



Prifysgol Cymru
Y Drindod Dewi Sant
University of Wales
Trinity Saint David

ACADEMIC APPEAL PROCEDURE in respect of DECISIONS BY EXAMINING BOARDS

Extract from Chapter 13 of the Academic Quality Handbook 2017/18

13.6 Academic Appeal Procedure in Respect of Decisions by Examining Boards

13.6.1 Definitions

- (1) With regard to Academic Appeals the following definitions are used:

“Academic Appeal” - a request for the review of a decision of an Examining Board that has implications for a student's progression, assessment and award.

“Student” - any person enrolled or registered to follow a Programme of Study or module(s) offered by the University.

“Assessment” - any assessment leading to credit and marks which counts towards a student's module and overall result and which is conducted by an Examining Board.

- (2) This procedure is applicable to all students of the University following taught programmes of study, who should note the following:
- a) appeals which question the academic judgement of examiners shall not be admissible;
 - b) in the case of trainees on Programmes of Study leading to Qualified Teacher Status, appeals that question the judgement of the relevant Examining Board or other professional body requirements will not normally be considered.
- (3) A separate procedure applies to postgraduate research degree students (see Chapter 8).

13.6.2 Grounds for Appeal

- (1) A student in a University assessment is entitled to submit an Academic Appeal, based on one or more of the following:
- a) that there has been an arithmetical or other factual error in the results published by the University;
 - b) that the Examining Board failed to take appropriate action to implement an extenuating circumstances decision;
 - c) that there were defects or irregularities in the conduct of the assessments or in written advice relating thereto of such a nature as to create a reasonable possibility that the result may have been different had they not occurred.
- (2) Appeals which are made on any grounds other than those listed in paragraph 13.6.2 (1) a) to c) (including those which question the academic judgement of examiners) shall not be admissible.
- (3) If a student wishes to appeal on the grounds that the University was unaware of extenuating circumstances which adversely affected his/her performance, the student should submit a request for consideration of extenuating circumstances in accordance with the appropriate regulations as set out in Section 13.2, paying particular attention to paragraph 13.2.3 (6).

13.6.3 Submitting an Appeal

- (1) Any appeal shall be sent to the Academic Office on the University's Academic Appeal Form (Appendix GA4) and received not later than 15 clear working days after the official notification of results. Simple notice of appeal given in writing by a student within the above deadline shall not be deemed to constitute an appeal and shall not be accepted. Appeals received after the above deadline will be deemed to be out of time and will not be considered unless there is independent evidence to show compelling reasons as to why the appeal was

not submitted in a timely manner. The University will not consider any appeal submitted more than 12 months after the relevant Examining Board meeting. Where an appeal is deemed out of time, the University will issue a Completion of Procedures Letter on request, noting the reason why the appeal was not considered and advising the appellant that he/she may be able to take his/her complaint to the Office of the Independent Adjudicator (OIA) for Higher Education (see paragraph 13.6.9 (1)).

- (2) The Academic Office shall acknowledge receipt of an appeal normally within 5 clear working days. If a student submits an appeal which is not acknowledged within 5 clear working days, the student should contact the Academic Office to ensure that the appeal was actually received. Where appropriate to the circumstances of the case, the appeal shall be referred to an appropriate officer of the University for investigation.

13.6.4 Initial Investigation

- (1) The appropriate officer shall ensure that the facts are verified and upon completion of his/her enquiries, shall submit a report to the Academic Office setting out the circumstances of the case and confirming his/her findings.
- (2) The Academic Office shall arrange for the relevant Examining Board to re-consider the decision taken if the report indicates that the original decision was inappropriate due to one or more of the following having occurred:
 - a) there was an arithmetical or other factual error;
 - b) the Examining Board failed to take appropriate action to implement the decision of an Extenuating Circumstances Panel;
 - c) there were defects or irregularities in the conduct of the examinations or in written advice relating thereto of such a nature as to create a reasonable possibility that the result may have been different had they not occurred.
- (3) The appellant shall be informed by the Academic Office of the action being taken to remedy the situation by means of an Appeal Outcome Letter (which may take the form of an electronic communication).
- (4) If the report indicates that no error as defined in 13.6.4 (2) above has occurred, the Academic Office shall determine, based on the contents of the application for appeal and the written report from the appropriate officer whether a clear case for appeal exists.
- (5) The Academic Office may disallow any appeal, normally within 20 clear working days of its receipt, which fails to meet the above criteria for making an academic appeal or in which, following the written report, it is apparent that no clear case for appeal has been made. The appellant shall be informed that the appeal has been disallowed by means of an Appeal Outcome Letter (which may take the form of an electronic communication).

13.6.5 Appeal Panel

- (1) Periodically, Senate will identify a standing group of appropriately qualified and experienced staff from across the Faculties and Support Services to serve as possible members of the Appeal Panel.
- (2) If it is decided that there is a clear case to be considered, the appeal shall be referred to an Appeal Panel consisting of three members from the standing group; a Chair and two further internal members. Where appropriate an external person may be appointed as an additional member of an Appeal Panel. The Appeal Panel shall normally meet within 25 clear working

days of receipt of the appeal. In the event that it takes longer to verify the facts to which the appeal refers, this period may be extended.

- (3) No member of the Appeal Panel shall come from a Faculty in which the appellant has studied or is studying. Staff should not agree to be a member of the Appeal Panel if the appellant is known to them.
- (4) The Appeal Panel shall have delegated powers to act on behalf of the Senate.
- (5) An appellant shall be offered a personal hearing by the Appeal Panel. The appellant shall accordingly be informed in advance of the time and date of the meeting and that he/she shall have the right to be accompanied, to hear all the evidence, and to call and question witnesses. The appellant may be accompanied by a person of his/her choosing, and is required to inform the Secretary in writing in advance of the meeting whether he/she intends to be accompanied. The accompanying person shall not normally contribute to the discussions, but the Appeal Panel shall have the discretion to invite their contribution if it believes that this will assist them in reaching a decision. Legal representation is not allowed. The appellant may nominate relevant witnesses to provide evidence which relates directly to the grounds of the appeal. Such witnesses shall be informed of the date, time and place that have been set for the appeal hearing but cannot be compelled to attend.
- (6) If for reasons of distance or other significant matters (to be agreed by the Academic Office), physical attendance in person is not possible, the appellant will be invited to contribute via video link, audio link or to make an additional written submission. The appellant may not send another person to an Appeal Panel in his/her stead. Should the appellant not attend the meeting of the Appeal Panel and provided that all reasonable means have been taken to contact the appellant, the meeting shall proceed in his/her absence.
- (7) The Chair shall have discretion to declare inadmissible any matter introduced by the appellant, or by any witness or person accompanying the appellant, if he/she deems it not directly related to the contents of the appeal previously lodged in writing within the stipulated deadline.
- (8) The Chair of the Appeal Panel may require the Chair of the relevant Examining Board or any other member of staff to contribute to the hearing as witnesses and should ensure that any such individuals are informed of the date, time and place that have been set for the appeal hearing.
- (9) The Appeal Panel shall base its decisions on the evidence of the appellant's submission and the testimony of any witnesses, together with any further evidence which it considers relevant. The Appeal Panel, when considering its decision, shall meet in private session.

13.6.6 Outcomes of an Appeal Panel

- (1) The Appeal Panel shall be empowered to take one of the following decisions:
 - a) to reject the appeal and uphold the original decision of the Examining Board;
 - b) to uphold the appeal and to refer the case back to a special Examining Board for a review of the initial decision.
- (2) In exceptional cases only, the Appeal Panel may specify the composition of the Examining Board to review a decision. Where the case is referred back to the Examining Board, the Appeal Panel may, where appropriate to the circumstances of the case, require an officer of the University to attend at the meeting of the Examining Board to ensure full consideration of the Appeal Panel's decision.

- (3) The Appeal Panel may make recommendations for consideration by the Academic Quality and Standards Committee or the Senate as appropriate on any matter arising from the consideration of Appeals.
- (4) A report, setting out attendance, a brief outline of the proceedings and the reasons for the decisions of the Appeal Panel shall be produced.
- (5) In the case of paragraph 13.6.6 (1) a), the outcome of the appeal shall be communicated to the appellant by means of an Appeal Outcome Letter, normally within 10 clear working days of the meeting of the Appeal Panel.
- (6) In the case of paragraph 13.6.6 (1) b), the appellant shall be informed that the case has been referred back to a special Examining Board and that he/she will be informed of the decision of the special Examining Board in due course. The special Examining Board, consisting of a Chair, an external representative, representation from the relevant School, and representation from the Academic Office shall consider the report of the Academic Appeal Panel, including recommendations or advice where appropriate to the circumstances of the case, together with all supporting documentation. The special Examining Board shall normally meet within 10 clear working days of receipt of the Appeal Panel's report. The subsequent decision of the special Examining Board, together with a copy of a relevant extract from its minutes, shall be sent to the Academic Office.
- (7) On notification of the decision of the special Examining Board, the Academic Office may, in exceptional cases only, refer the case back to the Chair of the Appeal Panel for a review of the procedures followed. If it transpires that a serious procedural irregularity has occurred, the case may be referred to the Senate for reconsideration.
- (8) The special Examining Board's decision may or may not alter the appellant's overall result. The appellant shall be informed of the decision of the special Examining Board by means of an Appeal Outcome Letter (which may take the form of an electronic communication) normally within 10 clear working days of the meeting of the special Examining Board. There shall be no right of appeal under the University's internal procedures against the decision of a special Examining Board where the case has been referred back by an Appeal Panel.
- (9) If, following a successful appeal, the special Examining Board decides that the appellant has qualified for an award, the appellant shall be admitted to his/her award at the next succeeding Award Congregation. Alternatively, the Senate shall have authority to deem such an individual to have been admitted to his/her award provided all other necessary conditions for his/her admission have been met.
- (10) The Senate shall also have authority to deem an individual who has already been admitted to an award to have been admitted to a different award or a different class of award if, following a successful appeal, a special Examining Board decides that the appellant's award classification shall be amended. In such cases, the Academic Office and Registry shall ensure that a replacement certificate is issued upon the return of the original certificate by the appellant.

13.6.7 Review of Appeal Outcome

- (1) On receipt of an Appeal Outcome Letter, if the appellant is not satisfied with the remedy proposed following the initial investigation (paragraph 13.6.4 (3)), or is not prepared to accept the decision to disallow the appeal (paragraph 13.6.4 (5)), or the decision of the Appeal Panel to reject the appeal (paragraph 13.6.6 (5)), or is dissatisfied with the decision of the special Examining Board following an appeal which has been upheld (paragraph 13.6.6 (8)), the appellant may request that the appeal outcome be reviewed by the Deputy Vice-Chancellor (Academic) or his/her nominee.

- (2) A request for a review may only be made on one or more of the following grounds:
- a) irregularities in the conduct of the academic appeals procedure, which are of such a nature as to cause reasonable doubt whether the same decision would have been reached had they not occurred;
 - b) the existence of relevant evidence and there are compelling reasons why this evidence was not provided earlier in the appeals procedure;
 - c) the appeal outcome was not reasonable given the circumstances of the case.
- (3) A request for review of the appeal outcome shall be sent to the Academic Office on the Request for Review of Appeal Outcome Form (Appendix GA24) and must be received not later than 15 clear working days after the notification of the appeal outcome. Simple notice of a desire to request a review by an appellant within the above deadline shall not be deemed to constitute a formal request for review and shall not be accepted. The appellant shall provide full details of the grounds on which the request for a review is being made. A request for review received after the above deadline will be deemed to be out of time and will not be considered unless there is independent evidence to show compelling reasons as to why the request for review was not submitted in a timely manner. Where a request for review is deemed out of time, the University will issue a Completion of Procedures Letter on request, noting the reason why the request for review was not considered and advising the appellant that he/she may be able to take his/her complaint to the Office of the Independent Adjudicator (OIA) for Higher Education (see paragraph 13.6.9 (1)).
- (4) If no request for review is received within 15 clear working days, the University will assume that the appellant does not wish to request a review. Where an appellant subsequently requests a Completion of Procedures Letter, the University will issue a Completion of Procedures Letter, noting that the appellant did not engage with the request for review procedures in a timely manner and advising the appellant that he/she may be able to take his/her complaint to the Office of the Independent Adjudicator (OIA) for Higher Education (see paragraph 13.6.9 (1)).
- (5) Receipt of the request for review shall be acknowledged normally within 5 clear working days. If a student submits a request for review which is not acknowledged within 5 clear working days, the student should contact the Academic Office to ensure that the request for review was actually received.
- (6) The Deputy Vice-Chancellor (Academic) or nominee shall review the request to ascertain if the request has been made on permissible grounds and if a clear case has been made. The Deputy Vice-Chancellor (Academic) or nominee may refuse any request which is not based on the grounds stated above or in which it is apparent that no clear case to review the appeal outcome has been made. The appellant shall be informed by means of a Completion of Procedures Letter that the request for review has been rejected and that the original appeal outcome stands. The appellant will be advised that he/she may be able to take his/her complaint to the Office of the Independent Adjudicator (OIA) for Higher Education (see paragraph 13.6.9 (1)).
- (7) If it is determined that the request has been made on permissible grounds and that a clear case for reviewing the appeal outcome has been made, the Deputy Vice-Chancellor (Academic) or nominee shall consider the request on the grounds indicated by the appellant.
- (8) In reaching a decision on the request, the Deputy Vice-Chancellor (Academic) or nominee shall base his/her decision on the evidence of the appellant's submission together with any further evidence which he/she considers relevant.
- (9) The Deputy Vice-Chancellor (Academic) or nominee shall be empowered to take one of the following decisions:

- a) to uphold the original appeal outcome;
 - b) to refer the appeal back to an Appeal Panel;
 - c) to instruct that appropriate action be taken to remedy the situation.
- (10) The decision of the Deputy Vice-Chancellor (Academic) or nominee shall be final, and the matter shall, therefore, be regarded as closed. There shall be no discussion of the decision of the Deputy Vice-Chancellor (Academic) or nominee with the appellant or any other person.
- (11) In the case of paragraph 13.6.7 (9) a), the decision of the Deputy Vice-Chancellor (Academic) or nominee shall be communicated to the appellant by means of a Completion of Procedures Letter, normally within 15 clear working days of receipt of the request for review and the appellant will be advised that he/she may be able to take his/her complaint to the Office of the Independent Adjudicator (OIA) for Higher Education (see paragraph 13.6.9 (1)).
- (12) In the case of paragraph 13.6.7 (9) b), the appellant shall be informed that the case has been referred back to the Appeal Panel and that the procedures set out in Sections 13.6.5 and 13.6.6 will be followed. There shall be no right to request a further review of the appeal outcome as set out in a revised Appeal Outcome Letter issued in accordance with paragraphs 13.6.6 (5) or 13.6.6 (8) where the case has been referred back after review by the Deputy Vice-Chancellor (Academic) or nominee. If the Appeal Panel rejects the appeal, the revised Appeal Outcome Letter will be incorporated into a Completion of Procedures Letter. In other cases, on receipt of the revised Appeal Outcome Letter, if the appellant is dissatisfied with the outcome, the appellant may request a Completion of Procedures Letter be issued which will advise the appellant that he/she may be able to take his/her complaint to the Office of the Independent Adjudicator (OIA) for Higher Education (see paragraph 13.6.9 (1)).
- (13) In the case of paragraph 13.6.7 (9) c), the appellant shall be informed of the action being taken to remedy the situation by means of a revised Appeal Outcome Letter (which may take the form of an electronic communication). There shall be no right to request a further review of the appeal outcome as set out in the revised Appeal Outcome Letter. On receipt of the revised Appeal Outcome Letter, if the appellant is dissatisfied with the outcome, the appellant may request a Completion of Procedures Letter be issued which will advise the appellant that he/she may be able to take his/her complaint to the Office of the Independent Adjudicator (OIA) for Higher Education (see paragraph 13.6.9 (1)).

13.6.8 Status of students who have submitted appeals

- (1) Where an appeal has been submitted, the original decision of the relevant Examining Board shall stand until the final outcome of the Academic Appeal Procedure is known.

13.6.9 Completion of Procedures and Independent Review

- (1) Complaints to the Office of the Independent Adjudicator (OIA) for Higher Education must be made within 12 months of the effective date of the Completion of Procedures Letter. The effective date of a Completion of Procedures Letter will normally be the date on which it is issued. Where a request for review is deemed out of time or where a Completion of Procedures Letter is requested more than 25 clear working days after the notification of the final decision, the effective date of any Completion of Procedures Letter will normally be the date upon which the final decision was made. Full details of the procedure will be available from the Academic Office or from the OIA website: www.oiahe.org.uk.

13.6.10 Reporting on appeals

- (1) The Academic Office shall report annually to the Senate on the operation of these procedures in a form that maintains confidentiality and enables the University to reflect upon lessons learnt from student appeals and disseminate advice accordingly.