

ACADEMIC APPEALS PROCEDURE

1. Purpose

- 1.1 The Academic Appeals Procedure is intended to allow students to appeal their academic results, as published by Assessment Boards, or circumstances relating to them.
- 1.2 The Academic Appeals Procedure comprises two stages; Stage 1: a review stage appeal and Stage 2: a final stage appeal to a Senate Panel if they are dissatisfied with the outcome of their review stage appeal.
- 1.3 The Academic Appeals Procedure operates in accordance with the Quality Assurance Agency (QAA) UK Quality Code for Higher Education Chapter B9: Academic Appeals and Student Complaints, and the Good Practice Framework for Handling Complaints and Academic Appeals issued by the Office of the Independent Adjudicator (OIA).

2. Definitions

- 2.1 An Academic Appeal is defined in Chapter B9 of the UK Quality Code as “a request for the review of a decision of an academic body charged with making decisions on student progression, assessment and awards.” At Birmingham Newman University this is a request to review a Programme Assessment Board decision. An Academic Appeal can only be made by a student of the University or where a student is studying on a programme validated by the University.

3. Scope and Principles

- 3.1 An Academic Appeal must be made in the required format ([appeal form](#)) and sent to: assessments@newman.ac.uk by the dates advised by the Assessments Team or within one month of the date of the decision of the Programme Assessment Board.
- 3.2 This procedure applies to any students who are enrolled on, all courses offered by Birmingham Newman University. It also applied to a student of an institution in partnership with Birmingham Newman University where that student is studying on a programme validated by the University.
- 3.3 This procedure applies to any appeals against an academic result or decision as defined in section 5.3 below. There are specific procedures that deal with student complaints, or appeals in relation to Academic Misconduct, Fitness to Practise, Disciplinary and complaints to the Students' Union.

- 3.4 The student will not have the right to have the same case heard again through a different route. If after initial investigation, it appears that the appeal falls within the scope of any of the above policies, reclassification of the appeal will be discussed with the student and the appropriate referral made.
- 3.5 In considering appeals, the University will apply the Procedure in accordance with its Equality and Diversity Policy. In particular, reasonable adjustments will be made for those with disabilities, specific learning disabilities, or long-term medical conditions.
- 3.6 All personal information will be processed in accordance with the Data Protection Act.
- 3.7 All parties to the appeal and individuals who are involved in any related investigation and/or administration of the appeal must observe the requirement for confidentiality. Whilst confidential information may need to be disclosed in order to consider the appeal, this will only be to those staff involved in consideration of the appeal (including any persons named by the student).
- 3.8 The University expects that students will not engage in frivolous, vexatious or malicious appeals as outlined in the bullets below. In such cases, the Academic Registrar (or nominee) reserves the right to terminate consideration of the appeal. The student will be given an explanation, in writing, of why their appeal has been terminated and details of any further right to appeal. Where an appeal is found to have been brought with frivolous, vexatious or malicious intent, this may itself prove grounds for disciplinary action against the student:
- appeals which are harassing, repetitive or pursued in an unreasonable manner;
 - insistence on pursuing non-meritorious appeals and/or unrealistic or unreasonable outcomes;
 - appeals designed to cause disruption or annoyance;
 - demands for redress which lack any purpose or value.
- 3.9 A student may withdraw an appeal at any point providing the Academic Registrar is advised in writing, but may not later re-launch the appeal.
- 3.10 Information which comes to light as a result of an appeal may lead to Birmingham Newman University or other agencies taking other kinds of action. This includes staff and student disciplinary procedures and civil or police investigations. If this happens the resolution of the appeal may be delayed until that other action has been taken. Students will be informed if this is the case and advised of a new date by which it is intended to complete enquiries.
- 3.11 Where a member of staff is unavailable to carry out any of the activities allocated to them under these Procedures, the University shall be entitled to substitute another member of staff with appropriate experience and seniority to undertake those activities.

4. Outline of Procedure with reference to the University's General Regulations

- 4.1 In cases where examination or assessment performance has been genuinely affected by adverse personal circumstance, students should always advise the Assessment Team in the Registry as soon as possible. The University has a process for Programme Assessment Boards to take mitigating circumstances into account.
- 4.2 Disagreement with the academic judgement of a Programme Assessment Board cannot in itself constitute grounds for a request for an Academic Appeal. Furthermore, any alleged inadequacy of supervision during a period of registration as a Birmingham Newman University student is not admissible grounds for an appeal. The judgement of Programme Assessment Boards on solely academic matters will be final and appeals can only be made on the grounds of:
- a) Material irregularity in the way the student's case was considered by the Programme Assessment Boards.
 - b) Extenuating circumstances which affected a student's performance of which the Programme Assessment Board was unaware and where it was not possible to notify the University prior to the decision of the Programme Assessment Board.
- 4.3 Academic Appeals which are not based on the acceptable grounds will be dismissed.

5. Initiating the Appeal Process

- 5.1 Should the appeal be based on the acceptable grounds listed in 4.2, the Academic Appeals process has two stages:
- a) **Stage 1**: Investigation and review by the Academic Review Stage Appeal Panel.
 - b) **Stage 2**: A final stage (Senate) appeal panel appointed by the Vice-Chancellor as Chair of Senate (or another nominated member of Senate).
- 5.2 The dates for the review stage are provided and published by Assessments and Graduation and are included in the results letters for students after every Programme Assessment Board.
- 5.3 Students may initiate the Appeal Process in connection with the following aspects of the academic decisions arising from the results of an assessment:
- a) The overall result of a final assessment
 - b) The result of an assessment, not being a final assessment, where that result:
 - i. Precludes continuation on programme or progression to the next stage of the programme;
 - ii. Requires reassessment or the repeat of an assessment;
 - iii. Leads to directed transfer to a lower level course;

- iv. Prevents progression to the honours degree as distinct from an unclassified degree;
 - v. Precludes progression to the major option of programme, which the student might reasonably have aspired to follow
- 5.4 The student must state the grounds on which they wish to appeal (see Section 4.2 above) and must include all necessary supporting evidence and documentation. No evidence can be submitted anonymously.
- 5.5 The Review Panel includes Executive Deans, Chair and Vice-Chair of the Mitigating Circumstances board and the Academic Registrar.
- 5.6 will be a senior member of academic staff (for example Head of Department, Assistant Dean, Dean) who was not the Chair of the specific Programme Assessment Board making the decision in question.

6. Stage 1: Investigation and Review

- 6.1 The submitted Appeal Form is provided by the Assessments Team to the Review Stage Panel who will consider the position in the light of the student's case to determine whether there are valid grounds for appeal within 25 working days of receiving the form and by the previous dates published to students (see 5.2). The Review may include a check of marks and the account taken of extenuating circumstances (both of which may include interviewing the student). Where the panel finds that there has been a material irregularity or there are extenuating circumstances which, for good reason, were not known about at the time, the case will be approved and the decision changed by Chair's Action.
- 6.2 The Assessment Team will notify the student in writing of the outcome of the Review.
- 6.3 A student may lodge an appeal against a decision of the Programme Assessment Board only after a Stage One Panel review of the Programme Assessment Board decision has taken place, the outcome of which still leaves the student dissatisfied.
- 6.4 The student must notify the Assistant Registrar within 25 working days of receipt of the letter notifying them of the outcome of the Panel, requesting progression to the Final Stage Appeal of the process (Senate Panel) and state the grounds for making a final stage appeal (see 6.6 below).
- 6.5 The final stage appeal may be lodged in the circumstances of the kinds of academic decision arising from an assessment that are listed in paragraph 5.3 above.
- 6.6 The grounds for a final appeal are:
- a) Material irregularity in the way the student's case was considered by the Programme Assessment Board or the Review Stage Appeal Panel.
 - b) Extenuating circumstances which affected a student's performance of which the Programme Assessment Board was unaware and where it was not possible to notify the University prior to the decision of the Programme Assessment Board, or the decision of the Review Stage Appeal Panel.

- 6.7 If grounds 6.6 b) are the basis for the final appeal, the following criteria must each be satisfied:
- a) The fresh grounds or evidence only came to light after the Review Stage Panel was completed;
 - b) The fresh grounds or evidence could not have been made available before the Review Stage Panel;
 - c) The fresh grounds or evidence add a significant new dimension to the case.
- 6.8 Fresh evidence must be introduced in support of a Final Stage Senate Appeal Panel (Stage 2); no appeal shall be heard if all the evidence submitted has already been considered at the Review Stage, even if fresh grounds are introduced.
- 6.9 The Assistant Registrar (or nominee) must be satisfied that these conditions are met before progressing a case to the Final Stage Senate Appeal Panel (Stage 2).
- 6.10 If the Assistant Registrar (or nominee) determines that there is no basis for the appeal requested to be considered further as a Final Stage Senate Appeal Panel (Stage 2), then the student will have exhausted the internal procedures. The student will be informed of this decision in writing by the Assistant Registrar (or nominee) and a Completion of Procedures (CoP) letter will be issued, normally within twenty working days of receipt of the request by the student to progress to a Final Stage Senate Appeal Panel (Stage 2). In such cases, the student may be able to seek a further review of their appeal by the OIA (see Section 9).
- 6.11 If the Assistant Registrar (or nominee) considers that there is a basis for further consideration, then the complaint will be referred to a Final Stage Senate Appeal Panel (Stage 2).

7. Stage 2: Final Stage Senate Appeal Panel

- 7.1 The Secretary to Senate will acknowledge the request to progress the Academic Appeal. Normally, within 25 working days, a panel of Senate will meet to hear the case. The Panel will be appointed by the Vice-Chancellor as Chair of Senate (or another nominated member of Senate). The Panel members will not have been in attendance at the original Programme Assessment Board meeting nor be academic staff working on any aspect of the student's programme. All panel members will be members of the University Senate.
- 7.2 The student will be invited to address the Panel and may be accompanied by a 'friend'. Students may alternatively elect to make a written submission only. Any additional written evidence presented to the Panel will be shared with all parties. The Panel may adjourn the hearing at any time if it requires further information.
- 7.3 The Head of Subject/Programme Leader will also be asked to provide a submission on the student's case and their knowledge of the student's progress and achievements.
- 7.4 After hearing from the student and considering all submissions, the Panel will consider whether all the relevant issues have been taken into account and whether the decision was fair in the light of all the circumstances.

- 7.5 At the conclusion of the hearing, all persons other than the Panel and its Secretary shall withdraw and be released.
- 7.6 The Panel will either uphold the decision of the Programme Board or recommend a different decision.
- 7.7 The Panel shall reach its decision in private and shall communicate its decision in writing to the student (copied to the Assessment Team) normally within 5 working days of the Panel.
- 7.8 Research students studying for a research degree validated by the University of Leicester or Liverpool Hope University may additionally make a submission to that organisation.

8. The Role of the Friend

- 8.1 The student may bring with them a 'friend' to accompany them in front of the Panel. A friend is defined as a registered student of the University, or sabbatical officer of the Students' Union, a workplace companion or a family member. A 'friend' cannot be a member of staff because this may put them into a position of conflict of interest and their relationship with the student may be compromised. The role of the friend is not to be an expert witness. The role of the friend is to act as an observer, give moral support but he/she may speak with the permission of the Chair.
- 8.2 The student may not be represented by another person in the student's absence.
- 8.3 The University does not permit students to be legally represented during such meetings except in exceptional circumstances. For the avoidance of doubt, the definition of "exceptional circumstances" in this context is a matter for determination by the University.
- 8.4 The audio recording of meetings and Panels held under the Procedure by the student is prohibited, subject to such reasonable adjustment as may be agreed by the University where required under the Equality Act 2010. Where adjustments have been agreed, the student is asked to inform the secretary in good time prior to any such meeting to allow the University to ensure that suitable facilities are available.

9. Office of the Independent Adjudicator for Higher Education (OIA)

- 9.1 The OIA is an independent body set up to review individual student complaints against universities in England and Wales ([OIA website](#)).
- 9.2 Current or former students may only take their complaint (in the case of these procedures the complaint will relate to the outcome of a Final Stage Senate Appeal Panel) to the OIA once the University's internal procedures have been exhausted and the University has issued a Completion of Procedures letter to the current or former student.
- 9.3 The OIA must receive a completed Scheme Application form within twelve months of the date of the Completion of Procedures letter.

10. Monitoring and Evaluation

- 10.1 Birmingham Newman University will monitor and evaluate the effectiveness of the Academic Appeals Procedure and reflect upon the outcomes for enhancement purposes. A report will be submitted annually to Senate and the University Council (the trustees). The report will include equality monitoring data.