

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 a student. However, whatever the decision, the student 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. The University can make reasonable adjustments to the procedures on a case-by-case basis to take account of the individual needs of students with disabilities. Students are encouraged to discuss their requirements with the Disability Team (Student Wellbeing and Support).

In addition, the University can consider making reasonable adjustments for any student, where appropriate, to reflect their individual circumstances. Students are encouraged to raise any such needs either when requesting or submitting an appeal form, or at any stage during the appeal process, so that the University can consider and implement appropriate adjustments.

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. 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.
3. 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:** factors affecting a student's performance in an assessment(s), which the Board of Examiners had been unaware of when making its decision. These circumstances may **only** be considered if the student can demonstrate that, for a sound and acceptable reason, they had been unable to make them known at an earlier time 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 student or where a student 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 student 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 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 students 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 a student's behaviour is deemed to be unacceptable, the University will explain the reason(s) for this and will ask the student to modify their behaviour. If the unacceptable behaviour continues, action will be taken to restrict the student's communication with the University on the authorisation of the Academic Registrar. Under such circumstances, the student 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 student to appoint a representative to correspond with the University
 - Asking the student to enter into an agreement about their conduct
5. Where a student 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 a student continues, despite the student'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 student 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 Faculty, Academic Director, or Programme/Programme Area/Subject 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.
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**. A student should send copies of any evidence supplied in support of their appeal, to avoid any risk that the originals will be lost. Students 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 carry out an initial assessment. This may result in:
 - The appeal being rejected, for example because it is late, the outcome the student is hoping for cannot be achieved under the Academic Appeal Procedure, or it falls outside of the permitted grounds for an appeal (see Section 16.3 and 16.4). Where applicable, the student will be directed to a

different procedure. The reason/s for the rejection will be explained to the student, who will be able to request a review of the decision at this point (See Section 16.9 - Review Stage).

- The appeal being redirected to the Complaints Procedure if it includes grounds for a complaint (in accordance with Section 17 of this [Framework](#)).
- The appeal being accepted for formal consideration.

The student will normally be informed of the process to be followed in relation to their appeal submission within five working days of its receipt.

Formal Stage

5. If accepted for formal consideration, the Academic Standards Officer or nominee will forward the appeal to an appropriately qualified and experienced senior member of academic staff, from the roster of Student Casework practitioners approved by the Academic Registrar, who has no involvement with the student.
6. When investigating the appeal, the senior member of academic staff may decide to seek additional information, either from relevant University colleagues and/or the student. Where supplied by University colleagues, this information will be made available to the student on request. In exceptional cases, the senior member of academic staff may decide to meet with colleagues and/or the student to obtain additional information, making a brief note of the meeting which will be made available on the same terms.
7. 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 student in writing. The University aims to communicate its decision as quickly as possible and within twenty working days of receipt of the full appeal submission from the student. If a delay is envisaged, i.e. in excess of five working days, the student will be notified in writing before the end of the twenty working day period.

8. 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.
9. If the relevant Board changes its original recommendation, the change of recommendation will be confirmed to the student in writing and reported to its next meeting.
10. 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 a student may request a review of the decision, and make it clear that - if the student 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 student 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 the Academic Registrar, who has had no involvement with the student or the appeal. If no valid grounds for re-hearing the appeal are 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 the Academic Registrar, who has had no involvement with the student 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 student'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 a student 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 student 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 the Academic Registrar, 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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