

The Academic Regulations 2014/15
Appendices
Appendix 21 – Appeals Procedures

APPEALS PROCEDURES

1. Introduction and Scope

- 1.1 The regulations provide an impartial process and a clear framework for dealing with student academic appeals. All appeals are treated as confidential however students must be aware that the investigative process is likely to require consultation with those individuals or bodies involved in the initial decision which is being appealed. The University will ensure that students are not disadvantaged through lodging an Academic Appeal and that privacy and confidentiality is respected.
- 1.2 An academic appeal is a request for a review of a decision of an academic body charged with decisions on student progression, assessment and awards. This includes Assessment and Award Boards, Malpractice Panels and Fitness for Practice Panels.
- 1.3 Following the formal publication and notification of results or Panel decisions, students who wish to appeal have the right to make formal representation to the Academic Registrar against the outcomes of Progression and Award Boards, Malpractice Panels or Fitness for Practice Panels.¹
- 1.4 All academic appeals must be made using the Formal Notification of Academic Appeal Form, which is available from Academic Registry. Following the submission of an appeal the student will be referred to as the appellant.
- 1.5 Completed forms must be submitted to the Academic Registrar together with any evidence in support of the appeal. The appellant must obtain all relevant evidence directly from doctors, counsellors and others as the University cannot obtain this information on their behalf. Students are advised to seek informal advice from a member of the Academic Registry staff before submitting their Academic Appeal form.
- 1.6 The academic appeals regulations operate within the Academic Regulations and are monitored through the Learning and Teaching Committee to ensure that cases are dealt with fairly and consistently. The regulations also comply with current Data Protection legislation.
- 1.7 The academic appeals regulations apply to all students at the University who are registered on taught and research courses validated by the University including those who are registered as part of a collaborative arrangement.
- 1.8 The academic appeals regulations do not apply to decisions to exclude students under the Student Code of Behaviour and Disciplinary Regulations or the under specific regulations of appropriate professional bodies.

¹ Subject to evidence of appropriate grounds for appeal (see Section 2)

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2. Grounds for Appeal

2.1 Academic appeals may only be submitted on the following grounds:

- I) Material computational or administrative error;
- II) Irregularity in conduct of assessment or panel in contravention of the relevant regulations or structures; or
- III) Exceptional Mitigating Circumstances, details which were, **for good reason**, not previously available to the appropriate Assessment Boards.

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

- I) Disagreement with a mark or grade;
- II) Disagreement with 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) Complaints against the delivery of teaching and methods of assessment².
- VI) Appeals where no new circumstances are presented or where there is no justification for failing to present the circumstances at the original Board/Panel.

3. The Regulations:

- 3.1 To Appeal against the decision of an Assessment Board, Malpractice Panel or Fitness for Practice Panel students must complete the Edge Hill University Formal Notification of Academic Appeal Form. The completed form must be submitted to the Academic Registrar or nominee within 10 working days of the publication of results. Degree classifications are calculated by an automated process and, to comply with the Data Protection Act, students who consider that their classification has been incorrectly calculated must submit their Appeal within 21 days following the formal publication or notification of results.
- 3.2 All appeals are logged and acknowledged by the Academic Registrar.
- 3.3 Where an Appeal is submitted outside the specified deadlines it will normally be ruled invalid³.
- 3.4 Appeals that are lodged by a third party on behalf of a candidate will not be accepted.
- 3.5 On receiving an academic appeal the Academic Registrar will consider whether an appeal has met the criteria for appeal, is coherent, timely and complete. If the appeal has not been submitted by the set deadline, not supported with relevant supporting evidence or considered not to be within any of the grounds for an appeal specified in section 2.1 it will be deemed that a case has not been established. In order to determine whether a case has been established the Academic Registrar will consider all of the material submitted by the appellant and may at his/her discretion consider any other information Edge Hill University holds on the matter.
- 3.6 If the Academic Registrar finds that a case has not been established the Appeal will be dismissed. A report will be prepared summarising the findings of the initial investigation and outlining the reason for the decision made. This is required for monitoring purposes. The Appellant will be notified in writing of the outcome of the initial investigation and will be sent a copy of the report within 20 working days of submission of the Appeal by way of a Completion of Procedures letter. The University's procedures regarding the Appeal are complete at this stage.

² Students who have concerns with regard to the delivery of their course or any other matter should refer to Edge Hill's formal Complaints Procedures, details of which can be obtained from Student Services.

³ In exceptional circumstances there is flexibility in the deadline where an Appellant is having difficulty gathering appropriate evidence or is based overseas. The Appellant must contact the Academic Registrar detailing the outstanding evidence and the date the evidence will be available for consideration. The University reserves the right to stipulate a final timeframe.

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- 3.7 If the Academic Registrar finds that a case has been established the appeal will be forwarded to the Chair of the relevant Board or Panel within 5 working days of receipt of the Formal Notification of Academic Appeal Form. The Academic Registrar will request that the Chair reconsiders the original decision in light of the new circumstances and evidence presented.
- 3.8 The Appeal will be reviewed by the Chair of the relevant Board or Panel. Where the case pertains to a Malpractice or Fitness for Practice Panel, the Chair may wish to consult the original panel members, including the member representing the professional body. Investigation of the case will be documented and the appellant will be notified in writing of the outcome of the appeal within 20 working days of submission of the appeal. Written notification will include a summary of the issues considered, the decision taken and the reasoning for that decision and the Academic Regulations that have been applied in the case.
- 3.9 Where the Appeal is upheld corrective action will be taken and the student will be notified by way of a Completion of Procedures letter. The University's procedures regarding the Appeal are complete at this stage.
- 3.10 Where a case has been established but the appellant remains dissatisfied with the outcome, the appellant has the right to request that an Appeals Panel is convened in order that they can present their case in person. To do this the appellant must contact the Academic Registrar in writing within 10 working days from the date of the decision notification letter.
- 3.11 If no Appeals Panel is requested within 10 working days then a Completion of Procedures letter will be issued notifying the appellant that the University's procedures have been completed.

4. Academic Appeals Panel

- 4.1 Where an Appeals Panel has been requested by an Appellant, the Appeals Panel shall be convened within 20 working days of receipt of the request.

The panel will be constituted as follows⁴:

- Dean or Associate Dean of Faculty (not from the same Faculty as the Appellant), or Dean of Service.
- One member of teaching staff who is not associated with the teaching of the student.⁵
- An elected representative of the Students' Union.
- A non-voting Secretary (usually from Academic Registry)
- The Academic Registrar may attend to offer expert procedural advice and guidance to the Panel

- 4.2 The Chair of the original Assessment Board or Malpractice/Fitness for Practice Panel will be required to prepare a report and/or to submit oral evidence or information regarding the case. He/she shall have the right to attend and be heard at the Appeals Panel.
- 4.3 The appellant 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. The appellant may provide additional written material and has the right to attend the Panel meeting. He/she has the right to be accompanied by a friend⁶. The role of the friend is to offer support for the appellant. Any additional written material and the name and standing of any friend must be submitted to the Secretary to the Panel no less than 5 working days before the meeting.
- 4.4 At the Appeal Panel meeting both the appellant and the Chair of the original Assessment Board or Malpractice/Fitness for Practice Panel (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 Appeals Panel.
- 4.5 If the appellant is unable to attend the meeting for good unavoidable reason then the meeting may (with the agreement of the appellant) be reconvened at a subsequent date. If the appellant declines the invitation to

⁴ The Panel will include a professional body representative in the case of appeals against Fitness for Practice

⁵ The pool of staff from which the teaching staff member will be drawn from will be approved by Academic Board

⁶ See *Appendix 31: Role of A Student's Friend in Academic Conduct Procedures* for full guidelines.

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attend the meeting for voluntary reasons or fails to attend without prior notification, the panel will proceed in the appellant's absence.

- 4.6 The outcome of an Appeals Panel will be to either:
- i. dismiss the 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 decision⁷.
- 4.7 The decision of the Panel may be made known orally to the candidate by the Chair as soon as possible following the meeting and confirmed in writing by the Secretary to the Appeals Panel within 10 working days of the hearing.
- 4.8 A Completion of Procedures letter will be issued notifying the appellant that the University's procedures have been completed.

5. Financial Consequences of the Submission of an Appeal

- 5.1 The University disclaims all responsibility for any financial or other implications relating to the appellant, or any party acting on his/her behalf, in consequence of a decision, properly made, by the Assessment Board or the operation of these regulations for Appeals in academic assessment. However, the University will meet reasonable and proportionate expenses necessarily incurred by a successful appellant.

6. Office of the Independent Adjudicator for Higher Education

- 6.1 Students who remain dissatisfied may refer their case to the Office of the Independent Adjudicator (OIA) for review. Referrals to the OIA are 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 Where Professional Body approval is required, the implementation of the Appeals Panel decision will be subject to consultation with the Professional Body.

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Operation of Academic Appeals Regulations

