

K Academic Appeals

K1 Introduction

K1.1 Assessment may take a variety of forms including dissertation, examination, project, essay, presentation, practical work or any other exercise which is designed to enable Students to demonstrate achievement.

K1.2 Prior to submitting an appeal, students should raise issues informally with members of the Programme Team or, in the case of postgraduate research students* with their supervisory team, and attempt to resolve any concerns.

K1.3 Where the term “relevant Research Committee” appears in this document, it relates to either a College (or other similar body) Research Committee or the University Research Committee, as appropriate to the issue involved for postgraduate research students.*

K1.4 Impartial advice on how best to raise issues is available from the College Student Centre, College Student Advisors and the Union of Students.

K1.5 It is important that students ensure that any circumstance which they feel could adversely affect their performance is recorded in accordance with the published procedures and within the deadlines set down in those procedures:

- Exceptional Extenuating Circumstances
- Late Submission
- Complaints

It is unlikely that an appeal on this basis will be successful if the student has not reported it and followed the appropriate procedures.

K1.6 All information submitted for consideration will be treated confidentially. Relevant information will be disclosed to the appropriate staff in order to fully investigate the appeal.

K1.7 If an academic appeal is submitted that would be more appropriately dealt with through other University procedures, the University reserves the right to re-direct it on to be considered by the relevant department.

K1.8 Students with an appeal ongoing through the University’s procedure will not normally be able to attend an awards ceremony until the appeal is resolved. Any invitation will be deferred until the next ceremony.

K1.9 The University will seek to learn from issues raised through the organisational learning process.

K2 Valid Grounds for Appeal

K2.1 Students can only appeal against an assessment result or a decision of an Assessment Board/relevant Research Committee for one or more of the following reasons:

- That the student's performance in an assessment suffered through illness or other compelling circumstances which could not have been reasonably reported at the time of the assessment; students who base an appeal on this ground will be expected to show why the circumstances could not have been reported earlier
- That the assessment was not carried out in accordance with the programme and/or module regulations and procedures
- That the administrative procedures were not correctly followed or that a significant mistake was made in the administrative process
- Previously reported circumstances which may have significantly affected the students' performance were not considered by one or more of the following:
 - a. The assessor(s)
 - b. The Assessment Board
 - c. Appointed research degree examiners
 - d. The relevant Research Committee

Students are reminded that such circumstances must be recorded at the time they arise.

K3 Invalid Grounds for Appeal

K3.1 Students cannot appeal against academic judgement, see F3.1 and G3.1.

K3.2 Students cannot make an appeal based on a complaint which was not formally recorded at least 5 working days prior to completion of the assessment process, i.e. formal release of results, see F8.9 and G9.6.

In cases where such a formal complaint has been made, but not satisfactorily resolved, the complaint investigation will be completed before consideration of the appeal. If the circumstances can be shown to have had an effect on the student's

performance any relevant findings may be subsequently taken into account in considering the appeal.

K4 Making an Appeal

K4.1 There are two routes by which students can make an appeal:

- (i) University of Derby Awards: This route is used for all programmes leading to an award of the University of Derby including those studied with a collaborative partner institution. These programmes are subject to an Assessment Board or, in the case of postgraduate research degrees, the appointed PhD examiners or examiners of DProf independent studies and relevant Research Committee.
- (ii) External Awards: This route is used for a programme of study leading to an award of an external body or in partnership with an external body, for example, CIPS, CIMA, ACCA, CIM, Diploma in Acoustics and Noise (See A4).

K5 Appeal Procedure: University of Derby Awards

K5.1 This procedure relates to appeals against:

- Formally-released module results
- The decision of an Assessment Board regarding a module or group of modules
- A progression decision made by an Assessment Board or Research Committee
- In relation to appointed assessors for Confirmation or Registration
- A decision made by appointed research degree examiners

K5.2 Initially the student will approach members of the Programme Team, the Module Leader or in the case of postgraduate research students, the supervision team to seek clarification.

K5.3 If not resolved the student completes and submits an Academic Appeal Form. This should be submitted to the Student Policy and Regulations team within 10 working days of the date of formal publication of module results or decisions listed in K5.1 (Publication is the earliest point of notification on UDO/College Student Centre system or written confirmation in the form of a letter from the Assessment Board or Research Committee).

- K5.4 Within 5 working days of receipt, the form will be checked to ensure that it complies with the following:
- (i) It is fully completed (including desired outcome, signature)
 - (ii) All relevant evidence is attached
 - (iii) The case is clearly stated and relates to one of the previously listed grounds for appeal
 - (iv) It has been submitted within the 10 working day timescale
- K5.5 The University reserves the right to reject an appeal submission without further investigation if it fails to comply with the above.
- K5.6 Receipt of the appeal will be acknowledged to the student by the Academic Registrar or nominee within 5 working days, who will advise the student on whether the appeal submission has been accepted and the anticipated timescale for the investigation. Students are advised that the anticipated timescale for investigation is 20 working days.

K6 Formal Investigation

- K6.1 If the appeal is accepted the form is copied to the Chair of the Assessment Board, the programme leader, or Chair of relevant Research Committee or nominee and to the Dean/Director with responsibility for the student's programme.
- K6.2 The Academic Registrar or nominee may collect written evidence from relevant members of staff, the Assessment Board or relevant Research Committee and will consult with the Chair of the Board/relevant Research Committee or nominee.
- K6.3 Possible outcomes of the formal investigation:
- (i) Appeal not upheld

If after the above consultation the Academic Registrar or nominee establishes that the appeal is not properly based on one of the acceptable grounds set out in paragraph 2 above, they will recommend that the appeal be turned down

- (ii) Appeal upheld

If the Academic Registrar or nominee and Chair of the Assessment Board/relevant Research Committee or nominee establish that the student does have grounds for appeal, a consultation will be held with relevant members of the Assessment Board/relevant Research Committee, including the External Examiner. The consultation will agree what action, if any, should be taken to address the appeal

without the need for a Formal Appeals Panel hearing. Any such action may be confirmed by Chair's action and reported to the next meeting of the Assessment Board/relevant Research Committee.

(iii) Appeal rejected

If it is decided that the appeal is based on academic judgement (See K3.1) the University reserves the right to dismiss it without further investigation.

K6.4 The Academic Registrar or nominee will notify the student of the decision and indicate the reasons why, ensuring that issues raised are responded to.

K6.5 The student will be deemed to have accepted this decision unless they reject it by informing the Academic Registrar or nominee in writing giving reasons, within 10 working days of receiving formal notification. If the student does not respond within the timescale the case will be closed and the student will be issued a letter confirming the University's internal procedure has been completed.

K6.6 Where the outcome is rejected by the student, they may request that the matter be referred to a formal Appeals Panel on the following grounds:

- (i) Procedures were not followed
- (ii) Available evidence was not taken into account
- (iii) The student is submitting new evidence. Relevant evidence not available at the time and a compelling reason must be given why this was not included/not made available at the time of the original appeal submission

K6.7 If after the formal investigation the Chair of the Assessment Board / relevant Research Committee is unable to make a decision the matter will be referred to an Appeals Panel.

K7 Appeals Panel

K7.1 The Academic Registrar or nominee will convene the Appeals Panel which will comprise:

- (i) A University academic manager or a relevant Dean/Director or nominee, other than the Dean/Director or manager with responsibility for the student's programme, as Chair.
- (ii) Two members of academic staff, normally drawn from the membership of Academic Board or Academic Development and Quality Committee (ADQC) or Head of Subject or, in the case of a postgraduate research student, at least one member of the University Research Committee, but not including any

member of staff involved with the student's programme or research degree supervision.

- (iii) A student representative, normally Officer Trustees of the Union of Students.
- (iv) The Academic Registrar or nominee will act as Secretary to the Panel.

K7.2 The Academic Registrar or nominee will notify the student, at least 10 working days in advance, of the time, date and place of the panel hearing, and the names and titles of the panel members. This timescale can be reduced by mutual agreement.

K7.3 It is the student's responsibility to prepare and present their case.

- (i) The student is entitled to bring a friend. This person should be a member of the University or a Union of Students' representative. The friend may make representations on the student's behalf with permission of the Chair of the Panel.
- (ii) Where the appeal is brought by a student under the age of 18, they may be accompanied by a parent or guardian.
- (iii) Details of anyone accompanying the student must be notified to the Appeals Panel 5 working days in advance of the hearing.
- (iv) Any additional evidence must be provided 5 working days in advance of the hearing, with evidence of why this could not have been submitted with the original appeal form.

K7.4 The student is entitled to call witnesses, but must notify the Academic Registrar or nominee 5 working days in advance of the panel hearing if they intend to do so, stating the relevance to the case and their relationship. It is the responsibility of the student to liaise directly with the witness. Alternatively, a written witness statement can be submitted 5 working days in advance of the panel.

K7.5 The student is entitled to see in advance of the hearing all relevant evidence, except provisional assessment marks or grades, but must keep all such information confidential. They are entitled to be present throughout the hearing except for the private meetings of the panel.

K7.6 The panel may also call witnesses or may seek information prior to the meeting, which will be disclosed to the student 5 working days in advance.

K7.7 Members of the panel may question the student and witnesses. The student may also question witnesses. All questions will be raised through the Chair of the panel. All witnesses will leave the meeting after giving their evidence.

K7.8 When all the evidence has been heard, including the student's closing statement, the student and their friend or parent/guardian will leave the meeting and the panel will consider its decision in private.

K7.9 Based upon the evidence the Appeals Panel will either:

- (i) Determine whether to uphold the decision of the Assessment Board/relevant Research Committee or published result
- (ii) Require the Assessment Board/relevant Research Committee to annul its decision or rescind the published result.

K7.10 In a case concerned with the examination of doctoral research degrees the Panel does not have the authority to set aside the recommendation of the examiners or recommend the award of a research degree, but may:

- (i) Invite the examiners to reconsider their recommendation in the light of the new Information
- (ii) Appoint new examiners to undertake a full re-examination (this will not be deemed a second attempt)

The recommendations of any new examiners are accepted as final.

K7.11 The panel's decision will normally be communicated to the student immediately after the meeting and subsequently confirmed in writing by the Chair. The report of the panel hearing, once approved by the Chair of the panel, will be submitted in confidence to the members of the panel, the Chair of the Assessment Board/relevant Research Committee, and to the Chairs of Academic Board, Academic Development and Quality Committee (ADQC) and, where appropriate, to the Chair of the University Research Committee.

K7.12 The decision of the appeals panel is final. (See K8)

K7.13 If the Assessment Board/relevant Research Committee is required to annul its decision or rescind the published result, then it must agree appropriate arrangements for the student to complete any outstanding assessment requirements as quickly as practicable and notify the student accordingly.

Such arrangements may be agreed by a full meeting of the Assessment Board/relevant Research Committee, convened especially for the purpose, or by an agreed sub-set of the Board/relevant Research Committee which must include the Chair or nominee, programme leader and External Examiner/Chair or nominee of the Relevant Research Committee.

K8 Completion of the University's Internal Procedures

- K8.1 The student will be issued with a Completion of Procedures (COP) letter automatically after the completion of the internal processes if the appeal is not upheld. If the appeal is upheld or partly upheld, then the student will be advised they can ask for a COP Letter if they remain dissatisfied, and this will be issued automatically if the student then requests one.
- K8.2 Following the Appeals Panel, the University will confirm that the internal procedure has been completed.
- K8.3 In the event that the appellant rejects the findings of the Appeal Procedure, they may request an independent review of the process by the Office of the Independent Adjudicator (OIA) provided it is eligible under their rules. In such circumstances, the student should submit a Scheme Application Form to the OIA. Scheme Application Forms are available from the OIA website: www.oiahe.org.uk

K9 Appeal Procedure: External Awards

- K9.1 Appeals relating to the formal internal publication of results: Internal Review:
- (i) The student makes an appeal by completing a Student's Results Query Form, clearly identifying the reason on which the appeal is based (by reference to K2 above) and hands it to the College Student Centre within 10 working days of receiving the result in writing.

The query will be referred to the appropriate programme leader for investigation, or to the Head of the Subject if the programme leader is involved in the circumstances leading to the appeal.
- K9.2 Where the outcome of the investigation is clear e.g. an administrative error, the programme leader will recommend appropriate remedial action to the Dean/Director or nominee responsible for the student's programme for approval and immediate implementation. This action will be notified to the student in writing.
- K9.3 Where investigation does not immediately resolve the appeal the programme leader will request a review process on the following basis:
- (i) Competence-based programmes through the Internal Verifier
 - (ii) All other programmes through the course co-ordinator.
- K9.4 The programme leader will notify the student in writing of the outcome of the review. This will be copied to the student's file and to the Student Policy and Regulations team.

K9.5 If the student is dissatisfied with the outcomes of the review, they may proceed to the next stage of appeal.

K9.6 Appeals relating to the outcome of internal review:

- (i) The student submits a Formal Appeal Form to the Academic Registrar or nominee setting out clearly and identifying the reasons for appeal as stipulated in paragraph 2 above and including relevant supporting evidence. The student must submit such an appeal within 10 working days of having been informed in writing of the programme leader outcome of the internal review.
- (ii) Receipt of the appeal will be acknowledged to the student by the Academic Registrar or nominee, who will advise them on the anticipated timescale for the investigation.
- (iii) The appeal is copied to the relevant Dean/Director responsible for the student's programme.
- (iv) The Academic Registrar or nominee may collect written evidence from the relevant members of staff and the internal verifier/moderator and will consult with the relevant Dean/Director responsible for the student's programme.
- (v) If, after the above consultation, the Academic Registrar or nominee establishes that the appeal is not properly based on one of the acceptable grounds set out in paragraph 2 above, they will recommend to a member of the Executive or nominee that the appeal is turned down.
- (vi) The Academic Registrar or their nominee will notify the student of the decision, indicating the reasons why.
- (vii) If the Academic Registrar or their nominee and the relevant Dean/Director or nominee establish that the student does have grounds for appeal then the Dean/Director or nominee will consult the relevant teaching team in the College to agree what action should be taken to correct the matters referred to in the appeal.
- (viii) The relevant Dean/Director or nominee will notify the outcome to the Academic Registrar or nominee who will inform the student in writing of the action to be taken to resolve the appeal.
- (ix) The student is deemed to have accepted this resolution unless they reject it in writing within 10 working days of receiving written confirmation of the decision and indicates their intention to appeal to the Awarding Body.