

ACADEMIC APPEALS PROCEDURE

Contents:

A.	What is an Academic Appeal?	2
B.	General principles	2
C.	Advice	3
D.	Group Appeals	3
E.	Disclosure and confidentiality	3
F.	Legal proceedings	4
G.	Grounds for Appeal	4
H.	Making an Appeal	5
I.	The Faculty-level Appeal	5
J.	The University-level Appeal: making the Appeal	6
K.	The University-level Appeal: panel and process	6
L.	The University-level Appeal: outcomes	7
M.	Review on the grounds of material procedural irregularity	8
N.	External review	8

This Procedure is available in alternative formats on request (Student Casework Manager, Academic Registry).

A. WHAT IS AN ACADEMIC APPEAL?

An academic appeal is a request from a student that an academic decision made by an Assessment Board should be reconsidered. These procedures apply to all taught and research programmes (and 'Assessment Board' throughout this document also means Postgraduate Research Degrees Subcommittee for research cases);

Academic decisions include marks, classifications, and progression and withdrawal decisions, including those made around academic misconduct and fitness to practise. They do not include decisions on withdrawal for reasons of non-payment, non-compliance with visa regulations or attendance requirements, or on disciplinary grounds.

B. GENERAL PRINCIPLES

The student complaints procedure exists to allow you to raise matters of proper concern about your satisfaction with a particular service or other aspect of University provision. If your intention is to seek the modification of an academic decision, then you should submit an Academic Appeal. If there are issues of complaint which need to be decided upon before it is possible to judge whether an appeal has valid grounds, those will be considered through the Complaints Process and the outcome of that Complaints Process will then inform the Appeal. Where the subject matter of an academic appeal could be more appropriately considered through a different process, such as the University Student Complaints Procedure, the submission will be referred to the relevant procedure. In these cases the outcome will be classed as Appeal Referred and the Student Casework Manager will notify the student and the faculty and or service that the appeal has been referred to another procedure for consideration

The University has a complaints procedure to manage complaints made by students about the provision of all University services, which includes academic-related services such as supervision, teaching and guidance. If you have concerns with the supervision provided you should raise this **at the time** so it can be resolved. You could also raise it as a claim for extenuating circumstances policy, under the appropriate policy, prior to the submission of your assessment. In the light of this, claims of inadequate supervision or teaching do not constitute grounds for appeal and should be raised through the formal complaints process. If a complaint in this regard is upheld after the assessment decision has been made, it may then be considered as an appeal but only where there is good cause and evidence as to why these other steps had not been taken to address the issue at the time.

The University will not accept appeals, made on behalf of students, by University staff or staff at Partner Colleges.

If you have referred exams or other work to complete, you should continue with that work pending the outcome of your appeal unless advised otherwise. The University will not normally allow a student to progress to the next stage of study while an appeal is pending, but this may be granted on an exceptional basis if considered academically appropriate by your Faculty, in consultation with Academic Registry. If this does happen, it is on the understanding that if your appeal is not successful you will discontinue study immediately. If you have been awarded a degree but are appealing against the classification, you may attend graduation (the University does not read out classifications at the ceremony). You may not attend if you have not been awarded a degree and are appealing against that decision, but if your appeal is successful you will be offered a place at the next graduation. If you have been issued with a parchment, you will be required to return it before a new parchment is issued should your appeal be successful.

Decisions on appeals are taken by a pool of Appeals Reviewers, who are identified by Faculties and trained by Academic Registry. The pool is approved annually on behalf of Academic Board by Quality Management Sub-Committee.

C. ADVICE

Impartial advice on the appeals *process* may be sought from Academic Registry, or from the Student Union. The Student Union can also offer advice and assistance in preparing your appeal.

D. GROUP APPEALS

Appeals from a group will not be considered, as individual student circumstances and academic position may differ. Exceptionally where no such constraints exist or are apparent, the person considering an appeal reserves the right to use discretion in cases where consideration of a group appeal would be in the best interests of students. Consideration of the case would be as a group but students will be communicated with individually as to the outcome and can opt out if they wish to do so.

E. DISCLOSURE AND CONFIDENTIALITY

The University operates full disclosure in appeals: you will see everything that the University considers to make a decision on your appeal, and the University will share your appeal with those staff within the University who need to see it in order that it can be considered properly. This will include staff who are referred to within an appeal. The University will deal with appeals discreetly and sensitively and you will be treated without discrimination or disadvantage. Any appeal will be dealt with in as confidential a manner as is practical; however any evidence submitted as part of the appeal will be made available to those members of staff who need to see it in order for the appeal to be considered. In some cases a duty to breach confidentiality may exist, typically where necessary to do so for the safety of you or of other people.

If there is any aspect of your appeal or evidence which you feel must remain confidential you must highlight this when you submit your appeal. The

University cannot guarantee that this will be possible and highlights that in cases where some information is restricted, due to a request for confidentiality, the University may not be able to ensure that full consideration is given to each case. Academic Registry will be able to advise you of the position in relation to your request.

F. LEGAL PROCEEDINGS

We aim to resolve all appeals and complaints through our internal processes: if you start legal proceedings against the University, any appeal or complaint will be paused until those proceedings are complete.

G. GROUNDS FOR APPEAL

You can only make an Academic Appeal on one of the two grounds listed below, and you must submit evidence which supports your appeal on those grounds.

You **cannot** make an appeal on the basis of disagreement with academic judgment. 'Academic judgment' means decisions about a student's assessment or progression that can only be made by an appropriate academic expert. Marks, classifications, fitness to practise or the contents of assessment, are all examples of academic judgment, and so you cannot appeal on the basis of a disagreement on the merits of an individual piece of work, or your overall performance. Fairness of procedures and the correct application of regulations are examples of issues which are not academic judgment.

The grounds for appeal are:

i) **Material Procedural Irregularity** - that you can demonstrate either that there has been an administrative error, that proper process has not been followed, or that the academic decision was not arrived at in accordance with the regulations of the course, in a way which is relevant to the outcome of the academic decision.

An Appeal will only be considered where any such error has a direct bearing on the outcome of the assessment decision which is the subject of your appeal.

ii) **Unconsidered Extenuating Circumstances** - that your performance in assessment was adversely affected by illness or other factors which you were unable, or for valid reasons unwilling, to communicate to the Assessment Board through the established procedures for managing extenuating circumstances.

Please refer to the University's Extenuating Circumstances procedure for details of what the University considers extenuation. You must include written evidence of these circumstances e.g. Doctor's letter. You should note however, that under the University's Extenuating Circumstances regulations a student, by taking an assessment, deems him or herself to be fit, and so you cannot successfully appeal if you have undertaken that assessment unless there is exceptional and compelling justification, supported by evidence, that you were not fit to make that decision. This is often referred to as the 'Fit to Sit' policy.

It is your responsibility to ensure that any extenuating circumstances are properly communicated through these established procedures. If you submit evidence of such

circumstances after the assessment decision has been reached, and you do not have good and valid reasons for not having submitted them at the right time, then your appeal will not have grounds to succeed.

A Board is required to consider extenuating circumstances presented through the proper process, and if it has not done so, then this is grounds for Appeal. However, once that information has been considered by a Board, the decision that the Board makes about your academic performance, taking into account all of those circumstances presented to it, is a matter of academic judgment, and cannot itself be grounds for appeal.

The University's grounds for appeal do not include bias or the perception of bias. Where a student considers that a member of staff has acted in a biased way and there is evidence to support this claim, this should be the subject of a student complaint. If that complaint is upheld, and any proven bias may have been material to the outcome of assessment, this outcome will provide evidence and be considered in appeal. There would be no need for a further submission from the student and they will be informed by the university if this is what is happening.) as a procedural irregularity. Consideration will be given as to whether there has been a material impact.

H. MAKING AN APPEAL

You should note the timescales highlighted below. The University will not accept a late appeal unless you can demonstrate very good cause for not meeting the deadlines, supported by evidence. The University will endeavour to meet the timescales outlined within this procedure. If this is not possible due to good cause we will write to you and give you a reason and issue you with a revised timescale.

The University will consider requests that the University make a contribution to reasonable and proportionate incidental expenses necessarily incurred by you if your Appeal succeeds. Such contributions would be determined at the discretion of the Director of Academic Services, provided that you submit a request before the expenses are incurred. No contributions will be made to expenses incurred for legal advice or representation.

The University wishes to try to resolve any disputes at as local a level as possible. In the light of this, all students must make an informal appeal at Faculty level (for research students, read Postgraduate Degrees Subcommittee), before engaging with the formal Appeals process.

I. THE FACULTY LEVEL APPEAL.

You first need to consider whether you have grounds for appeal as laid out in Section G, and what evidence you have to support this. If you think that you do, then your first step is to submit your appeal and your supporting evidence to the Student Gateway at either City Campus or St Peter's Campus who will forward it to the Faculty for you. **You must do this within two weeks of the publication of the result or decision you wish to appeal**, setting out your grounds for your appeal, and what you wish as a desired outcome.

At this stage the Faculty Appeals Reviewer has the authority to refer a case back to the Assessment Board if there are matters which the Board should reconsider. You should receive a written response within 10 working days of you raising your case.

If the view of the Appeals Reviewer is that you have not demonstrated grounds for appeal because your appeal is a challenge to academic judgment, then they will reject your appeal without further consideration. This terminates the process, and you may not take your appeal on to the formal stage. **You do have the right to ask for that decision to be reviewed by Academic Registry, provided that you do so within ten working days of the decision of the Appeals Reviewer**, and that you provide evidence to demonstrate why you consider your appeal not to rest solely on a challenge to academic judgment. If that decision is confirmed, then your appeal is terminated, and you may not proceed to the formal appeal stage. Whenever an appeal is terminated, you will be issued with a Completion of Procedures letter (see Section N).

If barring cases where your appeal is deemed to be solely on the grounds of academic judgement, if the Appeals Reviewer decides not to refer your case back to the Board, or if you do not receive a response within two weeks, you can make a further appeal at University level .

J. THE UNIVERSITY LEVEL APPEAL – MAKING THE APPEAL

You must make a appeal within 30 working days of the publication of the decision you wish to appeal. You cannot do this if your appeal has been rejected because it does not establish grounds for appeal because it is a challenge to academic judgment (see Section G). To make a University Academic Appeal you must complete an Academic Appeal form (available from the Gateways, University of Sunderland Student Union and www.sunderland.ac.uk/regulations), and submit the completed form to the Student Casework Manager in Academic Registry. Email to studentcasework@sunderland.ac.uk or hand in at the Gateway. Include:

- a) any statement and information already submitted to the Faculty under the faculty process;
- b) any response you have received. If you did not receive a response you should state this.

On receipt of your completed Academic Appeal form it will be passed to the Faculty for comment and response within 10 working days. The Faculty will also provide any necessary minutes of Boards or other relevant documentation. All of this documentation will then be sent to you prior to the meeting of the Academic Appeals Panel. You will have 10 working days to submit comments upon these documents. These comments should be in writing and should be submitted to the Student Casework Manager.

At this point it is the right of the Academic Appeals Panel to seek further information either from the Faculty or the student. All documents will then be considered by the Academic Appeals Panel, which will meet within 30 working days of the date of your formal appeal, and which will decide whether or not there are grounds for appeal under this procedure.

K. THE UNIVERSITY LEVEL APPEAL – PANEL AND PROCESS

The membership of the Academic Appeals Panel is two members of experienced academic staff from the University's pool of appeals assessors, one of whom will act

as Chair, and the President of the Student Union or her/his nominee from the Student Union Executive. The Panel will be serviced by the Academic Administration Manager, and the Deputy Academic Registrar may attend in an advisory capacity. The Appeals Panel is not a hearing and students are not ordinarily in attendance.

The Academic Appeals Panel will consider all of the documentation from you and from the Faculty, and decide whether there are grounds for an Appeal. If no grounds for Appeal exist, the Panel will reject the request. When the Academic Appeals Panel has reached a decision, this will be communicated in writing to you. You will also receive a Completion of Procedures letter, which tells you that the University has finished considering your case through its procedures, which you will need should you wish to progress your case to the Office of the Independent Adjudicator for Higher Education.

L. THE UNIVERSITY LEVEL APPEAL - OUTCOMES

If it is clear that the Panel is in possession of relevant information which for good reason was not available to the Assessment Board at the time it reached its decision, the Panel will require the Faculty to reconsider its decision in the light of the new information. This reconsideration will be undertaken by the Chair of an Assessment Board but not of the Assessment Board which made the original decision.

If, in the opinion of the Panel, there has been a "material procedural irregularity" (as in Section G above): an administrative error, or that the academic decision was not arrived at in accordance with the regulations of the course, in a way which is material to the outcome of the academic decision), the Panel will require the Faculty to reconsider its decision in the light of the new information. This reconsideration will be undertaken by the Chair of an Assessment Board but not of the Assessment Board which made the original decision. The Faculty will inform the student of their decision, and report the outcome of that reconsideration to the Panel.

If, in the opinion of the Panel, after referral back to the faculty and the decision of the Faculty a case for appeal still exists on the grounds that the decision and reconsideration was perverse or unreasonable, the Panel may exceptionally refer the case to the Deputy Vice-Chancellor, acting on behalf of the Academic Board, who will convene an Advisory Committee of no more than five members, drawn from the membership of the Academic Board or its subcommittees, which will include a representative from the Student Union with no prior involvement in the case.

This Committee may ask you to attend, or request the same of any individual involved in the case. If you are asked to attend, you may be accompanied or represented by another member of the University of Sunderland community (staff, enrolled students, an officer or member of staff of the Students' Union). The Committee may advise the Chair that there are no grounds for appeal, in which case the process is terminated, or it may refer the case back to the Faculty for further consideration, with or without recommendation. On circumstances where procedural or other irregularity has been demonstrated and if, after reconsideration, the Assessment Board does not modify its decision, the Committee may recommend to the Academic Board that the decision be annulled if, in its opinion, due and proper account has not been taken of the relevant factors.

This Committee also has the power to recommend to the Academic Board that a decision be annulled and replaced without making a prior request for the Board to reconsider it. If an error or irregularity is found to have affected more than one student, the whole assessment, or any part of it, may be annulled and/or replaced. In circumstances in which the case is referred back to the Assessment Board for further consideration, the Committee shall nominate one of its members to attend the meeting of the Assessment Board to ensure that the reasons for the decision are fully understood by the Assessment Board. The written report of the Committee's deliberations will also be made available to the Assessment Board. Following that Assessment Board, a Completion of Procedures Letter will be issued to you (see Section M below).

M. REVIEW ON THE GROUNDS OF MATERIAL PROCEDURAL IRREGULARITY

Where your appeal has been closed, if you can demonstrate that there has been material procedural irregularity in the process of consideration of your Appeal (NB: this is not a rehearing of the substance of your appeal, this is where you have evidence that the University has not acted in accordance with this procedure in considering your appeal), you may request a review of your case.

To do this, you must notify the University Solicitor of your intention in writing, within ten working days of your receipt of the decision. Your right to have your case reviewed is conditional upon the receipt by the University Solicitor, within the ten days referred to, of clear evidence of material procedural irregularity on the part of the Appeals Panel (or Advisory Committee) in the consideration of your Appeal - that is, that you can show that the process outlined in this document has not been followed in a way which made a significant difference to the outcome of the consideration of your Appeal.

Subject to the University Solicitor being satisfied as to the existence of clear evidence of material procedural irregularity as defined above, the irregularity will be reported to the Vice-Chancellor with advice in relation to further action. The Vice-Chancellor's decision in relation to further action will then be communicated to you in writing, no later than 30 working days of receipt of your clear evidence of material procedural irregularity.

N. EXTERNAL REVIEW

When you have received an official Completion of Procedures letter confirming that the internal appeals process of the University has been concluded, you have the right to submit your appeal for review to the Office of the Independent Adjudicator for Higher Education (the OIA). If you choose to do this, you should do so as soon as possible and must do so no later than twelve months of the issue of your Completion of Procedures letter, using the Scheme Application Form. Both the form and the procedures are available from the OIA website (www.oiahe.org.uk) and from Academic Registry and the Students' Union.