

## University of Plymouth

### Procedures for appealing against the decision of an Assessment Board (Academic Appeals).

This document should be read alongside section AST11 of the [academic regulations](#).

Please read these procedures carefully before submitting your appeal. You may also need to refer to the assessment regulations for your programme, which are available online at [https://www.plymouth.ac.uk/uploads/production/document/path/8/8388/Section\\_D\\_Assessment.pdf](https://www.plymouth.ac.uk/uploads/production/document/path/8/8388/Section_D_Assessment.pdf)

You can obtain independent advice about submitting an appeal from the Student Union Advice Centre. Telephone 01752 588373 or email [advice@su.plymouth.ac.uk](mailto:advice@su.plymouth.ac.uk)

#### 1. CONSIDERATION OF APPEALS

1.1 The Complaints and Appeals Manager (or nominee) will acknowledge all appeals within ten working days of receipt.

#### 1.2 Initial Scrutiny of Appeals

The Complaints and Appeals Manager (or nominee) will be permitted to refuse any appeals based on the following grounds, as they are not recognised by the regulations as valid grounds for appeal.

- Questioning the academic or professional judgement of the examiners unless, as stated in paragraph 1.3, there has been evidence of a material irregularity related to assessment.<sup>1</sup>
- A student's disappointment with a result or classification where marks have been accurately recorded, assessment regulations correctly followed and where no evidence of material irregularity exists.
- Extenuating circumstances have already been considered by the appropriate Award Assessment Board.
- No appropriate explanation has been provided on the appeal form/letter to account for the fact that evidence of extenuating circumstances was not submitted to the Faculty by the required deadline date.<sup>2</sup>

1.3 Where appeals are refused on the above grounds, the appeals procedure will not be initiated. A student whose appeal has been refused on the above grounds will be informed of this decision within 20 working days of the date of receipt of the appeal (or receipt of any evidence in support of the appeal that may have been requested).

---

<sup>1</sup> If there are other elements included in the appeal, such as an allegation of bias or prejudice or, for example, disagreement with the marks attributed by peer assessment, the appeal will be processed in the normal way.

<sup>2</sup> Discretion will be exercised and an appeal processed where it appears that the student has had significant personal issues which may have impacted on her/his ability to follow due process. In these cases the existence of these issues must be supported by independent supporting evidence.

The decision of the Complaint and Appeals Manager (or nominee) in this respect will be final.

- 1.4 An appeal which was not submitted by the published deadline will not be accepted unless there is an exceptional reason for the late submission. Where late appeals are refused, the appeals procedure will not be initiated. The decision of the Complaint and Appeals Manager (or nominee) in this respect will be final.

## **2.3 Formal Stage Consideration of Appeals**

- 2.3.1 The case will be investigated by the Complaints and Appeals **Office**. This may require additional relevant information to be gathered from the student, the Faculty and/or other staff, as appropriate. A student who is asked to produce additional information in support of their appeal will be given a deadline for submission which, if not adhered to, will result in the appeal being considered as originally submitted.

- 2.3.2 Once all relevant information is available, the Complaints and Appeals **Office** will **consider all the information available, and decide whether or not the student has valid grounds for appeal, as set out in the Academic Regulations.**

### **2.3.3 The Complaints and Appeals Office may decide to:**

- **Reject the appeal since there are no grounds under the Regulations: or**
- **Allow the appeal to proceed and refer back to the Award Assessment Board; or**
- **Allow the appeal to proceed and refer relevant issues back to the Faculty Extenuating Circumstances Screening Meeting.**

- 2.3.4 The Complaints and Appeals Office will process all appeal cases as soon as is practicable. The Complaints and Appeals Office aim to resolve all appeals at the Formal Stage within 20 working days, but complex cases may take longer.**

- 2.3.5 The Complaints and Appeals Office will write to the student to let them know the decision taken at the Formal Stage.**

## **2.4 Review Stage Consideration of Appeals<sup>3</sup>.**

- 2.4.1 **Where a student remains dissatisfied with the Formal Stage decision, they may apply for their case to be considered at the Review Stage, by an Appeal Panel.**

---

<sup>3</sup> **The Formal Stage for appeals for students studying at GSM London will be undertaken by GSM London through its internal procedures. If a GSM student remains dissatisfied with GSM London's decision, they can apply to the University for a review. These students will enter the University of Plymouth appeals process at the Review Stage.**

**A student must request a review, in writing, within ten working days of the date on the Formal Stage outcome letter.**

**2.4.2 A student may request that their appeal is considered at the Review Stage where they can demonstrate that:**

- **There was a material procedural irregularity in the conduct of the Formal Stage;**  
**or**
- **The outcome was not reasonable in all the circumstances; or.**

**In exceptional circumstances, the University will consider appeals at the Review Stage where new material evidence is available, which the student was unable, for valid reasons, to provide earlier in the process.**

**2.4.3 The decision on whether the University can consider the appeal under the Review Stage will be made by the Complaints and Appeals Manager (or equivalent). Where the Complaints and Appeals Manager (or equivalent) does not find that a student has demonstrated grounds for the appeal to be considered at the Review Stage, the Complaints and Appeals Office will issue a Completion of Procedures letter.**

**2.4.4 An request for review which was not submitted within ten working days will not be accepted unless there is an exceptional reason for the late submission. The decision of the Complaint and Appeals Manager (or nominee) in this respect will be final.**

2.4.5 In all other cases, the Complaints and Appeals **Office full appeal file, and the Formal Stage outcome letter**, to an Appeal Panel, drawn from nominations from across the Faculties and the Students' Union. **Wherever possible, to mitigate perception of bias, the Review Stage will not be co-ordinated by the Complaints and Appeals Officer who conducted the Formal Stage investigation.**

2.4.6 The Appeal Panel considering cases for students on a taught award (or taught module as part of a research degree) will comprise three members, of whom at least one will be a member of the Students' Union. None of the Panel will be from the Faculty in which the appellant is registered. **The Appeal Panel considering cases for students on research degree awards will comprise two members with experience of supervising and examining research degrees, (such as local academic Research Degrees Managers, plus the Director of the Doctoral College or nominee) and an Officer from the Students' Union. No member of an Appeal Panel shall have had no previous involvement in the case. No student or research degree candidate may be a member of an Appeal Board considering a postgraduate research appeal. None of the Panel will be from the School in which the appellant is registered. The Complaints and Appeals Manager (or nominee) will ensure an appropriate gender balance in determining Panel membership.**

- 2.4.7 Panel members will **notify the Complaints and Appeals Office of** their agreement or disagreement with the **decision made at the Formal Stage,** in writing, within five working days of receiving it.
- Where the recommendation to uphold and allow the Appeal to proceed is made, this course of action will be implemented providing the majority of Panel members consulted agree to it.
  - Where the recommendation to reject the appeal is made, this course of action will only be implemented provided all Panel members consulted agree to it.
  - If there is disagreement amongst the Panel members consulted as to whether an appeal should be rejected, the case will be considered by two other nominees drawn from across the Faculties and the Students' Union, neither of whom will be from the Faculty in which the appellant is registered. The Complaints and Appeals Manager (or nominee) will continue to ensure an appropriate gender balance in Panel membership when determining the additional members to be consulted. The final decision on the appeal will be that indicated by the majority of Panel members.
- 2.4.8 If one or more Panel members feel that a case is particularly complex and that a face-to-face hearing would provide a better understanding of the issues, an Appeal Committee hearing will be held (see Section 3 below).
- 2.4.9 The Complaints and Appeals **Office** will process all **Review Stage appeals as soon as is practicable. The Complaints and Appeals Office aim to resolve all appeals at the Formal Stage within 20 working days, but complex cases may take longer.**
- 2.4.10 **The Complaints and Appeals Office will notify the student** of the Appeal Panel's decision in writing.

### **3. APPEAL COMMITTEE HEARING**

- 3.1 An Appeal Committee will comprise at least three members drawn from nominations across the Faculties and the Students' Union, taking into account gender balance, at least one of whom will be a student member and none of whom will be from the Faculty in which the appellant is registered.
- 3.2 The appellant will be informed by the Complaints and Appeals Manager (or nominee), in writing, that an Appeal Committee hearing will be held and given information about the process and requirements.
- 3.3 The Complaints and Appeals Manager (or nominee) will convene the hearing as soon as is practicable, and normally within 15 working days of the decision of the Appeal Panel and will ensure that all relevant information is made available to the Committee members in advance of the hearing.
- 3.4 The appellant will be offered the opportunity to submit a clear and concise written statement of their case to the Complaints and Appeals Manager in advance of the hearing. This will be presented to the Appeal Committee.

- 3.5 The appellant will have the right to appear in person before the Appeal Committee and to be accompanied by a friend **or Student Union Adviser** who may offer support and advice (but not represent the appellant). A student will not be permitted to bring a legal representative to a formal hearing unless the decision of the Panel or Committee is likely to exclude the student from professional registration permanently, without right to appeal, thereby preventing the student from following his or her intended career.
- 3.6 The Appeal Committee and the appellant will each be entitled to call witnesses and to call for the production of relevant documents. The appellant is encouraged to notify the Complaints and Appeals Manager of the identity of any witnesses s/he wishes to call in advance of the meeting. Where an appellant believes that it is essential that the Appeal Committee hear evidence from (a) specified member(s) of University staff, the appellant must advise the Complaints and Appeals Manager that he or she wishes to call those staff as witnesses. If the Complaints and Appeals Manager is notified at least five working days in advance of the hearing, he or she will arrange for the attendance of those staff. If the Complaints and Appeals Manager is not so notified, it will be the appellant's responsibility to make necessary arrangements. The appellant will be responsible for arranging for the attendance of any witnesses he or she wishes to call who are not members of the University.
- 3.7 The procedure for the hearing itself will be as follows:
- The Appeal Committee will meet in private session to consider the appellant's written statement (and any other documentation) and determine matters for clarification.
  - The appellant will then be invited to present his or her case, accompanied by any friend. The appellant may call witnesses to support his or her case. The Appeal Committee may question the appellant and her/his witnesses in order to clarify any matters. The appellant and any persons accompanying him or her will then withdraw.
  - The Appeal Committee will then interview any other witnesses as necessary to clarify the case.
  - Following the withdrawal of witnesses, the Appeal Committee may again interview the appellant (accompanied by his or her friend) if it considers that there are issues which remain unclear.
  - The Appeal Committee will meet in private session to consider the case and all the relevant evidence and come to a decision.
- 3.8 The Committee may adjourn at any point, if it becomes necessary to seek additional information relevant to the case.

#### **4. OUTCOME OF THE APPEAL COMMITTEE HEARING**

- 4.1 The Appeal Committee may:
- Reject the appeal since there are no grounds under the Regulations; or
  - Allow the appeal to proceed and refer back to the Award Assessment Board; or

- Allow the appeal to proceed and refer relevant issues back to the Faculty Extenuating Circumstances Screening Meeting; or
  - Allow the appeal to proceed, inform the Award Assessment Board that its decision was outwith University Regulations and cannot stand and advise the Board of the options available under the Regulations.
- 4.2 The Committee's decision on whether to allow the appeal to proceed or not, and the subsequent action to be taken, will be confirmed in writing to the appellant by the Complaints and Appeals Manager within two working days of the decision being taken.
- 5. AUTHORITY OF THE COMPLAINTS AND APPEALS OFFICE**
- 5.1 Decisions within the University on whether or not to allow an appeal to proceed rest solely with the Complaints and Appeals Manager (working through the “Initial Scrutiny” of appeals procedure, **the Formal Stage, and the Review Stage**, as appropriate) and such decisions are therefore final.
- 6. REFERRAL BACK TO THE AWARD ASSESSMENT BOARD**
- 6.1 Recommendations from the **Complaints and Appeals Office / Appeals Panels/Committees** will normally be considered by a sub-set of the Award Assessment Board agreed by the Board (comprising, as a minimum, the Chair of the Award Assessment Board and the Faculty Registrar (or HE Administrator at a partner college). Provided the proposed decision is not outwith those agreed at the Board, an External Examiner will only be involved if s/he has stipulated on the declaration form signed at the original Board that s/he wishes to be consulted on amended decisions following appeals. If full agreement is not reached, or if it is believed that there should be further discussion, a full meeting of the Award Assessment Board will be held at which a member of the **Complaints and Appeals Office / Appeal Panel/Appeal Committee** which considered the case should be present.
- 6.2 The Award Assessment Board will normally reconvene, if required to reconsider the case, within 20 working days of notification of the decision of the **Complaints and Appeals Office / Appeal Panel/Appeal Committee**.
- 6.3 The Faculty Office will notify the student, in writing, of the Award Assessment Board’s decision. If a student remains unhappy with the outcome of their appeal at this stage they can request an OIA ‘Completion of Procedures’ letter within ten working days of the revised Board decision.
- 6.4 If, however, the Award Assessment Board believes that its original decision should stand, its Secretary will prepare a full minute of the debate and rationale, including information on comparable cases where relevant, which will be forwarded to the Complaints and Appeals Manager (**or nominee**) within five working days. The Complaints and Appeals Manager (**or nominee**) will advise the student that the appeal is still ongoing. The minute will be forwarded to the **Complaints and Appeals Officer/Appeal Panel/Committee** which originally considered the case to ensure that the decision is in line with University Regulations and with good practice.
- 6.5 If the **Complaints and Appeals Officer /Appeal Panel/Committee** believes that the Board’s final decision, taken after specific consultation with the Award External Examiner, is out of line with the spirit of the university’s regulations, or with best practice across the sector, the Chair of the **University Teaching & Learning Quality**

Committee will be advised. The Chair, in liaison with the Complaints and Appeals Manager, will prepare a report to Senate and ask Senate to make a decision on the action to be taken, which may involve Senate substituting its own decision for that of the Assessment Board. Senate's decision in this respect will be final and the case will then be deemed to have exhausted the University's appeal procedures. The Secretary to the Senate will notify the Secretary and Chair of the **University** Teaching & Learning Quality Committee and the Chair of the Assessment Board of Senate's decision. The Complaints and Appeals Manager will communicate that decision to the student in writing and will issue a "Completion of Procedures" letter (see note at end of these regulations).

## **7. ATTENDANCE AT GRADUATION CEREMONIES**

- 7.1 In some instances, a Graduation Ceremony may be held within the two week deadline period for the submission of appeals. In such cases, students will be permitted to attend the Ceremony, without prejudicing any appeal they may later submit, providing the appeal is submitted within the deadline.
- 7.2 Students whose appeals are undergoing consideration at the time of a Graduation Ceremony may also attend the Ceremony without prejudicing the outcome of the appeal process. Such students will not receive an award certificate until the appeal is concluded.

## **8. ASSOCIATED PARTNER INSTITUTIONS**

- 8.1 These Regulations also apply in the case of students on University of Plymouth programmes at associated Partner institutions, who wish to appeal against the decision of the Award Assessment Board. They should not be used in cases where students have a grievance or complaint against the College which is not related to the assessment process or the decision of the Board.

## **9. REPORT TO SENATE**

- 9.1 The Complaints and Appeals Manager will collate general issues arising from appeals and make recommendations to the Academic Regulations Sub-Committee. An annual report will also be sent to Teaching, Learning and Quality Committee, and to Senate.
- 9.2 The Complaints and Appeals Manager may also refer cases where it believes an Assessment Board is acting perversely to Senate as and when such cases arise.
- 9.3 Where a student complaint is upheld, in whole or in part, and in the opinion of the Complaints Office the issues complained of could have impacted on assessment, or on the decision of an Award Assessment Board, or cast doubt on the outcome of an appeal, the Complaints Office will make a report to Senate if the case is not resolved satisfactorily. The report will not identify the student concerned but will provide sufficient information about the case to enable Senate to determine the appropriate course of action. This may include referring the matter back to an Award Board or substituting the decision of a Board. However, the fact that a complaint may be upheld does not of itself mean that the decision of an Award Assessment Board will change.

**10. COMPLAINTS WHICH MAY HAVE A BEARING ON ASSESSMENT BUT FOR WHICH NO CORRESPONDING APPEAL HAS BEEN SUBMITTED**

Where a student submits a formal (written) complaint to the Complaints Office which raises issues which may have impacted on assessment, or the decision of an Award Assessment Board, the Complaints and Appeals Manager (or nominee) will advise the student that the issues being complained of will be investigated via the complaints procedure. If the complaint is upheld, the case will be referred to an Appeal Panel to determine whether the outcome might form the basis for an appeal. The appeal procedure as described in the current appeal regulations will then be followed.



# Appeals Process Flowchart

