

Forms for submitting an appeal, together with explanatory notes, are available from UniHub

<http://unihub.mdx.ac.uk/study/assess/appeals/index.aspx>

G1 Definition of an appeal

G1.1 An appeal is a request from a student that a decision of an Assessment Board or Programme Progression Committee (hereafter included in the term 'Assessment Board') should be reviewed because it is believed that an injustice has occurred.

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 Students wishing to understand a grade which has not yet been approved by an Assessment Board may do so informally through the module tutor or Programme Leader.

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 Reasons for making an appeal

G2.1 Appeals against Assessment Board decisions may be made on any of the following grounds:

(a) That a student's performance in an assessment suffered through illness or other factors which the student was unable or for valid reasons unwilling to inform the Assessment Board through the extenuating circumstances procedures before it reached its decision.

(b) That there has been an administrative error in the management of the assessment.

(c) That the assessment was not run in accordance with the programme of study regulations.

(d) That the Assessment Board has failed to consider material circumstances, relating to the delivery of a module, which have adversely affected a student's performance in assessment. This ground will only be deemed acceptable if:

i the circumstances have been the subject of a Student Complaints and Grievance procedure, and

ii the case of the complaint has been upheld, and

iii steps have not been taken to mitigate the effects of the circumstances.

(e) An appeal against a penalty imposed for academic misconduct on grounds listed in the Academic Misconduct regulations, Section F8.4.

(f) That some other irregularity has occurred.

G3 Reasons why an appeal will normally be rejected

G3.1 An appeal may be rejected by the Secretary to Academic Board³ for any of the following reasons, or if it is judged to be vexatious or frivolous, without further recourse to the appeals procedures.

(a) The appeal is a disagreement with the academic judgement of an Assessment Board in assessing the merits of academic work, or in reaching a decision on progression, or on the final classification of a qualification, which has been reached in accordance with the regulations.

(b) The student did not understand or was not aware of the published assessment regulations and procedures for a module, subject or programme.

(c) The appeal is on grounds that poor teaching, supervision or guidance affected academic performance. In such circumstances a student should submit a complaint in accordance with the Student Complaints and Grievance Procedure.

(d) That no contemporaneous, independent, medical or other evidence has been submitted to support an application that academic performance was adversely affected by factors such as ill health.

(e) The student was not aware of the procedures for presenting extenuating circumstances to the Assessment Board (see regulation H7 (f)). These extenuating circumstances include health or other problems, or difficulties with the running of the programme or way in which the assessment was conducted.

(f) No valid reason, i.e., circumstances beyond a student's control, has been submitted as explanation for not submitting extenuating circumstances to the attention of the Assessment Board before it met.

(g) The appeal concerns a long-standing health problem, which the student was aware of at enrolment.

(h) The student was subject to a disturbance or illness during an examination and that there is no valid reason for it not to have been brought to the attention of the Assessment Board before it met (see regulation K3.6).

(i) The student had changed address without informing the UniHelp desk, resulting in assessment information being sent to an out-of-date address (see regulation H2).

(j) The Academic Registry receives the appeal beyond the time limit specified in G4.1 without good cause. It is the student's responsibility to ensure that the appeal is submitted to the Academic Registry on time.

G3.2 Should an appeal arise following due process of the Academic Misconduct procedure, it may be rejected by the Senior Manager with appropriate academic background considering the case if it does not conform to the grounds stated in regulation F8.4.

G4 Before making a formal appeal

G4.1 Except where (a) or (b) 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.

Except where (a) or (b) applies, during this time the student must make every effort to discuss the problem with the Chair of the Assessment Board and any other appropriate member of the academic staff. This may result in the matter being resolved informally and quickly.

(a) If an appeal arises following due process of the 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 G4.2 and G4.3 shall not apply.

(b) If an appeal arises following due process of the Academic Misconduct Procedure, the time limit is 10 working days from the date the student receives the written result of this procedure. Regulations G4.2 and G4.3 shall not apply.

G4.2 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;

(c) In any other way deemed appropriate, including that the student should make a formal appeal.

G4.3 Students should only make a formal appeal if:

(a) They have been unable to contact the Chair of the Assessment Board and other relevant members of staff;

(b) They are dissatisfied with the outcome of these informal discussions;

(c) They have been advised to do so by the Chair of Assessment Board.

G5 How to make a formal appeal

G5.1 Obtain an appeal form from UniHub: <http://unihub.mdx.ac.uk/study/assess/appeals/index.aspx>

G5.2 Complete the form clearly, and include a statement of the reasons for making the appeal.

G5.3 Collect corroborative evidence (for example, a medical certificate, statements from other students).

G5.4 Send the form, the statement and evidence by email to the address on the form within the time limit specified in G4.1. 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 Board¹.

G5.5 In exceptional circumstances, if the student is unable because of severe illness or other valid reason to submit the appeal, another person may complete and submit the appeal on the student's behalf, normally with the student's written consent.

G5.6 The appeal, once submitted, is considered as the definitive statement of the appellant's case and may not be added to unless the Secretary to Academic Board³ seeks clarification from the appellant.

G5.7 The Academic Registry will send an acknowledgement of receipt to the appellant within seven days. If this is not received, the appellant should contact the Academic Registry without delay.

G5.8 In normal circumstances, the University shall aim to complete the appeal process within 4 months from receipt of the full appeal.

G6 Progression of an appellant while an appeal is being considered

G6.1 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.

G6.2 While the appeal is being processed, the appellant:

(a) Shall normally be permitted by the Programme Progression Committee 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 Committee. This will not prejudice the outcome of the appeal.

If the appeal concerns expulsion following an investigation into academic misconduct, the appellant is suspended and written permission is required from the Deputy Vice-Chancellor, Academic or nominee for the appellant to continue to the next stage of their studies. The Deputy Vice-Chancellor, Academic or nominee has discretion not to permit the appellant to continue pending the outcome of the appeal.

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 Committee. The Programme Progression Committee, in exceptional circumstances, has discretion not to permit the appellant to enter, or to continue on placement pending the outcome of the appeal. This discretion may be exercised only where the Programme Progression Committee judges that it would be against the interests of other people affected by the placement.

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.

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) If a final qualification has been made, may inform prospective employers of the qualification but that the decision may be reviewed following the appeal.

(c) If a finalist, may attend the Graduation Ceremony.

G6.3 The entitlement of the appellant to proceed on the programme of study will continue until the date of the letter formally notifying the appellant of the final outcome of their appeal (i.e., dismissal of the appeal or Assessment Board's reviewed decision). This letter will inform the appellant whether they are entitled to continue on the programme.

G6.4 Appellants shall receive regular communication from the Academic Registry regarding the progress of their appeal.

G7 Confidentiality

G7.1 The appeal is kept as confidential as possible and within the University.

Appellants who notify the Academic Registry 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.

G7.2 Documents will be kept on confidential 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.

G8 Procedure for considering an appeal

G8.1 If the Secretary to Academic Board¹ considers that there may be grounds for appeal, the Chair of the Assessment Board or any other appropriate person will be requested to submit a written statement to the Secretary to Academic Board¹ providing the required information. These written statements should be in a form suitable for use as evidence at an Appeal Panel.

G8.2 In normal circumstances, within 2 months of receiving the full appeal, the Secretary to Academic Board decides whether, at first sight, there are grounds for the appeal to proceed by considering the following documents, where appropriate:

- (a) The appeal submitted by the appellant;
- (b) The relevant record of the Assessment Board including the appellant's detailed confirmed assessment grades;
- (c) Provisional assessment grades where relevant;
- (d) Written statements made to the Secretary to Academic Board concerning the case;
- (e) For an appeal against a penalty imposed for academic misconduct: the academic misconduct file provided by the Secretary to Academic Board

G9 The grounds for appeal are not established

G9.1 In every case unless rejected under G3, where the Secretary to Academic Board¹ considers that there is no ground for appeal on the evidence available they shall consult a Senior Manager with appropriate academic background² neutral to the appellant.

G9.2 In normal circumstances, within 3 months of receiving the full appeal, they may dismiss the appeal provided that the Senior Manager with appropriate academic background agrees.

G9.3 An appeal submitted under G2.1 (a), extenuating circumstances, may be dismissed where the student's assessment performance was not one under which discretion may be exercised (See E4.4.3), unless the circumstances are such as to merit the possibility of a severe injustice being done.

An appeal submitted under G2.1 (b), (c), (d), (e) or (f) may not be dismissed for this reason.

G9.4 A decision on an appeal by the Secretary to Academic Board¹, with the agreement of the Senior Manager with appropriate academic background², is final and no further appeal is possible against it.

G9.5 The academic appeal procedures of the University are now complete. Should the appellant wish to take the matter further, they must follow the guidance in G16.

G10 The grounds for appeal are established

G10.1 Where the Secretary to Academic Board or the neutral Senior Manager with appropriate academic background or the Deputy Vice-Chancellor or nominee considers that there may be ground for appeal:

(a) In normal circumstances, within 3 months of receiving the full appeal, if appropriate they may offer the appellant an informal settlement of their 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 but will not necessarily alter it. Where an appeal is against the penalty awarded following academic misconduct, an informal settlement means that the Secretary to Academic Board and the Chair of Assessment Board have agreed, on the recommendation of the Senior Manager with appropriate academic background or Deputy Vice-Chancellor, Academic or nominee, that the Assessment Board will review its decision but will not necessarily alter it.

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 appellant's case and shall be attended by the Secretary to Academic Board or relevant neutral Senior Manager or Deputy Vice-Chancellor, Academic or their nominee to ensure that the reconvened Assessment Board has taken due and proper account of the appellant's case.

iv The Assessment Board shall make special arrangements (which must involve External

Examination Assessors and Auditors 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 appellant of the decision of the reconvened Assessment Board within one month of the date of the Board.

vi The appellant may choose not to accept 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 appellant stating the decision not to accept this offer must be received by the Secretary to Academic Board³ within 10 working days of the date on the letter offering the informal settlement.

vii An appellant'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.

viii A decision on an appeal by an Assessment Board is final and no further appeal is possible against it.

ix The academic appeal procedures of the University are now complete. Should the appellant wish to take the matter further, they must follow the guidance in G16.

(b) They may convene a meeting of an Appeal Panel. The appellant should note that an Appeal Panel shall not necessarily require an Assessment Board to review its decision.

G11 Preparation for the Appeal Panel

G11.1 Constitution

(a) An Appeal Panel will normally consist of three members of staff drawn from the following groups: Senior managers of the University, Deputy Dean, Programme Leaders, Directors of Programmes, together with one student.

(b) The Chair of the Appeal Panel will be nominated by the Secretary to Academic Board. For panels held abroad, the Chair may be a nominated senior manager.

(c) No member of staff who has been involved in teaching or assessing the appellant is eligible.

(d) The Secretary to Academic Board³, who is not a member of the Appeal Panel, shall be the Secretary and shall attend the meeting. For panels held abroad, the Chair may be a nominated senior manager.

(e) Where an appeal is against a penalty imposed for academic misconduct, the Secretary to Academic Board, who is not a member of the Appeal Panel, shall attend the meeting.

G11.2 Notification to appellant

The Secretary to Academic Board³ shall arrange with all those involved in the hearing, including the Chair of the Assessment Board, a suitable date and shall give the appellant in writing:

(a) At least 10 working days notice, wherever possible, of the date, time and place of the hearing, and the names of expected Appeal Panel members;

(b) A requirement that the appellant acknowledges receipt of the notification of the Appeal Panel meeting;

(c) A statement that the appellant is entitled to be accompanied by a companion at the hearing and to call witnesses. (The companion may not be a legal representative and should not also be a witness-see regulation G17.6);

(d) A warning that any information given to them whether or not in writing, is strictly confidential, and must not be disclosed to others unless they are directly assisting the appellant in preparing for the hearing, nor discussed in any way with any member of the Appeal Panel;

(e) A statement that the appellant may object to the appointment of any member of the Appeal Panel and to the date but that any change to the arrangements is solely at the discretion of the Secretary;

(f) A warning that if the appellant fails to attend the Appeal Panel meeting, the Panel will normally proceed in their absence.

G11.3 Breach of confidentiality

(a) The publication of appeal papers by the appellant in any form may result in the appeal being ruled closed by the Secretary to Academic Board.

(b) Such a breach of confidentiality will be the subject of a preliminary issue of the Appeal Panel who will have the power to dismiss the appeal if such a breach is substantiated.

(c) An appellant who has published appeal papers in the course of a previous appeal and who submits a new appeal against a later Assessment Board decision shall not receive papers until a maximum of one hour before any hearing that may be called. This shall be under supervision and the appellant shall be required to hand papers in immediately after the hearing.

G11.4 Witnesses

Witnesses may be called by:

(a) The appellant;

(b) The Chair of the Assessment Board;

(c) The Chair of the Appeal Panel;

(d) Members of the Appeal Panel;

(e) The Secretary to Academic Board.

Names of proposed witnesses must be notified to the Secretary to Academic Board³ in writing at least five working days in advance of the date of the meeting.

G11.5 Documentation

The Secretary to Academic Board³ shall send agenda papers including all the appeal documents, if relevant, to the appellant (together with a copy for their companion), members of the Appeal Panel, the Chair of the Assessment Board, those in attendance and witnesses.

G12 The appeal panel in session

G12.1 The Chair of the Appeal Panel, in consultation with the Secretary to Academic Board³, has discretion to organise the meeting as they see fit in order to achieve the principal aims

of a hearing:

(a) To clarify evidence as necessary by questioning those who have submitted it. (There should be no need for repetition of statements already submitted in writing and any invited comment about these should be brief);

(b) To enable the Appeal Panel to reach a just decision.

G12.2 The proceedings and papers of the Appeal Panel will be strictly confidential to all the participants.

(a) In exceptional circumstances, at the discretion of the Chair of the Appeal Panel, the appellant's provisional assessment grades may be made available to Appeal Panel members at the hearing.

(b) Mechanical recording by tape, camera or other means, is prohibited.

(c) Legal representation is not allowed at a Panel Meeting (see G17.6).

G12.3 The quorum for a meeting of an Appeal Panel will be three members, including the Chair.

(a) In the absence of the nominated Chair an acting Chair will be elected by members of the Appeal Panel present.

(b) At the Chair's discretion, and with the appellant's agreement, the meeting may, in exceptional circumstances, be held in the absence of a quorum.

(c) It may not be held in the absence of the Secretary to Academic Board³, or Acting Secretary to Academic Board if the Secretary is unavailable.

G12.4 The appellant is entitled:

(a) To be present during the hearing of evidence unless the Chair of the Appeal Panel requests them to withdraw temporarily when matters confidential to the Assessment Board are being discussed, or when the Panel wishes to have a private discussion. Their companion is similarly entitled;

(b) To comment on the evidence and to question witnesses, the Chair of the Assessment Board, and in appeals concerning academic misconduct, the Secretary to Academic Board. Their companion is similarly entitled;

(c) To be represented in their absence by a proxy at the discretion of the Chair.

G12.5 The Appeal Panel may agree to proceed in the absence of the appellant provided that there is evidence that notification of the Appeal Panel meeting has been received by the appellant and warning has been given regarding failure to attend.

G12.6 The Chair of the Assessment Board and Secretary to Academic Board, where an appeal concerns academic misconduct, is expected to be present throughout the hearing of evidence and is entitled to comment on the evidence and to question the appellant or witnesses.

G12.7 Normally no witness (other than the appellant and Chair of Assessment Board) will be present while any other witness is giving evidence. The hearing may proceed in the absence of witnesses.

G12.8 At any time during its meeting the Appeal

Panel may decide to adjourn.

G12.9 The Appeal Panel will consider its decision in private after the evidence has been heard and shall reach a decision by simple majority vote. If the votes cast are equal, the Chair of the Appeal Panel shall have a second or casting vote.

G12.10 The appellant, their companion and the Chair of the Assessment Board will normally be recalled for the Chair of the Appeal Panel to inform them of its decision, which will in due course also be given in writing to the appellant and all those previously notified.

G13 Decision of the Appeal Panel

G13.1 If the Appeal Panel finds that injustice appears to have been caused to the appellant it will:

(a) Require the Assessment Board to review its decision;

(b) Appoint a representative (normally the Chair) to attend the reconvened Assessment Board together with the Secretary to Academic Board³.

G13.2 If the Appeal Panel finds that an injustice has not been caused to the appellant:

(a) This decision is final and no further appeal is possible against it.

(b) The academic appeal procedures of the University are now complete. Should the appellant wish to take the matter further, they must follow the guidance in G16.

G13.3 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.

G14 Procedure following an appeal panel

G14.1 The Secretary to Academic Board³ will, in consultation with the Chair, prepare a report of the Appeal Panel's meeting and findings. The findings of the Appeal Panel shall be reported to the appellant and to members of the Assessment Board, whether or not it is asked to reconsider its decision.

G14.2 Relevant documentary evidence (e.g. medical certificate) will be forwarded to any Assessment Board reconvened to reconsider its decision.

G14.3 The Assessment Board shall make special arrangements (which must involve External Examination Assessors and Auditors if appropriate) for reviewing an assessment decision if required to do so by an Appeal Panel, as soon as possible after the Appeal Panel meeting and at the latest during the next scheduled meeting.

(a) The Secretary to Academic Board³ shall notify the appellant of the decision of the reconvened Assessment Board as soon as possible.

(b) This decision is final and no further appeal is possible against it.

(c) The academic appeal procedures of the University are now complete. Should the appellant wish to take the matter further, they must follow

the guidance in G16.

G14.4 If the Chair of the Appeal Panel and the Secretary to Academic Board³ 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.

G15 Powers of Academic Board

G15.1 After receiving a report as set out in G14.4 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.

G15.2 The decision of Academic Board is final and no further appeal is possible against it.

G15.3 The academic appeal procedures of the University are now complete. Should the appellant wish to take the matter further, they must follow the guidance in G16.

G16 Higher Education Independent Adjudicator (OIA)

G16.1 Should the appellant wish to take the matter further, they may, within three months of receiving notification that the internal procedures of the University have been completed, write to the OIA, Third floor, Kings Reach, 38-50 Kings Road, Reading, RG1 3AA, United Kingdom, enclosing a copy of the final decision of the University and stating reasons for seeking redress from the Higher Education Independent Adjudicator. Email enquiries may be sent to enquiries@oiahe.org.uk.

The website address is www.oiahe.org.uk

G17 General

G17.1 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.

G17.2 Any change of decision by the Assessment Board due to the appeal process shall not be to the student's disadvantage.

G17.3 The Secretary to Academic Board³ 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.

G17.4 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.

G17.5 If an appellant formally withdraws their appeal at any stage in the procedure no further action will be taken.

G17.6 The consideration of an appeal is an internal matter and the papers are confidential

to the University. The appellant may seek advice from any source. Should an appellant instruct solicitors at any stage of the appeal process the Secretary to Academic Board³ 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 following an Appeal Panel hearing. After that, apart from a copy of the notification to a student of the final decision, they may be destroyed.

G17.7 The Secretary to Academic Board³ reserves the right to dismiss an appeal because of breach of confidentiality by the appellant or where delay in reaching a decision is (in their opinion) caused by the appellant's failure to provide information upon request. In the latter case the appellant shall be warned in writing that the appeal shall be dismissed unless such information is received within ten working days of the date of the written warning.

G17.8 Where gross irregularity is alleged to have occurred, the Secretary to Academic Board³ may request special consideration by Academic Board.

G17.9 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.

G17.10 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.

G17.11 References to the Secretary to Academic Board include references to an Acting Secretary to Academic Board should the Secretary be unavailable.

G17.12 The term 'Assessment Board' is used in these regulations to refer to Programme Progression Committees, Subject Assessment Boards, and School Assessment Boards, and covers all meetings where a decision is made concerning progression, module grade or degree classification.

G17.13 Academic Board authority is required for changes to the Assessment Appeal procedures.

End notes

1 In accordance with F8.4 (academic misconduct) the Secretary to Academic Board is replaced in these procedures by a Senior Manager with appropriate academic background.

2 In accordance with F8.4 (academic misconduct) the Senior Manager with appropriate academic background is replaced with the Deputy Vice-Chancellor, Academic or nominee.

3 In accordance with F8.4 (academic misconduct) the Secretary to Academic Board is replaced in these procedures by either the neutral Senior Manager with appropriate academic background, or the Deputy Vice-Chancellor, Academic or nominee.