

## University of Plymouth

### Appeals Procedure

**Please read these procedures carefully before submitting your appeal. You may also need to refer to the [Academic Regulations](#) and or/other relevant policies and procedures referred to within this procedure.**

Students can obtain independent advice about submitting an appeal from the [Students' Union Advice Centre](#).

#### 1. PRINCIPLES

1.1 Students can appeal against the following:

- i. Decisions for undergraduate and postgraduate taught students that have been confirmed by an Award Assessment Board, including:
  - Progression decisions (e.g. repeat or resit)
  - Degree award and classification
  - Termination of registration for academic reasons
- ii. Postgraduate research students can appeal against academic decisions affecting their progression or award or termination of registration for academic reasons as set out in the Academic Regulations
- iii. Extenuating Circumstances decisions
- iv. Decisions and penalties applied by Assessment Offences and Research Misconduct Panels
- v. Decisions taken as part of the [Study and Wellbeing Review Policy and Procedure](#).
- vi. Decisions taken as part of the [Student Code of Conduct and Disciplinary Procedure](#)
- vii. Decisions taken by a Fitness to Practise Committee

1.1.1 Decisions within the University on whether or not to allow an appeal or review of an initial decision relating to an appeal (relating to 1.1i - 1.1iv) to proceed rest solely with the Complaints and Appeals Team (working through the "Initial Scrutiny" of appeals, the Formal Stage, and the Review Stage, as appropriate) and such decisions are therefore final.

1.1.2 Appeals as defined in 1.1v - 1.1vii will be considered in line with the appeal section of the relevant procedure and are not subject to the Initial Scrutiny, the Formal Stage and the Review Stage as outlined in this procedure. If upheld, these appeals will be referred back for reconsideration in line with the relevant procedure, as per section 4.2.2 and 4.3 of this procedure.

1.1.3 The Appeals procedure is not a method of circumventing or setting aside the academic judgement of examiners on the performance of students; it is a way of ensuring that academic decisions are made in accordance with relevant regulations and that as far as possible all relevant circumstances affecting a student's academic performance are taken into account. It is also not a means of setting aside professional judgements of University staff with respect to students' wellbeing,

behaviour or fitness to practise which have been made in accordance with the relevant procedures.

- 1.1.4 Where an appeal is upheld and referred back to the Award Assessment Board or relevant procedure, the Complaints and Appeals Team is unable to pre-empt the subsequent decision or whether this will be the outcome requested by the student in the appeal. Upheld appeals do not normally change your grade and improvement to marks may only be achieved by reassessment.
- 1.1.5 The Appeals procedure is evidence based. Independent supporting evidence should be provided with the appeal submission to substantiate any circumstances and the impact they had on the student. Circumstances cited in an appeal (including the impact of the circumstances on the student's studies) or in a School response must be corroborated by evidence.

The University reserves the right to take any steps it considers necessary to verify any evidence submitted, without notifying the student beforehand. If the University is unable to authenticate the material to its satisfaction, the evidence may not be accepted. Independent evidence used to corroborate circumstances should meet the following standards. The evidence should:

- be written by appropriately qualified professionals (for example, a GP or counsellor etc.) who are independent to the student. Evidence from family and/or friends will not normally be accepted.
- be on headed paper and signed and dated by the author. Evidence presented by email is acceptable if the email has been sent by the author from the official domain name of the author's organisation
- confirm specifically that the circumstances were witnessed on the relevant date as opposed to being reported retrospectively
- be in English. It is the student's responsibility to provide supporting documentation and any translation should be undertaken by an accredited translator (e.g. be a member of the Association of Translation Companies <http://www.atc.org.uk/index.html>)

**and**

- be unaltered by the student. Documentation that has been amended for any reason will be deemed inadmissible by the University and may be considered under the University's Examination and Academic Offences regulations or the University [Student Code of Conduct and Disciplinary Procedure](#).

Exceptionally, the University may accept evidence provided by University staff, such as the student's personal tutor, academic staff closely involved in their pastoral care, a member of the Residence Life team, staff in Student Wellbeing Services, the Examinations Office or the Programme / Module Lead. Where such evidence is submitted, it should be countersigned by the member of staff responsible for pastoral care in the School, to avoid any claim of bias.

- 1.1.6 The University expects a student to complete the appeal form in full and submit the appeal themselves. Only in exceptional situations, can a student ask a supporter or relative to submit an appeal on their behalf. The student must give their written consent for someone to submit an appeal on their behalf.

- 1.1.7 The Complaints and Appeals Team will acknowledge all appeals within 10 University working days of receipt.
- 1.1.8 Timeframes within which the stages of the Appeals Procedure will be completed are set out in this procedure, however, swift action to complete the process may be required due to a student's health or where external time limits apply, for example, due to meeting regulatory requirements for the completion of professional course.
- 1.1.9 The University will observe its Data Protection Policy and the relevant legislation relating to data protection in the handling of appeals.
- 1.1.10 In some instances, a Graduation Ceremony may be held within the 10 working day 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. Students on research degree programmes will not be able to graduate before the outcome of an appeal is known.  
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.
- 1.1.11 If a student submits an appeal which incorporates a complaint, the complaint will be investigated before the appeal is considered. Where a student submits a complaint under the [Student Complaints Procedure](#) which raises issues which may have impacted on assessment, the decision of an Award Assessment Board or the decision of an appeal, the Complaints and Appeals Team will advise the student that the issues being complained of will be investigated prior to any related appeal. If a complaint is submitted whilst an appeal is ongoing, either an academic or non-academic appeal, consideration of the appeal will be suspended until the complaints procedure has been completed.
- 1.1.12 The University is committed to ensuring that students have the opportunity to submit an appeal without risk of disadvantage or recrimination. Each case will be considered on its own merits and in accordance with the University's policies and procedures, with regard to the evidence and circumstances presented. Appeals will be investigated constructively and promptly with fairness and consistency. The University's Appeals Procedure is in keeping with *The good practice framework: handling student complaints and academic appeals* published by the Office of the Independent Adjudicator (OIA) and *UK Quality Code for Higher Education – Advice and Guidance: Concerns, Complaints and Appeals* published by the QAA. The Academic Registry will collate general issues arising from appeals and make recommendations to the Quality and Standards Sub-Committee. An annual report will also be sent to Teaching, Learning and Quality Committee, and to Senate.

## **2. HOW ARE APPEALS CONSIDERED?**

### **2.1 Initial Scrutiny of Appeals**

The Complaints and Appeals Team 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 there has been evidence of a material irregularity related to assessment.<sup>1</sup>
- Mark queries where marks have been accurately recorded, assessment regulations correctly followed and where no evidence of material irregularity exists.
- 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.
- Circumstances which would likely be deemed invalid under the [Extenuating Circumstances Policy and Procedures](#).
- No appropriate explanation has been provided on the appeal form to account for the fact that evidence of extenuating circumstances was not submitted to the Faculty by the required deadline date.<sup>2</sup>
- A student's disappointment with the penalty given for an assessment or examination offence.  
A student's disappointment with the outcome of a research degree assessment where regulations have been correctly followed and where no evidence of material irregularity exists

2.1.1 Where appeals are refused on the above grounds, the appeals procedure will not be initiated. A student whose appeal has been refused as they do not have valid grounds will be informed of this decision within 20 University 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). The decision of the Complaints and Appeals Team in this respect will be final.

2.1.2 An appeal which was not submitted by the published deadline will not be accepted unless there is an exceptional reason for the late submission<sup>2</sup>. Where late appeals are refused, the appeals procedure will not be initiated. The decision of the Complaints and Appeals Team in this respect will be final.

## 2.2 Formal Stage Consideration of Appeals

2.2.1 If the student has valid grounds for appeal, the case will be investigated by the Complaints and Appeals Team. 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. It may sometimes be necessary to share some information submitted as part of the appeal with staff as part of the investigation but where possible, confidentiality will be maintained.

2.2.2 Once all relevant information is available, the Complaints and Appeals Team will consider all the information available, and decide whether or not a case has been made for the appeal, as set out in the Academic Regulations.

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<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 their ability to follow due process. In these cases the existence of these issues must be supported by independent supporting evidence.

2.2.3 The Complaints and Appeals Team may decide to:

- Reject the appeal as the evidence gathered does not support the appeal; or
- Uphold the appeal and refer back to the Award Assessment Board or relevant academic procedure.

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

2.2.5 The Complaints and Appeals Team will notify the student by email to the student's University email account, of the decision taken at the Formal Stage.

### **2.3 Review Stage Consideration of Appeals.**

2.3.1 Where a student remains dissatisfied with the Formal Stage decision, they may apply for their case to be considered at the Review Stage. A student must submit a completed Review Request Form within 10 University working days of the date on the Formal Stage outcome letter.

2.3.2 A student may request that their appeal be 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.

2.3.3 The decision on whether the University can consider the appeal under the Review Stage will be made by the Complaints and Appeals Team. Wherever possible, to mitigate perception of bias, the Review Stage will be co-ordinated by a member of the Complaints and Appeals Team who has had no prior involvement in the appeal. Where the Complaints and Appeals Team does not find that a student has demonstrated grounds for the appeal to be considered at the Review Stage, they will issue a formal response and a Completion of Procedures letter to indicate that the University's internal procedures have been completed (Please see section 5 for further information)

2.3.4 A request for review which was not submitted within 10 University working days will not be accepted unless there is an exceptional reason for the late submission. The decision of the Complaint and Appeals Team in this respect will be final.

2.3.5 In cases where the student has demonstrated grounds for the appeal to be considered at the Review Stage, the Complaints and Appeals Team will circulate the full appeal file via secure electronic means to an Appeal Panel.

2.3.6 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 Sabbatical Officer of the Students' Union and the other two will be University staff members. One of the University staff members will act as Chair of the

Appeal Panel. No person shall serve in respect of a case in which they have prior knowledge of the student, arising out of an academic, pastoral or personal connection or any previous involvement in the case. None of the Panel will be from the School in which the appellant is registered.

2.3.7 If one or more Panel members feel that a case is particularly complex and that a meeting would provide a better understanding of the issues, they can request that the Chair hold an Appeal Panel meeting. The Complaints and Appeals Team will inform the student, in writing, that an Appeal Panel meeting will be held, providing information about the process and requirements.

2.3.8 The Complaints and Appeals Team will convene the meeting as soon as is practicable, and normally within 15 University working days of the decision of the Appeal Panel to hold a meeting. All relevant information will be made available to the student and the Panel members in advance of the meeting.

2.3.9 The student will have the right to be accompanied by a member of the University community or Students' Union Adviser who may offer support and advice (but not represent the student). A student will not be permitted to bring a legal representative to the meeting unless the decision of the Panel is likely to exclude the student from professional registration permanently, without right to appeal, thereby preventing the student from following their intended career.

2.3.10 The procedure for the meeting itself will be as follows:

- The Appeal Panel will meet in a private session to determine matters for clarification.
- The student will then be invited to join the meeting and discuss the matters requiring clarification with the Appeal Panel. The student and any persons accompanying them will then withdraw.
- The Appeal Panel will meet in a private session to consider the case and all the relevant evidence and come to a decision.
- The Appeal Panel may adjourn at any point, if it becomes necessary to seek additional information relevant to the case.

### **3. WHAT ARE THE POSSIBLE OUTCOMES OF THE APPEAL PANEL?**

3.1 The Appeal Panel may:

- Reject the appeal since the Formal Stage decision was reasonable in all the circumstances; or
- Uphold the appeal and refer back to the Award Assessment Board or relevant procedure.

3.2 If there is disagreement amongst the Appeal Panel, the case will be considered by two additional Panel members who will be co-opted to the Panel, drawn from across the Faculties and the Students' Union. The final decision on the appeal will be that indicated by the majority of Panel members.

3.3 The Complaints and Appeals Team will process all Review Stage appeals as soon as is practicable. They aim to resolve all appeals at the Review Stage within 20 University working days, but complex cases may take up to 90 days from submission of the initial appeal.

- 3.4 The Complaints and Appeals Team will notify the student of the Appeal Panel's decision by email to the student's University account.

#### **4. WHAT HAPPENS WHEN AN APPEAL IS UPHELD?**

- 4.1 Where an appeal has been upheld and referred back to the Award Assessment Board or the relevant procedure, the Complaints and Appeals Team will provide the Faculty and/or other staff as appropriate, with the rationale.
- 4.2 Appeals that have been upheld and referred back to the Award Assessment Board will normally be considered by a sub-set of the Award Assessment Board within 20 University working days of notification of the decision of the Complaints and Appeals Team / Appeal Panel. The composition of the sub-set will be agreed by the Board (as a minimum, the Chair of the Award Assessment Board and the Faculty Registrar (or HE Administrator at a partner college). An External Examiner will only be involved if they have stipulated on the declaration form signed at the original Board that they wish 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 Team may be present.
- 4.2.1 If the Award Assessment Board confirms that its original decision should stand, a full minute of the debate and rationale will be forwarded to the Complaints and Appeals Team within 5 University working days to be retained with the student's appeal file.
- 4.2.2 Appeals as outlined in 1.1iii - 1.1vii that have been upheld will be referred back for reconsideration in line with the relevant procedure. Following reconsideration, if the original decision stands, a full minute of the debate and rationale will be forwarded to the Complaints and Appeals Team within 5 University working days to be retained with the student's appeal file.
- 4.3 The student will be notified in writing by the Faculty or relevant department of the subsequent final decision.

#### **5. EXTERNAL REVIEW – OFFICE OF THE INDEPENDENT ADJUDICATOR FOR HIGHER EDUCATION**

If a student remains unhappy with the outcome of their appeal at this stage they cannot submit a new appeal against the decision but may refer their case to the Office of the Independent Adjudicator (OIA). The student will be issued with a "Completion of Procedures" letter from the Complaints and Appeals Team within 10 University working days of the final decision and students can submit their case to the OIA within 12 months of the date of this letter.

Further information is available via the [OIA](#).