of the Assessment Board, which significantly affected the Assessment Board's decision;

**Or**

- c) Grounds listed in the Academic Misconduct regulations Section F8.4, following a penalty imposed for academic misconduct.

A successful appeal results in the Assessment Board reviewing its decision in the light of the new information initially provided by the student, although it does not necessarily mean that the original decision of the Assessment Board is changed.

**G1.2** An appeal may only be made against a published assessment result which has been confirmed by an Assessment Board. This includes decisions made by specially delegated Boards and provisional decisions made by a Board at which an External Examiner has not been present.

**G1.3** Management of group appeals: The principles and timescales outlined in these regulations will also apply to a group of students. The officer responsible for the management of the appeal will ensure that all members of the group are in agreement as to the nature of the appeal. Individual issues would normally be dealt with separately. With the agreement of the group the officer will respond to and liaise with a spokesperson. The outcome of the appeal will be communicated to all members of the group.

**G1.4** Students who have a complaint or grievance concerning the provision of a programme of study or academic service which they believe has affected the quality of their academic performance, should, before submitting an appeal, follow the Student Complaints and Grievance Procedures published within the Regulations.

### **G2 Before making a formal appeal: Early Resolution**

**G2.1** Except where G2.3(a) applies, the student must make every effort to discuss the problem with the Chair of the Assessment Board and/or any other appropriate member of the academic staff before submitting an appeal. This may result in the matter being resolved informally and quickly.

**G2.2** The Chair of Assessment Board will consider the case and may advise the student:

- a) That the Assessment Board will reconsider its decision taking account of this new information;
- b) That the Assessment Board's decision was based on a fair evaluation of the student's assessment performance and will not be reconsidered.

**G2.3** Except where (a) applies, there is a time limit of 28 calendar days from the date of the Assessment Board results being published for submission of a formal appeal to the Secretary to

Academic Board.

- a) If an appeal arises following due process of the Informal Nursing Appeal procedure, Academic Misconduct procedure or Student Complaints and Grievance procedure, the time limit is 10 working days from the date the student receives the written result of this procedure. Regulations G2.1 & G2.2 shall not apply.

### **G3 How to make a formal appeal**

**G3.1** Complete the appeal form from UniHub:  
<http://unihub.mdx.ac.uk/study/assess/appeals/index.aspx>

**G3.2** Submit the completed form, including the statement and evidence, by email to the Appeals Officer within the time limit specified in G2.3. If it is received later than this, it is likely to be rejected unless a statement is attached of the circumstances which prevented the deadline from being met, and this is accepted as valid by the Secretary to Academic Board.

**G3.3** An acknowledgement of receipt will be sent to the student within 5 working days. If this is not received, the student should contact the Appeals Officer without delay.

**G3.4** In normal circumstances, the University shall aim to complete the appeal process within 90 calendar days from receipt of the full appeal. There will occasionally be circumstances when, for good reason, the University will need to extend the timeframe and affected students will be notified.

### **G4 Progression of a student while an appeal is being considered**

**G4.1** The decision of the Assessment Board remains in force until it is formally notified by the Secretary to Academic Board to have been rescinded. Therefore the student remains responsible for:

- a) Conforming to the requirements for a referral, resubmission of work to be assessed or re-sitting an examination pending the outcome of the appeal;
- b) The consequence of not complying with these requirements should the subsequent decision of the appeal process not be in the student's favour.

**G4.2** While the appeal is being processed:

- a) Subject to regulation E2 and E3 concerning progression, the student shall normally be permitted by the Programme Progression Board to continue to the next stage of their studies, unless there are circumstances preventing it other than the decision in question of the Programme Progression Board. This will not prejudice the outcome of the appeal.
  - i. If the appeal concerns expulsion following an investigation into academic misconduct, the student is suspended and written permission is required from the Deputy Vice-Chancellor, Learning and Innovation or nominee for the student to continue to the next stage of their studies. The student shall email the request to [acappeal@mdx.ac.uk](mailto:acappeal@mdx.ac.uk). The Deputy Vice-Chancellor, Learning and Innovation or nominee has discretion not to permit the student to continue pending the outcome of the appeal.
  - ii. If the appeal concerns a failed prerequisite for placement, or the placement itself, written permission to attend a placement is required from the Chair of the Programme Progression Board. The Programme Progression Board, in exceptional circumstances, has discretion not to permit the student to enter, or to continue on placement pending the outcome of the appeal. This discretion may be exercised only where the Programme Progression Board judges that it would be against the interests of other people affected by the placement.
  - iii. This right is designed solely to ensure that a student whose appeal is upheld is not academically disadvantaged and it shall not be interpreted as acceptance of a failed student whose appeal is subsequently dismissed on a later stage of the programme, nor shall satisfactory progress during such attendance be admissible as evidence at any stage in the appeal procedure.
  - iv. During any such interim period of attendance, no fees would be demanded. In the event of the appeal ultimately being resolved in the student's favour and the student being formally reinstated onto the programme, the appropriate fee would be payable.

- b) The student may, if a final qualification has been made, inform prospective employers of the qualification awarded but that the decision may be reviewed following the appeal.
- c) The student may, if a finalist, attend the Graduation Ceremony.

**G4.3** The entitlement of the student to proceed on the programme of study will continue until the date of the letter formally notifying the student of the final outcome of their appeal (i.e., dismissal of the appeal or Assessment Board's reviewed decision). This letter will inform the student whether they are entitled to continue on the programme.

**G4.4** Students shall receive regular communication from the Appeals Officer regarding the progress of their appeal.

## **G5 Confidentiality**

**G5.1** The appeal is kept as confidential as possible and within the University. Students who notify the Appeals Officer that information has been included of a highly confidential and personal nature will, if requested, be informed in advance of the names of persons to whom the information will be disclosed.

## **G6 Consideration of Appeal**

### **G6.1 Initial Scrutiny**

- a) The appeal will be scrutinised by at least two members of Academic Registry
  - i. to ensure that the appeal documentation has been fully completed,
  - ii. to reach an initial view on whether sufficient evidence has been provided to merit consideration of a claim on one or more grounds for appeal.
- b) If there is insufficient evidence to merit consideration of the appeal on the grounds set out in section G1.1 of these regulations the appeal will be rejected, and a Letter of Outcome will be issued, normally within 50 calendar days from receipt of the full appeal, providing reasons for the appeal being rejected. A student whose appeal has been rejected may request:

#### **Either,**

an internal review of that decision by an independent reviewer within the University under section G10. Following the outcome to this review, the student may request an independent review by the Office of the Independent Adjudicator (OIA) under section G13 of these regulations;

#### **Or,**

an independent review by the Office of the Independent Adjudicator (OIA) under section G13 of these regulations. Students who wish to approach the OIA for review, and who are not seeking an internal review under section G10 of these regulations, will require a Completion of Procedures Letter to be issued by the University. A request for this letter must be made by email to the Appeals Officer within 28 calendar days of the date of the Appeal Letter of Outcome. A student may request a Completion of Procedures Letter after this deadline (see Regulation G13.1).

The Completion of Procedures letter will state that the student has not completed the University's internal processes. The student will be required to present exceptional reasons to the OIA for not requesting the University to review the appeal.

- c) Where an appeal has not been rejected under G6.1(b), the recommended outcome of initial scrutiny will be reported to the Secretary to Academic Board who will
  - i. Where necessary, request the Chair of the Assessment Board or any other appropriate person to provide information in the form of a written statement, suitable for use, if required, as evidence at an Appeal Panel.
  - ii. Require the Chair of Assessment Board to take immediate action if the material error was an administrative error associated with the calculation of marks and/or award classification or title.
  - iii. Refer the appeal for consideration in accordance with section G7 of these regulations.
  - iv. Dismiss the appeal as without grounds. A Letter of Outcome will be issued, normally within 50 calendar days from receipt of the full appeal, providing reasons for the appeal being dismissed.

A student whose appeal has been dismissed may request:

**Either,**

an internal review of that decision by an independent reviewer within the University under section G10. Following the outcome to this review, the student may request an independent review by the Office of the Independent Adjudicator (OIA) under section G13 of these regulations;

**Or,**

an independent review by the Office of the Independent Adjudicator (OIA) under section G13 of these regulations. Students who wish to approach the OIA for review and who are not seeking an internal review under section G10 of these regulations, will require a Completion of Procedures Letter to be issued by the University. A request for this letter must be made by email to the Appeals Officer within 28 calendar days of the date on the Appeal Letter of Outcome. A student may request a Completion of Procedures Letter after this deadline (see Regulation G13.1).

The Completion of Procedures letter will state that the student has not completed the University's internal processes. The student will be required to present exceptional reasons to the OIA for not requesting the University to review the appeal.

**G7 The grounds for appeal are established**

**G7.1** Where the Secretary to Academic Board considers that there may be ground for appeal:

- a) They may offer the appellant an informal settlement of their appeal, normally within 50 calendar days from receipt of the full appeal.
  - i. An informal settlement means that the Chair of the Assessment Board has agreed, on the recommendation of the Secretary to Academic Board, that the Assessment Board will review its decision. This does not necessarily mean that the original decision of the Assessment Board is changed.
  - ii. Where appropriate the Chair of the Assessment Board may take Chair's Action in the student's favour, and this decision must be reported, in due course, to the Assessment Board.
  - iii. The Assessment Board review shall involve full consideration of the student's case and shall be attended by the Secretary to Academic Board or their nominee to ensure that the reconvened Assessment Board has taken due and proper account of the student's case.
  - iv. The Assessment Board shall make special arrangements (which must involve External Examiners if appropriate) for reviewing an assessment decision as soon as possible after the Chair's agreement to offer an informal settlement to the appeal and at latest during the next scheduled meeting.
  - v. The Secretary to Academic Board shall notify the student of the decision of the reconvened Assessment Board within 28 calendar days of the date of the Board.
  - vi. The student may choose not to accept the offer of an informal settlement, but should note that an Appeal Panel may also only request an Assessment Board to review its decision. A letter from the student stating the decision not to accept this offer must be received by the Secretary to Academic Board within 10 working days of the date on the letter offering the informal settlement.
  - vii. A student's failure to reply in writing within 10 working days of the date on the letter offering an informal settlement shall be taken as acceptance of the offer.
- b) They may convene a meeting of an Appeal Panel because the option for representation by the student is warranted. The student should note that an Appeal Panel shall not necessarily require an Assessment Board to review its decision.

**G8 The Appeal Panel**

**G8.1** Following a decision under regulation G7.1(b), an Appeal Panel will normally be convened within 20 working days of notification of the outcome of initial scrutiny. It will normally consist of three members of staff drawn from the following groups: Senior managers of the University,

Programme Leaders, Directors of Programmes, together with one Student Union representative.

**G8.2** If the student chooses not to attend the Appeal Panel meeting, the Panel will normally proceed in their absence.

**G8.3** The Appeal Officer shall send agenda papers including all the appeal documents, if relevant, to the student (together with a copy for their companion), members of the Appeal Panel, the Chair of the Assessment Board, those in attendance and witnesses.

**G8.4** The Appeal Panel will consider the appeal and may:

- a) Uphold the appeal and refer the case back to the Assessment Board for reconsideration at a reconvened Board;
- b) Dismiss the appeal as without grounds. A Letter of Outcome will be issued, normally within 10 working days of the date of the Appeal Panel meeting, providing reasons for the appeal being dismissed. A student whose appeal has been dismissed may request:

**Either,**

an internal review of that decision by an independent reviewer within the University under section G10. Following the outcome to this review, the student may request an independent review by the Office of the Independent Adjudicator (OIA) under section G13 of these regulations;

**Or,**

an independent review by the Office of the Independent Adjudicator (OIA) under section G13 of these regulations. Students who wish to approach the OIA for review and who are not seeking an internal review under section G10 of these regulations, will require a Completion of Procedures Letter to be issued by the University. A request for this letter must be made by email to the Appeals Officer within 28 calendar days of the date on the Appeal Letter of Outcome. A student may request a Completion of Procedures Letter after this deadline (see Regulation G13.1).

The Completion of Procedures letter will state that the student has not completed the University's internal processes. The student will be required to present exceptional reasons to the OIA for not requesting the University to review the appeal.

**G8.5** The Appeal Panel has power to make any recommendations to the Dean of School, the Assessment Board or Academic Board, but the Appeal Panel may not dispute the academic judgement of the Assessment Board.

**G8.6** If the Chair of the Appeal Panel and the Secretary to Academic Board consider that the reconvened Assessment Board has not taken due and proper account of the recommendations of the Appeal Panel they will prepare a brief account of the circumstances for report to Academic Board.

## **G9 Powers of Academic Board**

**G9.1** After receiving a report as set out in G8.6 or in other, exceptional, circumstances, Academic Board may:

- a) Annul the decision of an Assessment Board;
- b) Annul the whole assessment or any part of it;
- c) Establish a new Assessment Board to carry out whatever actions are appropriate in order to make award recommendations;
- d) Take no action.

**G9.2** The decision of Academic Board is final and no further appeal is possible against it.

**G9.3** The academic appeal procedures of the University are now complete. Should the student wish to take the matter further, they must follow the guidance in G10.

**G10 Definition of a Review of the academic appeal process**

**G10.1** If the student is dissatisfied with the outcome of the appeal, they may, within 10 working days of receiving notification that the internal appeal procedures of the University have been completed, request a Review of the academic appeal process on any of the following grounds:

- a) That there is new and relevant evidence that the student was demonstrably and for the most exceptional reasons unable to present to the Secretary to Academic Board during the appeal process;
- b) That the appeal regulations and procedures were not complied with in such a way that materially affected the decision.
- c) That the decision reached was unreasonable based on the information that had been available to the University when the case was considered.

**G10.2** This is not a re-opening of the original appeal. Dissatisfaction with the outcome of the appeal is not alone a valid reason for requesting a Review.

**G10.3** The Review will be undertaken by a neutral Senior Manager of the University, who has not previously been involved in the appeal case, and who will be nominated by the Secretary to Academic Board.

**G10.4** The Review will include, but is not constrained to consideration of:

- a) Whether the outcome of the formal appeal process was reasonable in all the circumstances;
- b) Whether the relevant procedures were followed during the formal appeal stage;
- c) Whether the student has received clear reasons why the appeal was rejected or dismissed at the formal stage;
- d) Whether the student has provided valid reasons for not supplying new material evidence at an earlier stage.

**G11 How to request a Review of appeal**

**G11.1** Obtain a Review form from the link provided in the Academic Appeal Letter of Outcome.

**G11.2** Send the form, including the statement and any relevant evidence by email to the address on the form within 10 working days of the date of the Academic Appeal Letter of Outcome. If it is received later than this, it is likely to be rejected unless a statement is attached of the circumstances which prevented the deadline from being met, and this is accepted as valid by the Reviewer.

**G12 Consideration of a Review**

**G12.1** In normal circumstances, the University shall aim to complete the Review process within 10 working days from receipt of the Review request. There will occasionally be circumstances when, for good reason, the University will need to extend the timeframe and affected students will be notified.

**G12.2** The Reviewer shall:

- a) Scrutinise the documents received from the appellant, the full appeal case file including all documents available to and considered by the University in reaching its decision on the appeal, and, where relevant, the appropriate module and programme handbooks and University regulations;
- b) Request and consider any further information considered necessary to reach a just decision.

- c) Make their decision known in writing to the student and to members of staff. If further action is not required by the University, they shall also issue a Completion of Procedures Letter, normally within 20 working days of receipt of the Review request;
- d) Seek to resolve any injustice identified through appropriate action, which may include referring the case back to the formal appeal stage for reconsideration.
  - i. Any change to the formal appeal decision will be made with the agreement of the Assessment Board. The Assessment Board shall make special arrangements (which must involve the External Examiner Subject Board and External Examiner School Board if appropriate) for reconsidering an assessment decision if required to do so as a consequence of the Review, as soon as possible and at latest during the next scheduled meeting.
  - ii. Following completion of the Reviewer's recommended course of action, the appellant will be informed in writing of the decision of the University and the Appeals Office shall issue a Completion of Procedures Letter.

**G12.3** The decision of the Reviewer is final and no further appeal or request for review is possible against it.

**G12.4** The academic appeal review procedures of the University are now complete. Should the student wish to take the matter further, they must follow the guidance in G13.

### **G13 Higher Education Independent Adjudicator (OIA)**

**G13.1** Should the student wish to take the matter further, they may, within twelve months of receiving the Academic Appeal Letter of Outcome or, following an Internal Review, the Completion of Procedures letter, write to the OIA, Second Floor, Abbey Gate, 57-75 Kings Road, Reading RG1 3AB, United Kingdom, enclosing a copy of the Completion of Procedures letter requested from the University or issued by the University following an Internal Review, and stating reasons for seeking redress from the Higher Education Independent Adjudicator. Email enquiries may be sent to [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk). The website address is [www.oiahe.org.uk](http://www.oiahe.org.uk).

If the student requests the University to provide the Completion of Procedures letter beyond the 28 calendar day deadline specified in the Academic Appeal Letter of Outcome, the twelve month period of time for bringing the complaint to the OIA will run from the date of the Academic Appeal Letter of Outcome.

### **G14 General**

**G14.1** The Secretary to Academic Board may exceptionally modify any of the foregoing procedures to secure a just decision and shall inform Academic Board of such action in their annual report.

**G14.2** Any change of decision by the Assessment Board due to the appeal process shall not be to the student's disadvantage.

**G14.3** The Secretary to Academic Board has discretion not to consider an appeal from a student who has, without good reason, not complied with any given University requirement made of students in general.

**G14.4** Students who knowingly submit false or forged evidence at any stage of the appeal process forfeit their right to consideration of the case and render themselves liable to disciplinary proceedings.

**G14.5** If a student formally withdraws their appeal at any stage in the procedure no further action will be taken.

**G14.6** The consideration of an appeal is an internal matter and the papers are confidential to the University. The student may seek advice from any source. Should a student instruct solicitors at any stage of the appeal process the Secretary to Academic Board may consult the University

solicitors. The Academic Board procedure does not allow legal representation at an Appeal Panel hearing. Documents shall be kept on file for up to six years. After that, apart from a copy of the notification to a student of the final decision, they may be destroyed.

**G14.7** The Secretary to Academic Board reserves the right to dismiss an appeal because of breach of confidentiality by the student or where delay in reaching a decision is (in their opinion) caused by the student's failure to provide information upon request. In the latter case the student shall be warned in writing that the appeal shall be dismissed unless such information is received within 10 working days of the date of the written warning.

**G14.8** Where gross irregularity is alleged to have occurred, the Secretary to Academic Board may request special consideration by Academic Board.

**G14.9** The Secretary to Academic Board shall report annually to Academic Board on the number, distribution, grounds and outcome of appeals, and the Board shall undertake any necessary review of appeals work.

**G14.10** Formal interpretation of these regulations may only be made by the Secretary to Academic Board. Such formal interpretation shall be submitted to the Board for approval.

**G14.11** References to the Secretary to Academic Board include references to an Acting Secretary to Academic Board should the Secretary be unavailable.

**G14.12** The term 'Assessment Board' is used in these regulations to refer to Programme Progression Boards, Subject Assessment Boards, and School Assessment Boards, and covers all meetings where a decision is made concerning progression, module grade or degree classification.

**G14.13** Academic Board authority is required for changes to the Assessment Appeal regulations.

**G14.14** Where appropriate, and in accordance with F8.4 (academic misconduct) the Secretary to Academic Board is replaced in these procedures by the Deputy Vice-Chancellor Learning and Innovation or a Senior Manager with appropriate academic background.