

## 16. ACADEMIC APPEAL PROCEDURE

This section of the Student Regulations Framework applies to all taught programmes of Plymouth Marjon University, whether undergraduate or postgraduate and to all apprentices enrolled on the University's apprenticeship programmes, who are also classified as 'students' and referred to accordingly throughout this Procedure.

### 16.1 Introduction

1. The University, in accordance with the Good Practice Framework for Handling Complaints and Academic Appeals and the expectations set out in the UK Quality Code For Higher Education, defines an academic appeal as a 'request for a review of a decision of an academic body around a mark, outcome or decision'.
2. These procedures describe how students may submit an academic appeal and the grounds on which they may do so. Students should read these procedures carefully before deciding whether or not to formally appeal, and should also note that parallel procedures are in place for complaints (see Section 17 of this Framework). If a student is in doubt over any matter relating to an intended appeal, advice may be sought from the Academic Standards Officer.
3. Appeals will be treated with due diligence and confidentiality. However, those considering an appeal will normally require access to all the supporting documentation in order to come to an informed decision.
4. Appeals will not always produce the outcome preferred by an appellant. However, whatever the decision, the appellant will be informed of the result of an appeal and the reasons for it.

5. If an academic appeal is of a particularly sensitive nature, and a student would like to make some early enquiries on a confidential basis, s/he should contact the President or Deputy President of the Student Union or Student Wellbeing and Support for advice.
6. Students making a formal appeal are described in this section of the Framework as 'appellants'.

## **16.2 Right of Appeal**

1. Students have a right of appeal against decisions taken, by the designated Assessment Board on behalf of the University, that affect their academic progress. These procedures set out the grounds of appeal permitted.
2. If a student disagrees with the decision made by the designated Assessment Board, and believes that they have personal extenuating circumstances that have not been taken into consideration when making that decision, they should email [registry@marjon.ac.uk](mailto:registry@marjon.ac.uk) within seven calendar days of the publication of results. In the first instance, Registry will investigate and aim to resolve the query. This, however, will not affect a student's right of appeal if the query is not resolved and the appeal deadline will be twenty working days from the date of receipt of the Registry response, rather than from the date when the results are published. Queries involving alleged procedural irregularities in the conduct of an assessment should go straight to the appeals process.
3. Students should note that the University's complaints procedure (see Section 17 of this Framework) should be invoked in other areas of potential dispute. There may be appeals against academic decisions which refer to matters or allegations that are, or that become, the subject of a formal complaint. In such circumstances the Complaints Panel will determine the outcome of the appeal.
4. Students will not be disadvantaged in any respect by submitting an academic appeal.

## 16.3 Grounds of Appeal

1. Appeals must be lodged on either or both of the following grounds:
  - (a) **Material circumstances** (i.e. circumstances affecting the student's performance of which a Board of Examiners had been unaware when reaching its decision, **but only if** the student is able to demonstrate that she or he had been unable, for a sound and acceptable reason related to the circumstances themselves, to make them known through the Extenuating Circumstances procedures)

and/or

- (b) **Procedural irregularities** (i.e. alleged irregularities in the formal conduct of an assessment or in reaching another academic decision, including alleged prejudice or bias on the part of one or more examiners and/or markers).

Evidence for each ground of appeal invoked must be provided. In exceptional circumstances, where this might advantage the appellant or where an appellant has not cited a specific ground for appeal, an appeal may also be considered on permitted grounds which have not been cited.

2. Appeals can only be lodged against specific module marks. It is not, therefore, possible to lodge an appeal against an overall result including a degree classification.
3. A successful appeal cannot result in the raising of a mark that has already been confirmed by an Assessment Board. Instead, it will normally result in the granting of an additional assessment opportunity, so that no student is disadvantaged by the outcome of a successful appeal - the higher of the two module marks will then be recorded.

## **16.4 Exclusions from Appeal**

1. The following grounds cannot be considered as the basis for an appeal:
  - Dissatisfaction with the academic judgement of the internal and external examiners and/or markers including the Board of Examiners.
  - Matters of dispute that are within the remit of the student complaints procedure (see Section 17 of this Framework).
2. As required by the University's Marking Procedures set out in Section 12.5 of this Framework, a sample of work from each assignment is double-marked to ensure the accuracy and consistency of marking. This would normally rule out a successful appeal on the ground of procedural irregularities, involving alleged prejudice or bias.
3. Academic appeals submitted outside of the timeframe set out in Section 16.8 of this Framework will only be considered if the appellant can show reasonable grounds for not submitting the appeal within the deadline.
4. Issues relating to the quality of teaching or supervision, or other circumstances that relate to the delivery of a programme of study before the point of assessment (including the submission of a thesis or dissertation), cannot be pursued by way of these procedures. They should instead be raised under the University's student complaints procedure within the stated timeframe (see Section 17.8.2 of this Framework).

## **16.5 Acceptable Behaviour**

1. The University recognises that lodging an academic appeal can be a stressful experience and that the overwhelming majority of appellants do so in an appropriately constructive way. However, it also has a duty to ensure the safety and well-being of its staff.

2. Students (and, where appropriate, their representatives) are expected to use the established procedures and channels of communication to bring and resolve academic appeals. Under those circumstances, they can expect University staff involved in their appeal to be impartial, fair and, above all, helpful. However, the University will take action to protect its staff from unacceptable behaviour and will, for example, not accept communication that is abusive, offensive, defamatory, aggressive, threatening, coercive, intimidating and/or unreasonably persistent or demanding.
3. If an appellant's behaviour is deemed to be unacceptable, the University will explain the reason(s) for this and will ask the appellant to modify his/her behaviour. If the unacceptable behaviour continues, action will be taken to restrict the appellant's communication with the University on the authorisation of the University Secretary and Registrar. Under such circumstances, the appellant will be provided in writing with the reason(s) why his/her behaviour has been deemed unacceptable and the action/s that will be taken in response.
4. Any restrictions imposed will be appropriate and proportionate and may include the following (please note that these are not exhaustive):
  - Requiring contact in a particular form (e.g. in writing only)
  - Requiring that contact takes place with a single, named individual
  - Restricting telephone calls to specified days and times
  - Asking the appellant to appoint a representative to correspond with the University
  - Asking the appellant to enter into an agreement about their conduct
5. Where an appellant behaves unacceptably during a telephone conversation or a face-to-face meeting the University may, as a last resort, terminate the call or the meeting.

6. Where unacceptable behaviour on the part of an appellant continues, despite the appellant's communication with the University having been restricted, the University may terminate consideration of the appeal. Under these exceptional circumstances, a Completion of Procedures Letter (as per Section 16.10 of this Framework) will be issued.
7. The University may also refuse to process an academic appeal if it considers it to be frivolous or vexatious, issuing a Completion of Procedures Letter accordingly. Examples of frivolous or vexatious appeals include, but are not necessarily restricted to, the following:
  - Academic appeals which are obsessive, harassing or repetitive
  - Academic appeals which seek unrealistic and unreasonable outcomes
  - Academic appeals which are designed to cause disruption or annoyance
  - Demands for redress which lack any serious purpose or value
8. Anyone making malicious allegations concerning the reputation or conduct of members of staff in the context of an appeal may be subject to Student Misconduct proceedings, on the grounds that they have harmed or attempted to harm the good order and discipline of the University, and/or brought the University or its staff or students into disrepute.

## **16.6 Responsibilities of Students**

1. The responsibility for compiling documentation in support of an appeal, including any supporting evidence, rests with the appellant in accordance with the procedures set out in Section 16.8 of this Framework.
2. Students should note the time constraints outlined in these procedures and respond to any communications relating to their appeal in a timely manner.

3. Students should ensure that they are fully aware of the timing and the conditions of any assessments, including the deadlines that apply to them. Where this responsibility has not been exercised, the University reserves the right to decide that a valid case for appeal has not been made.
4. A student who submits an appeal must continue to undertake all resit opportunities, as its success cannot be guaranteed.

## 16.7 Informal Resolution

Academic appeals can only be made formally, following the publication of results. However, students who may have grounds for appeal, or who seek clarification of an Assessment Board's decision, are invited to discuss their concerns with the appropriate Dean of School or Programme Leader/Programme Area Leader immediately following the publication of results. In certain circumstances, where appropriate and proportionate, students may be provided with a written outcome which will be taken into account in the event of a subsequent appeal.

## 16.8 Submission of Appeal

1. Students can appeal only **after** the relevant Board has met and the official communication notifying results has been sent. Students who are aware that they might wish to lodge an appeal at this point are advised to retain any relevant correspondence and associated paperwork.

2. Should a student intend to appeal, they should request an appeal submission form from the Academic Standards Officer by emailing the Quality and Academic Standards Unit, as notified in the official results communication. However, in some circumstances, a more informal resolution to an appeal might be appropriate, therefore in the first instance, should a student disagree with the decision made by the Progression and Award Board and believes that they have personal extenuating circumstances that have not been taken into consideration, they are encouraged to contact Registry within seven calendar days of the date of the communication, in order that this can be investigated and potentially resolved. If, subsequently, a student remains unhappy with the University's response and intends to appeal against their results, they should proceed to request the appeal submission form as stated above.
3. A completed appeal submission form should be returned to the Academic Standards Officer or nominee (preferably by way of e-mail with scanned attachments in .pdf format), with all relevant supporting evidence, within twenty working days from the date of the communication notifying results. An appellant should send copies of any evidence supplied in support of their appeal, to avoid any risk that the originals will be lost. Appellants will also be invited to complete an anonymous questionnaire for equality monitoring purposes.
4. On receipt of the completed appeal form, the Academic Standards Officer or nominee shall acknowledge the appeal and forward it to an appropriately qualified and experienced senior member of academic staff, from the roster of Student Casework practitioners approved by Senate, who has no involvement with the appellant. Should the appeal also include grounds for a complaint (in accordance with Section 17 of this Framework), then the Academic Standards Officer or nominee will redirect it to the Complaints Procedure.



5. When investigating the appeal, the senior member of academic staff may decide to seek additional information, either from relevant University colleagues and/or the appellant. Where supplied by University colleagues, this information will be made available to the appellant on request. In exceptional cases, the senior member of academic staff may decide to meet with colleagues and/or the appellant in order to obtain additional information, making a brief note of the meeting which will be made available on the same terms.
6. Once the senior member of academic staff has reached a decision, they will communicate their decision to the Academic Standards Officer or nominee who will advise the appellant in writing. The University aims to communicate its decision as quickly as possible and within twenty working days of receipt. If a delay is envisaged, i.e. in excess of five working days, the appellant will be notified in writing before the end of the twenty working day period.
7. If the appeal is upheld, the case will be referred back to the Chair of the Module Assessment Board (MAB) or Progression and Award Board (PAB) so that they can take Chair's Action to change the Board's initial recommendations. In this case, the University will follow its normal procedures, including involvement of External Examiners where appropriate. Care will be taken to ensure student confidentiality and equity in the treatment of marks.
8. If the relevant Board changes its original recommendation, the change of recommendation will be confirmed to the appellant in writing and reported to its next meeting.
9. If the appeal is not upheld, the Academic Standards Officer or nominee shall set out the student's right to challenge the decision in the decision letter. This will explain the grounds under which an appellant may request a review of the decision, and make it clear that - if the appellant does not take the academic appeal to the review stage within the time limit for doing so - the appeal will be closed automatically.

## 16.9 Review Stage

1. The appellant may request a review of the decision on the following grounds only:
  - That the procedures were not followed properly.
  - That the decision maker(s) reached an unreasonable decision.
  - That the student has new material evidence that they were unable, for valid reasons, to provide earlier in the process.
  - That there is bias or reasonable perception of bias during the procedure.

Any such request must be submitted in writing to the Academic Standards Officer or nominee, within ten working days of the date of the letter communicating the decision.

2. The Academic Standards Officer or nominee will refer the challenge to a second appropriately qualified and experienced senior member of staff, from the roster of Student Casework practitioners approved by Senate, who has had no involvement with the appellant or the appeal. If valid grounds for re-hearing the appeal are not found, the University's Academic Appeal procedure will have been exhausted and the Academic Standards Officer or nominee will advise the student accordingly. This will constitute a Completion of Procedures Letter (see Section 16.10 of this Framework).
3. If, however, it is found that there are valid grounds for re-hearing the appeal, the decision will be overturned and the Academic Standards Officer or nominee will re-convene the formal stage of the appeals procedure. The appeal will be re-heard, accordingly, by a third appropriately qualified and experienced senior member of staff, from the roster of Student Casework practitioners approved by Senate who has had no involvement with the appellant or the appeal, under the procedures set out in Section 16.8 of this Framework. This re-hearing will be final and there will be no further right of appeal thereafter.

4. The review stage will normally be concluded within ten working days of the receipt of the appellant's request. Where it is agreed that the formal stage should be re-convened, the timescales set out in Section 16.8 of this Framework will apply and the processing time recorded for the appeal will be reset accordingly.

## **16.10 Office of the Independent Adjudicator for Higher Education**

1. If an appellant remains dissatisfied after the appropriate internal processes have been exhausted, they can ask the University to issue a Completion of Procedures letter in order for the Office of the Independent Adjudicator for Higher Education (OIA) to review their appeal.
2. The University must issue a Completion of Procedures letter in order for the OIA to review an appeal. A Completion of Procedures letter will be issued automatically where valid grounds for re-hearing the appeal are not found at the review stage and otherwise on request. If a Completion of Procedures letter is issued before the review stage has been conducted, the letter will make it clear that the student has not completed the University's internal procedures.
3. All requests for review must be made to the OIA within twelve months of the date of issue of a Completion of Procedures letter. For full details please contact <http://www.oiahe.org.uk>.

## **16.11 Annual Report**

The Academic Standards Officer submits an annual report on student casework to Senate, detailing (anonymously) general matters or issues arising from recent academic appeals. Additional reports are also submitted to the Finance and Resources Committee of the Board of Governors on a regular basis. Senate will forward recommendations to other relevant University committees so that broad concerns can be shared and appropriate action taken. In addition, the Academic Standards Officer will collate and present anonymised monitoring information with regard to academic appeals to Senate at appropriate intervals.

## **16.12 Procedures at Partner Organisations**

1. Students registered for the University's awards, irrespective of where they are studying, must normally appeal to the University direct. Details of how they can do so will be included in the official communication notifying results, and the procedure, thereafter, will be identical to that which applies to students on the University's home campus.
2. Where this is not the case, in accordance with the expectations set out in the UK Quality Code For Higher Education and the University's Collaborative Provision Regulations and Procedures, all students registered for the University's awards have the ultimate right to appeal to the University, irrespective of where they are studying.
3. The partner organisation, accordingly, should ensure that clear information and guidance with regard to academic appeals is made available to all students registered for the University's awards. This should explain whether students should appeal to the University directly, or whether appeals should be made to the partner organisation in the first instance.

4. Once the internal procedures of the partner organisation have been fully exhausted, where this is applicable, students who wish to take their case to the University for review should ask the Academic Standards Officer in writing if they are eligible to do so. The appellant may request a review of the decision on the following grounds only:
  - That the procedures were not followed properly.
  - That the decision maker(s) reached an unreasonable decision.
  - That the student has new material evidence that they were unable, for valid reasons, to provide earlier in the process.
  - That there is bias or reasonable perception of bias during the procedure.
  
5. If a case is eligible for review, the Academic Standards Officer or nominee will refer the challenge to an appropriately qualified and experienced senior member of academic staff, from the roster of Student Casework practitioners approved by Senate, who has no involvement with the partnership. If the challenge is upheld, the case will be referred back to the partner organisation to be reheard under its own procedures. Otherwise, the University will not refer the case back to the partner organisation to be reheard and the Academic Standards Officer or nominee will advise the student accordingly. This will include advice with regard to a student's further right of appeal to the Office of the Independent Adjudicator (OIA).

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