



# Academic Appeals Procedure for Undergraduate and Postgraduate Taught Students 2022-23

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# 1. Introduction

- 1.1 The Academic Appeals Procedure provides students with the opportunity to appeal against a formal decision made by a Board of Examiners about a student's progress or the awarding of a qualification, including the consideration of a student's claims of extenuating circumstances.
- 1.2 This procedure applies to all students studying on a Taught Programme of Study that is accredited by the University of Essex or at one of the University's partner institutions, including students studying on an undergraduate and postgraduate taught course, a foundation degree, a year of study abroad or work placement.
- 1.3 On behalf of the University Senate, the Academic Registrar is responsible for ensuring that there are effective procedures for considering student appeals against the decisions made by Boards of Examiners.
- 1.4 The University Senate (and its sub-committees) receives an annual report on academic appeals and Internal Reviews to provide assurances to Senate and make recommendations that inform University practices, procedures and activities.

## Timescales

- 1.5 The University will endeavour to complete the appeal proceedings within 40 working days from receipt of an appeal and supporting evidence, and any internal review proceedings within 20 working days from receipt of the request.
- 1.6 Occasionally there will be circumstances where, for good reason, the University will need to extend the timeframe. Where this is the case, the student will be notified and kept regularly informed of progress.
- 1.7 While every effort will be made to comply with the time limits set out above, if a time limit is exceeded, it shall not invalidate the outcome of the appeal proceedings.

## Support & Guidance

- 1.8 Support and guidance is available to students studying at the University of Essex via the Student Services Hub, or independently from SU Advice. Students studying at a partner institution should seek support and guidance from their education provider.
- 1.9 Students may request reasonable adjustments to these procedures in line with the rights that students retain under the Equality Act 2010. Requests will be considered individually, and students will be notified of the adjustments that have been agreed in writing and at the earliest opportunity.

## Immigration Status

- 1.10 Staff involved in consideration of academic appeal matters should not consider immigration status. Immigration status is a secondary decision but may mean that a student would not be able to proceed with the academic decision that has been confirmed as part of the Academic Appeals Procedure for Undergraduate and Postgraduate Taught Students.
- 1.11 The University of Essex is not able to sponsor students to extend their leave to remain in the UK in order to await the outcome of an appeal. An appeal outcome offered that requires a student's continued registration at the University is subject to their ability to maintain a valid UK immigration status and provide proof of their right to study with us for the duration of their course.
- 1.12 Students studying at the University of Essex may be referred to the International Services Team if the evidence considered in relation to this procedure brings a student's continued UK immigration status into question, in accordance with paragraphs 7.22-7.28 of the University's General Regulations and the relevant UK Immigration rules and guidance. Equivalent action may also be taken by a Partner Institution.

## 2. Submitting an Appeal

- 2.1 A student may appeal by completing an Appeal Form, setting out their grounds for appeal and sending it with all supporting evidence to the Student Progress Team or Partner Institution. Students must do so within 10 working days of the publication of their results following the Board of Examiners.
- 2.2 Appeals received after the deadline will only be accepted at the discretion of the Academic Registrar (or nominee). For this to apply, the student must be able to show, to the satisfaction of the Academic Registrar (or nominee), that circumstances beyond the student's control prevented them from meeting the standard time limit and that unfair treatment would result from not extending the deadline.
- 2.3 When submitting an appeal, students are expected to provide any and all evidence that may be relevant to the appeal. The University will not normally request more evidence in considering the appeal.
- 2.4 The Academic Registrar (or nominee) will acknowledge receipt of the appeal within 5 working days.

## 3. Grounds for Appeal

- 3.1 Students may submit an appeal on the following grounds:
  - there is new evidence, which for good reason was not previously available to the Board of Examiners, which might have materially affected the outcome
  - the Board of Examiners did not follow the University's procedures which disadvantaged the student's case
  - there is evidence of prejudice and/or bias during the consideration of the student's progress by the Board of Examiners.
- 3.2 The following are not considered legitimate grounds for appeal, and any appeals based exclusively on one or more of these grounds will be rejected automatically:
  - Disagreement with a mark or grade and/or appeals against the academic judgement of internal or external examiners. Coursework and examinations cannot be remarked, except in cases of procedural irregularities
  - any provisional mark or informal assessment of the student's work by a member of staff that is not the final mark approved by the Board of Examiners



- the retrospective reporting of extenuating circumstances which a student might reasonably have been expected to disclose to the Board of Examiners before their meeting
- appeals against the judgement of the Board of Examiners in assessing the significance of extenuating circumstances, and whether and to what extent they affected academic performance
- marginal failure to attain a higher class of degree
- concerns relating to the inadequacy of teaching or other arrangements during the period of study. Students should raise such complaints in writing, before the Board of Examiners meeting, under the Student Concerns and Complaints Procedures (or equivalent for Partner Institutions).
- Appeals where the student has not understood or complied with the Rules of Assessment properly, including:
  - i. Not attending scheduled examinations (or equivalent)
  - ii. not notifying the University of any planned absences as scheduled examinations (or equivalent)
  - iii. not undertaking any reassessment that was previously instructed

## Other Requests

- 3.3 The following are not considered legitimate grounds for appeal, but may be submitted to the Student Progress Team or Partner Institution, and will be considered by the Executive Dean (or their deputy), or the Dean of Partnerships (or their deputy):
- Requests to repeat a year of study in full or to repeat failed modules part-time, where this offer has not been made by the Board of Examiners.
  - Requests to undertake reassessment, repeat the year or to repeat failed modules part-time, after the student has been withdrawn by the Board of Examiners solely due to the student's complete non-engagement with their examinations or required reassessment.
- 3.4 Such requests will be considered exceptionally by the Executive Dean (or their deputy), or the Dean of Partnerships (or their deputy), whose decision will be final.

# 4. Academic Appeal Procedure

## Initial Review

- 4.1 The Academic Registrar (or nominee) will conduct an initial check to determine whether the student has demonstrated valid grounds for appeal, as indicated under Section 3, and the appeal has been submitted by the deadline, as indicated under Section 2.
- 4.2 The Academic Registrar (or nominee) may determine:
- The appeal is not valid or has been submitted too late, and is dismissed
  - The appeal may proceed to Early Resolution
  - The appeal may be referred to an Appeal Officer
- 4.3 The Academic Registrar (or nominee) may determine exceptionally that the appeal should be investigated under the Student Concerns and Complaints Procedures instead of the appeal procedures.
- 4.4 If the appeal is dismissed following an Initial Review or the case will be taken forward as a complaint, the students will be notified in writing of the Academic Registrar's (or nominee) decision and the reason for this decision.

## Early Resolution

- 4.5 If the appeal demonstrates a clear administrative or procedural error that led to the Board of Examiners reaching an incorrect decision, and the matter may be rectified by the standard application of the Rules of Assessment, the matter will be referred to an Executive Dean (or their deputy), or the Dean of Partnerships (or their deputy) (hereafter referred to as the Appointed Dean) for consideration.
- 4.6 Students will be notified in writing if their appeal has been considered by an Appointed Dean and of the Appointed Dean's decision.
- 4.7 If an appeal is deemed not eligible for early resolution, it shall not invalidate the outcome of the Appeal proceedings.

## Appeal Officer consideration

- 4.8 If the appeal demonstrates valid grounds for appeal, but is not eligible for Early Resolution, or the student remains dissatisfied with Early Resolution, then the appeal will be submitted to an Appeal Officer for consideration.

- 4.9 The Appeal Officer will give full consideration to whether the student's progress should be reviewed by a Board of Examiners as a result of the appeal or whether the appeal should be dismissed. In order to reach their decision, the Appeal Officer may need to consult with anyone able to assist the Appeal Officer in reaching a decision, including the student who has submitted the appeal.
- 4.10 The Appeal Officer will provide the Academic Registrar (or nominee) with a written report that outlines the reasons for reaching their final decision.
- 4.11 If the Appeal Officer decides there are sufficient grounds for the Board of Examiners to reconsider the student's progress, then the appeal will be referred to a Board of Examiners who will be asked to reconvene (see Section 6).
- 4.12 If the Appeal Officer decides there are not sufficient grounds for putting the case to a Board of Examiners, the Academic Registrar (or nominee) will confirm the Appeal Officer decision to the student in writing and provide the student with a copy of the Appeal Officer report.

## 5. Dismissed Appeals

### Appeals Dismissed by the Academic Registrar (or nominee)

- 5.1 Students who are advised that their appeal is invalid, or has been submitted too late, may submit a request to review this decision within 10 working days of the date of the Academic Registrar (or nominees) decision in writing.
- 5.2 The Academic Registrar (or nominee) will consider a request to review a decision that an appeal was not valid. This will normally be someone who has not previously been involved in your case.
- 5.3 Requests received after the deadline will only be accepted at the discretion of the Academic Registrar (or nominee), that circumstances beyond the student's control prevented them from meeting the standard time limit and that unfair treatment would result from not extending the deadline.
- 5.4 The Academic Registrar (or nominee) may determine:
- The appeal be reinstated and proceed to Early Resolution (see [Section 4](#))
  - The appeal be reinstated and referred to an Appeal Officer (see [Section 4](#))
  - The appeal be dismissed.



- 5.5 If the Academic Registrar (or nominee) dismisses the appeal, then the decision will be confirmed to the student in writing and the student will be sent a Completion of Procedures Letter (see [Section 7](#)).

## Appeals Dismissed by an Appeal Officer

- 5.6 Students who are dissatisfied with the outcome of their appeal may request an Internal Review on the following grounds:
- there is new evidence, which for good reason was not previously submitted as part of the appeal, which might have materially affected the outcome
  - the University did not follow the Appeal Procedures properly which disadvantaged the student's case
  - there is evidence of prejudice and/or bias during the consideration of the student's appeal.
- 5.7 A student who wishes to submit a request for Internal Review must do so within 10 working days of the date of the Appeal Officer's decision in writing.
- 5.8 Requests for Internal Review received after the deadline will only be accepted at the discretion of the Academic Registrar (or nominee). For this to apply, the student must be able to show, to the satisfaction of the Academic Registrar (or nominee), that circumstances beyond the student's control prevented them from meeting the standard time limit and that unfair treatment would result from not extending the deadline.
- 5.9 Students who are dissatisfied with the outcome of their appeal but do not have grounds for internal review, may request a Completion of Procedures Letter within 20 working days of the Appeal Officer's decision being confirmed in writing (see Section 7).

## Internal Review Procedure

- 5.10 An Internal Review will consider whether the University has considered the appeal properly and fairly and does not usually mean that the issues raised in the appeal are considered afresh or involve a further investigation. An academic appeal must have been considered and an outcome reached at the formal stage before it can be escalated to the review stage.
- 5.11 An Internal Review will be conducted by the Pro-Vice Chancellor (Education) (or nominee) (hereafter referred to as the PVC) who may consult with anybody that is able to assist the PVC in reaching a decision, including the student who has submitted the request.
- 5.12 The PVC may resolve that:
- There are not sufficient grounds for the appeal to be referred to a Board of Examiners.

- That the appeal should be referred to a Board of Examiners for consideration in light of the information provided.
- 5.13 If the PVC decides that there are not sufficient grounds for putting the case to a Board of Examiners, the PVC will confirm their decision to the Academic Registrar (or nominee) in writing to explain the reason for their decision. The Academic Registrar (or nominee) will confirm the PVC's decision to the student in writing.
- 5.14 If the PVC decides there are sufficient grounds for the Board of Examiners to reconsider the student's progress, the appeal will be referred to the Board of Examiners who will be asked to reconvene (see Section 6).

## **6. Referred Appeals**

- 6.1 The Board of Examiners will be provided with the student's appeal and evidence and any other documentation deemed to be relevant, including any reports or comments provided by the Appointed Dean, Appeal Officer or PVC who have previously considered the appeal.
- 6.2 The reconvened Board of Examiners will operate in compliance with the Assessment Policies for Undergraduate And Taught Postgraduate Awards of the University Of Essex and the relevant Rules of Assessment, and may take the following action:
- Amend the previous decision made about the student's progress and agree a new outcome, in light of the information provided.
  - Not amend the previous decision made about the student's progress, confirming the information provided following the appeal to have had no material effect.
- 6.3 If the grounds for the upheld appeal are based on prejudice or bias in the operation of the Board of Examiners, then the reconvened Board should normally have a new membership, except for the External Examiners.
- 6.4 The Board of Examiners decision shall be final. The Board will confirm their decision to the Academic Registrar (or nominee) in writing with an explanation as to how the decision was reached. The Academic Registrar (or nominee) will confirm the Board's decision to the student in writing.
- 6.5 Students who are dissatisfied with the outcome of the reconvened Board of Examiners decision may request a Completion of Procedures Letter within 20 working days of the decision being confirmed in writing (see Section 7).

# 7. External Review

- 7.1 The Office of the Independent Adjudicator for Higher Education (OIA) provides an independent scheme for the review of student complaints or appeals. When the University's internal procedures for dealing with appeals have been completed, the University will issue a Completion of Procedures letter.
- 7.2 Students will be issued with a Completion of Procedures letter when:
- the Academic Registrar (or nominee) has deemed the appeal to not have valid grounds;
  - the Pro-Vice Chancellor (Education) (or nominee) has dismissed the request for internal review
- 7.3 Students may also request a Completion of Procedures within 20 working days of receiving:
- the written decision of the reconvened Board of Examiners following an appeal.
  - the written confirmation that the appeal has been dismissed by an Appeal Officer, where the student does not intend to request an internal review.
- 7.4 Students wishing to avail themselves of the opportunity of an independent review by the OIA must submit their application to the OIA within twelve months of the issue of the Completion of Procedures letter. Full details of the scheme are available on request and will be enclosed with the Completion of Procedures letter.

## Document Control Panel

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