

# Part 7

## Appeals against Assessment Board decisions

### 1. Introduction and context

This Appeals against Assessment Board Decisions procedure is intended to provide a formal means for reviewing a decision made on student progression, assessment and award in order to resolve the student's concerns in a fair and consistent manner.

This is different from the Student Complaints Procedure which provides a means for resolving specific problems or areas of concern students may have that relate to the teaching provision or university services more generally.

Related policies and procedures are:

- [Dignity at Work and Study Policy and Equality and Diversity Policy](#)
- [Manual of General Regulations:](#)
  - [Responsibilities of Students and Fitness to Study, Part 11](#)
  - [Student disciplinary regulations and procedures \(incorporating the student code of conduct\), Part 12](#)
  - [Data Protection Policy](#)
  - [Academic Misconduct \(part 8 of Manual of General Regulations\)](#)
  - [Suitability procedure for Students on Professional Courses, Part 13](#)
- [Student Charter](#)
- [Extenuation Policy](#)
- [Students studying for a UEL award at another institution under the University's collaboration and partnership arrangements are referred to in Appendix A.](#)

The University Secretary is responsible for the development, compliance, monitoring and review of this Appeals Procedure and for overseeing the dissemination and implementation of this Appeals Procedure.

This Appeals Procedure will be publicised via the UEL website, the Intranet, Student Hubs and the Students' Union.

## 2. Purpose of the Procedure

This Appeals Procedure will:

- Describe the procedures whereby students may raise concerns regarding progression, assessment and award.
- Provide students with a structured procedure to escalate such issues where it has not proved possible to resolve them to their satisfaction through informal and local routes.
- Allow for the identification of academic appeals which require particularly swift action.

The University will ensure that in the implementation of this Process, due regard is given to the need to ensure that students are treated fairly and without discrimination.

Students will not be disadvantaged because of making an Academic Appeal under this Process provided it is made in good faith.

## 3. Definition

For the purposes of this policy an academic appeal, as defined by the Office of the Independent Adjudicator (OIA), is

*" a request for a review of a decision of an academic body charged with making decisions on student progress, assessment and awards."*

This may include a request to change marks or progress decisions, or final award classifications.

An academic appeal relates to the outcome of an assessment or examination, or a student's progression:

There are limited grounds on which an appeal will be considered, which are any of the following:

- a) If there had been a material and significant administrative error in the information received and considered by the Extenuating Circumstances Officer, the Assessment Board and/or the Board of Examiners.
- b) If the assessments had not been conducted in accordance with the approved regulations for the course of study.
- c) If some other material irregularity had occurred in the procedures of the Extenuating Circumstances Officer, the Assessment Board and/or the Board of Examiners.
- d) If the student had been prevented from attending or submitting an assessment artefact by illness or other good cause that related to the student's personal circumstances, that she or he had been unable, for a sound and acceptable reason related to the circumstances themselves, to divulge before the deadline for extenuating circumstances.

Please note: The ground for appeal described at d) might be a situation when an Extenuating Circumstances Form could be submitted.

e) For a student with a disability or additional need, the initial needs assessment was not correctly carried out, or the support identified was not provided, or the agreed assessment procedures for that student were not implemented.

However, a student cannot use the appeals procedure for making known any extenuating circumstances after decisions have been made, unless it can be shown that the circumstances themselves prevented you from using the Extenuating Circumstances procedure. For example, if a student was rushed to hospital on the morning of an examination and kept in beyond the end of the semester, and they could not have used the Extenuating Circumstances Form and the reason relates to the circumstances themselves.

#### **4. Scope of the Procedure**

This Academic Appeals Process (“this Process”) allows for a student to bring an appeal against a decision made by an Assessment Board. The term ‘student’ refers to students who have registered or enrolled on their course. It also includes those who have recently left the University, although students (both current and former) are only able to raise issues of academic appeal within 10 working days after the publication of relevant assessment results via UEL Direct.

Disagreement with the academic judgement of a Board of Examiners’ decision cannot, in itself constitute a reason to Appeal. Academic judgement is a judgement that is made about a matter where only the opinion of an academic expert will suffice. For example, a judgement about assessment or degree classification or a judgement about a decision where a student is required to repeat or take further assessment will usually be academic judgement, and a student cannot appeal simply because they believe they ought to have received a higher grade or mark.

The following are not normally considered to be legitimate grounds for an academic appeal:

- where a student questions the exercise of academic judgment, that is, the decision made by academic staff on the quality of the work itself or the criteria applied to mark the work (rather than the administrative marking process)
- where a student disagrees with the conclusions reached by the individual or panel which considered his or her mitigating (extenuating) circumstances.

An Academic Appeal can be made in relation to fairness of procedures or facts of a case; however, there must be something which has materially affected the student’s performance.

This Process applies to all students of the University irrespective of mode of study, except Research Degree Students (i.e. those students studying MPhil or PhD, or Professional Doctorate students) for whom a specific and separate procedure

applies (please see Manual of General Regulations Part 9 of the Manual of General Regulations- Research Degrees.

Depending on when the appeal form is received by the Complaints and Appeals team and the time taken for a successful outcome decision to be issued, it may not be possible for the student to continue their studies in the current academic year if too many teaching weeks have been missed. If the re-enrolment deadline has expired, the right to return will be determined by the Chief Operating Officer. In some cases, students may be required to defer their studies to the next academic year.

General Guidance on the operation of this Process is set out in **Appendix B**.

## **5. Appeals Procedure Stages and Timeframes**

The formal procedure is divided into two parts, **an investigation stage for the determination of the academic appeal** and **a review stage**.

The formal procedure involves the University Secretary or their nominee as manager and facilitator of the procedure. The role of the University Secretary (or nominee) is to ensure that the formal procedure is operated according to proper process and within relevant timescales, aiming to resolve Appeals as quickly as possible. **Appendix C** presents this Appeals Procedure as a flowchart. Some academic appeals may require swift action, these include, but are not limited to:

- cases where the impact of the issues raised has detrimental consequences for the student's mental health or where the student displays significant distress
- cases where external time limits apply for example in meeting regulatory requirements for the completion of professional courses.

### **5.1 Formal conciliation with Chair of Assessment Board**

Students are encouraged to seek advice and assistance from the Students' Union, but they should not delay submitting their appeal form whilst waiting for an appointment, as the appeal could be rejected as submitted out of time. However, students studying with a partner institution are not eligible to use the services of the Students' Union.

If a student wishes to appeal against a decision or recommendation of an Assessment Board, they should complete and submit an appeals form (set out in **Appendix D**). Once completed the form will be sent to the Complaints & Appeals team within **ten working days** of the publication of relevant assessment results via UEL Direct.

A student wishing to claim extenuating circumstances after the submission deadline has expired can also submit an appeal. Supporting evidence will need to be provided to demonstrate why the student was unable to claim extenuation within the specified timeframe. Such appeals should be received within **ten working days** of the publication of results. If an appeal is received significantly late, this could have an impact on the university's ability to find an amicable solution.

If an appeal citing extenuating circumstances is accepted for formal consideration, the appeal form and supporting evidence will be forwarded to the Extenuating Circumstances Panel. The Panel will have **5 working days** to issue their response following the date of the Panel meeting. If the appeal is rejected, the student can request a Panel review **within 5 working days** of receipt of the decision. Valid grounds for requesting a review are set out at para 5.2 below.

Extenuation claims are reviewed only for the components applied for based on the evidence submitted and is not the same as a Progression Decision. Extenuation is only one determining factor of your academic progression and therefore does not automatically grant further results, assessment only or progression. If an extenuation appeal is successful, where appropriate, the Complaints & Appeals team will contact the Assessment Board Chair to ask for the student's progression decision to be reviewed.

Note: appeals against the decision of the extenuating circumstances panel are permitted only on the grounds that there was a material irregularity in process or some other material administrative error, **not** on the grounds that the student simply disagrees with the judgment of the extenuating circumstances panel)

Depending on when the student's appeal form is received by the Complaints and Appeals team and when the Chair issues a successful progression appeal outcome decision, it may not be possible for the student to continue their studies in the current academic year, if too many teaching weeks have been missed. The right to return will be determined by the Chief Operating Officer. In some cases, students may be required to defer to the next academic year.

Once an appeal form is received, the Complaints and Appeals team will undertake an initial evaluation to check that the academic appeal is submitted under the correct procedures, falls within the grounds upon which an appeal may be made, is submitted within the deadline and is in the required format.

This process may result in:

- the student being referred to a different procedure
- the academic appeal proceeding to formal consideration
- the academic appeal being rejected because it is not made under the permissible grounds or is out of time.

Where some parts of the student's academic appeal fall outside the permissible grounds, this will be explained to the student. There will be some cases where an

appeal relates to external assessment by a Professional, Statutory or Regulatory Body (PSRB). In these cases, the PSRB is likely to have its own appeals procedures which must be used.

If the academic appeal is accepted for formal consideration, the Complaints and Appeals Team will refer the appeal to the Chair of the Assessment Board.

The Chair of the Assessment Board (or an appropriate substitute), will convene a conciliation meeting to hear the appeal **within 10 working days** of the appeal being received by the Complaints and Appeals team.

Following the meeting with the appellant, the Chair of the Assessment Board shall decide either:

- a) to allow the student to re-sit the relevant component *uncapped*;
- b) to amend the original progression decision awarded by the Board

Note: a decision to re-admit a student may not be possible if too many teaching weeks have been missed. If this is the case, the decision may be to defer for the remainder of the year.

- c) to allow the student to continue on the Course, re-taking the module in the next academic year (if permissible within the academic regulations).
- d) to dismiss the appeal.

The Chair of the Assessment Board shall consider whether, in consequence of a decision made in accordance with this policy, any decision of the Progression Board should be reviewed.

The Chair of the Assessment Board and the student will sign the decision form to confirm that consultation has taken place. The signed form will be retained by the Complaints and Appeal Officer.

## **5.2 Panel Review**

The student can make a request for the Appeal to be considered at a Panel Review. A request for a review may be on limited grounds, including but not confined to:

- a review of the procedures followed at the formal stage
- a consideration of whether the outcome was reasonable in all the circumstances

- new material evidence which the student was unable, for valid reasons, to provide earlier in the process.

The review stage will not consider the issues afresh or involve a further investigation. Where the student has requested a review of the decision of the Chair of the Assessment Board or the Chair of the Extenuating Circumstances Panel, the student will notify the Complaints and Appeal Team in writing, **within five working days** of the receipt of the decision from the Chair of the Assessment board.

To be deemed valid, such notice of appeal must:

- (a) state the actual decision appealed against;
- (b) contain a brief summary of the grounds of appeal, including as appropriate:
  - any respects in which it is alleged that the assessment failed to accord with the regulations pertaining to the course (identifying the regulation(s) which has/have allegedly been breached), or the nature of the material administrative error or other material irregularity relevant to assessment which has occurred;
  - how it is alleged that, for a student with a disability or additional needs, the needs assessment was flawed, the provisions recommended were not implemented, or the agreed assessment procedures have failed to be implemented;
  - provide evidence, other than the personal testimony of the student, in corroboration of the factual basis of the appeal, or indicate how such corroboration will be provided;
  - state the nature of the revised assessment sought from the Assessment Board, or the nature of the decision sought from the extenuating circumstances panel;
  - demonstrate that conciliation has been attempted with the Chair of the relevant Assessment Board or, in her or his absence, an appropriate substitute.

On receipt of a valid notice of appeal, the University Secretary will check to establish if the grounds for an appeal are met as follows:

- Were the relevant procedures followed during the formal stage?
- Was the outcome reasonable in all the circumstances?
- Has the student received clear reasons why the academic appeal was

- rejected at the formal stage?
- If new material evidence has been provided has the student given valid reasons for not supplying this earlier?

If the grounds for appeal are not met, the outcome of the review will be communicated to the student in writing by issuing a Completion of Procedures letter as soon as possible and within **28 days of the receipt of the request for a review.**

If the grounds for appeal are met the Complaints and Appeals Officer, (acting on behalf of the University Secretary) shall notify the student and make arrangements for a meeting of an Academic Appeals Panel (described below) to hear the appeal, **normally within 30 working days** of the decision to allow the Appeal.

### **Academic Appeals Panel constitution**

The Academic Appeals Panel shall comprise a Chair (who shall be a senior member of the academic staff with appropriate experience of assessment procedures) and three other members, consisting of:

- a Chair of another Assessment Board (or their representative);
- a member of teaching staff of the University;
- a trained representative of the Students' Union.

Where possible the University will seek to ensure that the composition of the panel reflects the character of our institution and/or at least one person has been trained in equality and diversity issues.

No member of the Academic Appeals Panel shall be a member of the school responsible for the course concerned or be involved in the teaching or assessment of the course.

No member of the Academic Appeals Panel shall be an interested party.

To the extent practicable, the same Chair should preside in hearings of appeals from an Assessment Board in any one year.

### **Appeal hearing**

The student shall have the right to appear before the Appeals Panel and to be accompanied and assisted by one friend who is a member of the University and may or may not be an interested party. Such a friend may be a Students' Union representative but not a paid legal representative.

The student and his or her adviser and the Assessment Board through its

representatives shall have the right to call and to question witnesses.

The Academic Appeals Panel shall be entitled to call witnesses on its own initiative and to call for the production of relevant documents.

The appeal shall be heard only on the grounds stated in the notice unless the Academic Appeals Panel decides otherwise. In the latter event, either the student or the Assessment Board shall be entitled to request an adjournment, appropriate to the requirements of the new grounds to check and share the evidence. If it appears that the adjournment will result in the appeal going into another day, the chair can take the decision to make a referred decision and notify the parties of the decision in writing.

Each party (*i.e.* the student and the Assessment Board) shall have the right to receive a copy of any written submission that is made on the part of the other. The student shall be invited to provide details of any reasonable adjustments that may need to be made for the hearing in order to accommodate the appeal if they have a declared disability.

The University will pay reasonable, standard class travel expenses incurred as a result of the appellant's attendance at the hearing.

Where there is a clear justification for doing so e.g. where travel costs are prohibitive or the student's mode of attendance makes attendance in person difficult, a request to conduct the Panel via web link/skype can be considered. The Chair of the panel will have final say on whether the panel can be convened via web link. For any panel via video-link the Chair and panel members would be located at an on-campus location at the University.

If the student does not appear at the date and time scheduled for the hearing the Academic Appeals Panel shall consider whether any reasons advanced for non-attendance are valid, and:

- if members so judge, adjourn proceedings to a later meeting;
- if no reasons are advanced, or if they are judged invalid, proceed in the student's absence.

### **Outcome of the Appeal Panel**

The Academic Appeals Panel shall be empowered either:

- a) to allow the student to re-sit the relevant component *uncapped*;

- b) to amend the original progression decision awarded by the Board

Note: a decision to re-admit a student may not be possible if too many teaching weeks have been missed. If this is the case, the decision may be to defer for the remainder of the year.

- c) to allow the student to continue on the Course, re-taking the module in the next academic year (if permissible within the academic regulations).
- d) to dismiss the appeal.

In making a reference back, the Academic Appeals Panel shall state the grounds on which it has reached its decision and what matters it requires the Assessment Board to consider further. The Academic Appeals Panel may make recommendations provided these are not academic judgements and provided that reasons for the recommendations are given.

The Academic Appeals Panel shall consider whether, in consequence of any decision made in accordance with this policy, any decision of the Progression Board should be reviewed.

Assessment Boards may set up sub-boards drawn from their own membership to review the strength and possible effect of the Academic Appeals Panel's recommendations. The full board shall then meet as promptly as possible to consider the reference back in the light of the sub-board's findings, and shall submit a report of such a meeting to the Academic Appeals Panel.

## **Completion of Procedures**

If the academic appeal is not upheld, this will be communicated to the student in writing by the issue of a Completion of Procedures letter as soon as possible and within 28 days.

The Completion of Procedures letter will include a clear explanation and outline the reasons for the decision. The decision should also advise the student about:

- their right to submit a complaint to the OIA for review;
- the time limit for doing so;
- where and how to access advice and support.

## **Authority of Academic Appeals Panels**

The decision of the Academic Appeal Panel is final and there shall be no further appeal against this decision.

If there is evidence of procedural irregularity in the conduct of an appeal the student can request a review by the University Secretary who may require the Academic Appeals Panel to reconsider the case.

### **Training and awareness**

The University Secretary will organise activities to raise awareness of this Appeals Procedure, and how it is to be used, amongst the student body. The University Secretary will also provide support, guidance and training for staff in Schools / Services on any changes to this Appeals Procedure, its application, and good practice in handling Appeals and resolving them as close as possible to their point of origin.

## **Appendix A**

### **Group Appeal**

Where a group of students wish to submit a collective appeal, the group should nominate a spokesperson to act as the channel of communication for the group. However, the appeal form must contain the names and signature of all of the other students in the group

### **Appeals from students studying on partner courses**

The University makes awards to some students studying courses at partner institutions. A student on a course at a partner institution may make use of various University services. The University has overarching responsibility for the quality and standards of the academic courses offered by these institutions.

Students on such courses may complain to the University on matters related to the quality of his/her academic course. Appeals can be made direct to the University as the marks for students studying at partner institutions are ratified at UEL Assessment Boards and by UEL Chairs.

An annual summary report of student Appeals in partner organisations will be received by Board of Governors and a record will be retained.

## **Appendix B**

### **Guidance Notes to accompany the UEL Appeals Procedure**

#### **Appeals to the VC and other senior members of staff**

If an appeal is made to the Vice-Chancellor's Office or the Office of any Senior Manager, it will be referred to the Complaints and Appeals Team who will ensure that it enters the procedure at the appropriate point.

#### **Reimbursement of expenses**

If an appeal is upheld, the University will meet any reasonable 'out of pocket' expenses connected with the Formal stage of the Appeals Procedure, on production of receipts; this may include travel and subsistence costs in connection with the student's attendance at a complaint hearing (if any).

#### **Support for students and Appeals from third parties (including representation from MP's)**

Students may seek advice from the Students' Union in relation to bringing an appeal and may request that a Students' Union officer accompanies them to any meetings associated with the appeal. The University will not accept Appeals from third parties except where they are acting as the students' representative with the student's written consent. Any communication with a third party must comply with the provisions of the Data Protection Act 2018 including all Data Protection principles. The Data Protection Policy, Information Security Policy and the University Data Protection pages set out specific obligations around contact with third parties.

In providing permission for the University to correspond with a third party (or by appointing a Member of Parliament to make the appeal on their behalf), the student shall accept that this may include disclosure to the third party of relevant information.

#### **Investigation and supporting information**

Students are expected to provide at the time of submission of their appeal, all relevant documentation or other evidence and details of all issues which they wish to be taken into consideration. Where this is not possible for good reason, students are expected to indicate what documentation or evidence is to follow. The person receiving the appeal shall be entitled to impose a reasonable deadline by which this further information should be provided by the student.

#### **Equality and Diversity**

These internal regulations of the University and their associated policies and guidance will be operated in accordance with its [Equality and Diversity Policy](#).

### **Reasonable conduct**

It is expected that students, their representatives and staff members should act reasonably and fairly towards each other in good faith and respect this Appeals Procedure. The University has a responsibility to protect its staff against unacceptable behaviour according to its regulations and policies and action will be taken for any abuse of process.

### **Confidentiality**

Appeals will be handled with an appropriate level of confidentiality, with information released only to those who need it for the purposes of investigating or responding to the appeal.

### **Data Protection**

Any personal data processed as part of the Appeals procedure including manual or electronic data is in scope of the Data Protection Act 2018 which places obligations on UEL around the collection, use, storage, dissemination or destruction of such data.

### **Reporting and Monitoring**

All Appeals considered under the formal stages of this Appeals Procedure will be recorded and reported annually by the Complaints and Appeals Team. This will detail the number of Appeals as well as the outcomes and will highlight any potential areas for enhancement or lessons learned.

Partner institutions will also be asked to submit an annual report on any appeals. These reports will be collated with information on University level reviews so that an annual report of all Appeals can be provided to Academic Board.

The Complaints and Appeals Team will oversee the tracking of Appeals and recording of key data on behalf of Board of Governors. All data held will be monitored in accordance with the [Equality and Diversity Policy](#) and reported on an annual basis to the Board of Governors. The annual report will identify and evaluate any issues for which further action needs to be taken.