

Academic Appeals: Review of Assessment Board Decisions

Academic Appeals: Review of Assessment Board Decision

1 Introduction

- 1.1 The purpose of this procedure is to safeguard the interests of all students.
- 1.2 This procedure should be used when there are adequate grounds for a Review of Assessment Board decision as specified in paragraph 3. It cannot be used where a student is dissatisfied with the outcome of his/her assessment.
- 1.3 In accordance with the QAA UK Quality Code for Higher Education, an academic appeal is defined as:
‘...a request for a review of a decision of an academic body charged with making decisions on assessment, student progression and awards.’
- 1.4 An appeal cannot be made until the respective marks and/or award has been confirmed by an assessment board and notified to the student.
- 1.5 Wrexham Glyndŵr University is committed to providing research, teaching and learning facilities of appropriate quality. This includes the processes used to assess students for progression within a programme of study or to determine an award.
- 1.6 Where such assessments are considered by an Assessment Board, Wrexham Glyndŵr University wishes to ensure that there is an effective, expeditious, fair and accessible appeals procedure which is seen to be reasonable in its operation and which commands the confidence of all parties.
- 1.7 In support of these principles Wrexham Glyndŵr University undertakes:
 - 1.7.1 to ensure that the appeals procedure is operated in a fair manner;
 - 1.7.2 to ensure that the procedure in any given appeal is brought to completion as soon as is reasonably practicable;
 - 1.7.3 to ensure that the appeals procedure is accessible to all students.
 - 1.7.4 to ensure that procedures are fair, consistent and in accordance with equal opportunities.
 - 1.7.5 to ensure that principles of natural justice are observed throughout the operation of the appeals procedure.
- 1.8 If, following guidance from the Director of SPSA¹, it is deemed that another procedure is more suitable for dealing with the issues raised, then the case will be considered under the more appropriate procedure and the student will be informed accordingly.
- 1.9 Where students identify individual needs, reasonable adjustments may be made to the Procedure.

¹ Throughout this procedure all references to the Director of SPSA will be deemed to include her/his representative

2 The Scope of the Procedure

- 2.1 This procedure will apply to all registered students with effect from 1st September 2018, including students studying with partner organisations.
- 2.2 This procedure will apply to students who are studying wholly online or via distance learning. See Section 8 for information which is specific to students in this category.
- 2.3 Postgraduate research students studying for an award of the University of Wales will have recourse to this procedure, however the final decision regarding any appeal will be ratified by the awarding body.
- 2.4 Postgraduate research students studying for an award of the University of Chester, will have recourse to the PGR Appeals Procedure of the University of Chester and the protocol in appendix 2 of this procedure will be implemented.
- 2.5 Students studying for an award of St Mary's University, will have recourse to the Appeals Procedure of St Mary's University.
- 2.6 The following are the only grounds on which a Review of Assessment Board decision may be brought and appeals on these grounds will only be accepted if the student has provided evidence and complied with the deadline:
 - 2.6.1 There were procedural errors or irregularities during the recording, transcription and/or reporting of results;
 - 2.6.2 there were exceptional personal circumstances which could have affected the student's performance adversely, which for good and reasonable cause had not been submitted in accordance with the extenuating circumstances procedure;
 - 2.6.3 there were defects or irregularities in the application of the assessment regulations or in the written instructions or advice provided in respect of those regulations which have negatively impacted on the assessment outcome;
 - 2.6.4 In the case of a student whose thesis has been examined for the degree of PhD or MPhil, there were defects or irregularities in the constitution of the viva Panel and there was good and reasonable cause why this had not been reported by the student prior to the decision of the Assessment Board.
- 2.7 The following are examples of appeals that will not be considered under this procedure; this list is not exhaustive and is for illustrative purposes only:
 - Disagreement with the academic judgement of an Assessment Board in confirming marks, grades for individual assessments and recommendations of examiners
 - Appeals which are not supported by appropriate evidence, are received outside of the deadline without good or reasonable cause or are of a vexatious or frivolous nature.
- 2.8 If the University receives a number of appeals relating to the same or a similar issue, in the interests of achieving a timely resolution of the matter, the

University reserves the right to deal with such cases together and to apply its decision to all related cases.

- 2.9 The University will ensure that there is no disadvantage to those students whose cases are considered together. Where the University determines this to be the most appropriate course of action, those students concerned will be informed that this is the approach being proposed and will have the right to request that their case be heard individually.

3 Stages of a Review of Assessment Board Decision

Stage 1 – Investigation and Scrutiny Stage

This is to ensure that there has been no factual or arithmetical error in the assessment process, that any approved extenuating circumstances were considered by the Assessment Board and that any defects or irregularities in the application of the assessment regulations or in advice or written instruction given were considered by the Assessment Board.

In addition, any new extenuating circumstances claims will be brought to the attention of the Extenuating Circumstances Panel at this stage and any appeals against Extenuating Circumstances Panel decisions already made will be referred to the Chair and Director of the Extenuating Circumstances Panel, where new evidence is provided.

The request for a Review of Assessment Board decision will be considered by the Investigating Officer initially in accordance with paragraphs 4.5 to 4.9 and 5.1 below. The Scrutiny Panel will consider those cases referred to them under Para 5.2 iv to vii.

Stage 2 –Hearing Panel

The Stage 2 hearing will hear those cases referred to it by the Scrutiny Panel and will conduct its business in accordance with paragraph 6 of this procedure and will be considered by a Panel whose members are independent of the student's programme.

4 Application for a Review of Assessment Board Decisions

- 4.1 A student who considers s/he has grounds to request a Review of Assessment Board decision must make a written application in full within ten working days of the publication of results. Simple notice of a request for a review by a student within the above deadline shall not be deemed to constitute a proper request and shall not be accepted. The request must be submitted on the University's appeal form and documentary evidence must also be received within the stipulated deadline, unless exceptionally, there is good or reasonable cause for the delay in providing the evidence. In such cases, reasons must be provided for the delay in producing the evidence and the date when the evidence will be provided should be supplied. The Director of SPSA will determine whether or not good or reasonable cause has been established and if not, will not permit the appeal to enter the process.

- 4.2 Strategic Planning and Student Administration will provide students with procedural advice on how to submit an academic appeal; advocacy and support will be provided by the Students' Union.
- 4.3 The request for a Review of Assessment Board decision must make clear the grounds of the request and what outcome is sought. Documentary evidence must be provided.
- 4.4 The Director of SPSA will appoint a member of staff to act as Investigating Officer² to oversee the implementation of the procedure.
- 4.5 Receipt of an application will be acknowledged, in writing, by the Investigating Officer within five working days of receipt. Acknowledgment of receipt should not be deemed as confirmation that the appeal has been progressed into the process.
- 4.6 If the appeal has not been concluded within 20 working days, the student will be provided with a written progress report by the Investigating Officer.
- 4.7 Until the procedures of a Review of Assessment Board Decision are complete, the Investigating Officer in consultation with the Director of SPSA will take all reasonable steps to safeguard the position of the student pending the outcome of the procedure. Whilst a Review of Assessment Board Decision is under consideration the student may still continue on their programme of study until a decision has been reached, in order to ensure that a student is not academically disadvantaged if the Review of Assessment Board Decision is subsequently upheld.³ However, the student will not be permitted to register on the next level of the programme until the case is resolved. The student may be allowed to attend lectures and participate in assessments but will not be given any results. .
- 4.8 On receipt of the application for a Review of Assessment Board Decision the Investigating Officer will consider the application to ensure that the grounds for a Review of Assessment Board Decision have been met and that there is a prima facie case. An application for a Review of Assessment Board Decision will be disallowed if:
- i) it challenges the academic judgement of the Assessment Board;
 - ii) it is based on factors which were known to and considered by the Assessment Board
 - iii) it is frivolous or malicious.
- 4.9 Where the Investigating Officer determines that a request for a Review of Assessment Board Decision is inadmissible, the student will be informed of this.

5 Stage 1 – Investigation and Scrutiny Stage

² Whenever necessary to facilitate the progression of the procedure in a timely manner, the Investigating Officer will be interpreted as “or her/his nominee

³ This decision may be dependent upon external factors such as UKVI reporting obligations and requirements of Professional, Statutory and Regulatory Bodies

- 5.1 When the Investigating Officer is satisfied that none of the exclusions in paragraphs 2.5 and 4.8 apply and one or more of the grounds for a Review of Assessment Board Decision have been met, she/he will proceed to undertake an investigation into the matters raised. This investigation will normally be completed within 15 working days. The investigation may include interrogation of the relevant assessment board minutes and consultation with the Chair of the Assessment Board, programme team, the Chair of the Extenuating Circumstances Panel and any other University staff, as the officer deems necessary. If the outcome of the investigation is that a report is required, a written statement will be requested from the relevant programme leader or her/his nominee.
- 5.2 The Investigating Officer will have the authority to vary the grounds of appeal based upon the outcome of their investigation.
- 5.3 Following completion of the investigation, the following action will be taken:
- i) If the investigation indicates that there have been procedural errors or irregularities during the recording, transcription or reporting of results, this will be brought to the attention of the Chair of the Assessment Board, who will be requested to take executive action to rectify the error.
 - ii) If the investigation indicates that the student submitted an extenuating circumstances claim within the stipulated timeframe but it was rejected by the Extenuating Circumstances Panel and additional evidence has been submitted, the new evidence will be forwarded to the Chair and Director of the Extenuating Circumstances Panel for consideration in accordance with the grounds specified in the appeal process of the Extenuating Circumstances Procedure. The student will be notified accordingly. If the student's appeal is upheld or partly upheld, then the student will be advised that they can ask for a Completion of Procedures Letter. Where a student's appeal is not upheld, the student will be sent a Completion of Procedures letter without a request being necessary.
 - iii) If the investigation indicates that the student has not submitted an extenuating circumstances claim within the stipulated timeframe and so this has not been considered by the assessment board, the documentation will be forwarded to the Extenuating Circumstances Panel to determine whether there is good or reasonable cause for the lateness of the application and whether or not the evidence provided supports the validity of the claim. The student will be advised accordingly. This will be the final decision of the University and the appellant will not have recourse to the appeal process of the Extenuating Circumstances Procedure. If the student's appeal is upheld or partly upheld, then the student will be advised that they can ask for a Completion of Procedures Letter; where a student's appeal is not upheld the student will be sent a Completion of Procedures letter without a request being necessary.
 - iv) If the investigation indicates that there may have been defects or irregularities in the application of the assessment regulations or in the written instruction or advice provided in respect of those regulations, which have negatively impacted on the assessment outcome, a report will be provided for consideration by the Scrutiny Panel.

- v) Where a student submits an appeal on multiple grounds, then the case will be considered by the relevant body in accordance with this procedure.
- vi) If the investigation indicates that there may have been defects in the constitution of the Viva Panel, a report will be provided for consideration by the Scrutiny Panel.
- vii) In all other instances, the appeal will be referred to the Scrutiny Panel following the Investigating Officer's investigation.

5.4 Scrutiny Panel

- 5.4.1 The Scrutiny Panel will normally consist of a member of SPSA the Students' Union President or nominee and an academic member of staff with relevant experience and independent of the subject area involved who will act as Chair. The Academic Registrar may nominate additional staff members with particular expertise to serve on a Scrutiny Panel, where it is deemed appropriate. The members will have had no previous involvement with the students being considered. The Investigating Officer will attend the Panel meeting to present the outcome of her/his investigation and to act as Secretary but will not participate in decision making.
- 5.4.2 The Scrutiny Panel will proceed to consider the investigation stage report, which will be presented by the Investigating Officer.
- 5.4.3 Following consideration of the report and any verbal testimony provided, the Scrutiny Panel will determine either that:
 - The appeal should be upheld and the original decision of the Assessment Board will be annulled and replaced by the Scrutiny Panel decision. This process will be conducted in consultation with the Chair of the Assessment Board
 - or
 - The appeal should be referred for consideration by the Stage 2 Hearing Panel.
- 5.4.4 The student will be notified in writing of the outcome of the Scrutiny Panel's consideration within 5 working days of the Scrutiny Panel's meeting.
- 5.4.5 If as a result of the investigation, there is evidence that procedural or other irregularity may have affected more than the appellant, this evidence should be considered with the Chair of the Assessment Board and the relevant external examiner and changes to the original assessment board decisions made as necessary.

6 Stage 2. Hearing Panel

- 6.1 The Panel shall normally meet within 10 working days from notification of the completion of Stage 1.
- 6.2 The Secretary to the Panel will inform the student of the date of the Panel hearing. The student will have not less than 5 working days' notice of the meeting of the Panel.

6.3 **Composition of the Panel**

The Panel will comprise of:

- The Chair who will be drawn from the following list:
- Two members of academic staff with appropriate experience, one of whom will act as Chair
- the President of the Students' Union or his/her nominee;
- Senior staff member from SPSA who will participate as a panel member and also provide regulatory advice

All members of the Panel will be independent of the student's subject area and have had no previous involvement in the case being heard.

The Chair of the Scrutiny Panel and/or the Investigating Officer may be invited to provide clarification, if necessary. The Director of SPSA, will appoint a member of staff to act as secretary.

6.4 **Student Attendance at Stage 2 Hearing**

6.4.1 If a student advises that she/he will attend the hearing but subsequently, does not attend and no reason or apologies are provided, the hearing will continue in her/his absence. If reasons are provided, the Chair will decide whether or not to grant a postponement. Evidence of extenuating circumstances will be requested and presented to the Chair for approval. If approved by the Chair, a postponement will be granted but on one occasion only.

6.4.2 If a student is unable to attend a hearing, she/he must advise the Secretary no later than 48 hours before the hearing. Where possible, an opportunity may be provided for the case to be heard through electronic means and/or the student will be invited to present a written statement for consideration by the Hearing Panel.

6.4.3 If a student advises that she/he will not be attending the hearing or no reply is received following one reminder, the hearing will proceed in her/his absence.

6.5 **Support for Students at Hearings**

6.5.1 The student may be accompanied at the hearing for support by another student, friend, relative, member of staff of the University or of a partner college/organisation, a member of the Students' Union +or any other person who is needed to support them because of individual needs e.g. a carer or translator. However, that person may not act in a legal capacity and may not speak on behalf of the student without the Chair's express permission, unless advance notice has been given that the student will be represented (see below). If the student intends to be accompanied, she/he should advise the Secretary of the name of the accompanying person in advance of the hearing and state whether or not that person has legal qualifications. The student will be responsible

for ensuring that the date, time and venue and the necessary documentation is provided to the person accompanying her/him.

6.5.2 Normally, only one person will accompany the student, but in exceptional circumstances, an additional person may attend with him/her, with the express permission of the Chair.

6.5.3 If the student wishes to be represented by a legally qualified person or a professional body representative, the University reserves the right to have its own legal representative present and the student must advise the Secretary of the hearing of this intention at least three working days before the hearing. Each party will bear its own legal costs and the student will be responsible for ensuring that the date, time and venue and the necessary documentation is provided to those representing her/him.

6.6 **Documentation and Preparations for Hearing**

6.6.1 In advance of the Panel Hearing, the nominated Chair and the Secretary (or her/his nominee) will:

- determine who will be called to give evidence at the hearing. Any member of staff including the Chair of the relevant assessment board may be called to give evidence. In respect of partner organisations, this will include staff employed by the partner organisation. In cases where it appears that more than one student may be involved, students may also be called to give evidence;
- review the written evidence to determine whether any additional documentation is required in advance of the hearing.

6.6.2 Documentation in support of the application for a Review of Assessment Board Decision will be circulated to the Panel and to the appellant, by the Secretary to the Panel, not less than five working days before the meeting.

6.6.3 Such documentation will normally comprise:

- a. the application, identifying the grounds for a Review of Assessment Board Decision and supporting documentary evidence from the student;
- b. the module results sheet for the student and a timeline of the events leading to the appeal;
- c. appropriate programme handbook and University regulations;
- d. the investigation stage report and any recommendations or comments from the Scrutiny Panel;
- e. any other papers which have been submitted during the course of the process relevant to the Review of Assessment Board Decision or any documentation specifically requested by the Chair.

6.6.4 The student's personal tutor or student counsellor may be invited to submit a written report. If exceptionally, the programme leader is not able to attend the hearing, a written statement from her/him will be requested.

6.7 Procedure at the Panel Hearing

- 6.7.1 The meeting will commence with private discussions of the Panel to set out matters of process and modus operandi.
- 6.7.2 The Chair will review for the Panel the principles underpinning the Procedure.
- 6.7.3 All members of the Panel should ensure that confidentiality and independence are maintained throughout.
- 6.7.4 Unless a student has indicated that he/she does not wish to appear before the panel the student and any accompanying person, will be called to appear before the panel and the proceedings will continue as follows;
- a. the student will be invited to present his/her case to the Panel;
 - b. the Panel will question the student on both the documentary submission and his/her verbal presentation;
 - c. the person accompanying the student may be heard by the Panel subject to the student's approval and the permission of the Chair.
 - d. The Panel may call upon any other member of staff of the University or partner organisation (where applicable), including the Chair of the assessment board, the student's personal tutor, counsellor or programme leader, to give evidence. Students may also be called where this is pertinent to the particular case.
 - e. Once the evidence is heard then the student and any staff asked to provide evidence will be asked to withdraw whilst the Panel comes to its conclusions.

6.8 Remit of the Panel

- 6.8.1 The Appeal Panel is empowered to determine that:
- The grounds for a Review of Assessment Board Decision have been established and the appeal can be upheld,
 - No grounds have been established and the application is to be rejected.
- 6.8.2 Where a Review of Assessment Board Decision is upheld the original decision of the Assessment Board will be annulled. The Panel will then substitute the decision of the Panel for any decision made by the Assessment Board.
- 6.8.3 If the Panel determines to uphold the appeal and in its opinion, the student will be unduly disadvantaged by the implementation of the University's academic regulations, it is empowered to vary the academic regulations in order to find an appropriate resolution to the appeal.
- 6.8.4 If there is evidence that procedural or other irregularity may have affected more than the appellant, this evidence should be considered with the Chair of the Assessment Board and the relevant external

examiner and changes to the original assessment board decisions made as necessary.

6.8.5 The Secretary to the Panel will notify the student of the decision of the Panel, normally within five working days. The Secretary will also prepare a summary report of the hearing detailing the evidence considered and the conclusions reached by the Panel. The report will also include any recommendations for the programme team and/or the University where lessons can be learnt or good practice encouraged.

6.8.6 The decision of the Stage 2 Panel hearing is final and represents the end of the process. If the student's appeal is upheld or partly upheld, the student will be advised that they can ask for a Completion of Procedures Letter; where a student's appeal is not upheld then the student will be sent a Completion of Procedures letter without a request being necessary.

7 Independent Review

7.1 Complaints concerning the management and conduct of a request for a Review of Assessment Board Decision but not concerning the decision reached should be addressed through the complaints procedures.

7.2 Office of the Independent Adjudicator for Higher Education (OIA)

Wrexham Glyndŵr University subscribes to the independent scheme for the review of student complaints. Once all the relevant procedures above have been exhausted and a Completion of Procedures letter has been issued by the University, a student may take their complaint to the Office of the Independent Adjudicator for Higher Education (OIA). A Complaint Form must be submitted to the OIA within twelve months of the date of notification of outcome/ Completion of Procedures letter.

A Scheme Application Form can be downloaded from the OIA website www.oiahe.org.uk (or you can telephone or write to the OIA for a form).

The address of the OIA is:

Office of the Independent Adjudicator
Second Floor
Abbey Gate
57-75 Kings Road
Reading
RG1 3AB

Tel: 01189 599853

e-mail: enquiries@oiahe.org.uk

8 Students Studying Wholly Online or via Distance Learning

- 8.1 Students studying online under a carousel model should not be disadvantaged should they wish to submit an appeal. If a student is withdrawn at an Assessment Board but they are already studying their next module the student should be permitted to continue and complete that module pending the outcome of their Academic Appeal for the previous module.
- 8.2 Where possible the Academic Appeal Procedure should be completed within the minimum timescale to ensure the student is not disadvantaged.
- 8.3 Students may submit their Academic Appeals electronically, any evidence provided should normally include original documents or copies which can be proved to be authentic. Forms and evidence can be submitted electronically however the Panel reserves the right to ask for original copies of the evidence.

9 Reporting and Monitoring

- 9.1 The Director of SPSA or her/his nominee will provide an annual report to Academic Board. This will:
 - identify the number of cases dealt with at which stage of the procedure;
 - provide statistics in respect of the proportion of appeals upheld at Wrexham and at partner organisations;
 - comment on the effectiveness of the procedure;
 - make recommendations for modification of the procedures where appropriate.;
 - make recommendations in respect of good practice and improvements which can be made as a result of evidence obtained.

10 ADDENDUM

This procedure will be implemented from the academic year 2018/19 i.e. in respect of assessment board decisions made post 1st October 2018, until further notice. It will be made available electronically to staff and to students from the MyUni Portal site. Further guidance will also be developed for students.

APPENDIX 1

Recommended Timescales for Implementation of Appeals Procedure

TIMING	ACTION	RESPONSIBILITY
Ten working days from publication of results	Student must submit appeal form with supporting documentary evidence	Student
Five working days of receipt	Acknowledgment of receipt of appeal	SPSA
Five working days of receipt	Appeal (if accepted into process) to be forwarded to the Dean of Faculty and Chair of Assessment Board	Investigating Officer at Glyndwr University
Fifteen working days of receipt of appeal	Investigation to be concluded (para 5)	Investigating Officer at Glyndwr University
Five working days of Scrutiny Panel/EC Panel reaching a decision	Student advised of outcome of Scrutiny Panel consideration	Investigating Officer of Glyndwr University
Ten working days from notification of completion of Stage 1	Stage 2 Panel to meet	
Five working days before Stage 2 Panel hearing	Student to be notified of date and arrangements for Panel hearing and sent documentation to be considered at the appeal hearing	Secretary to the Panel or nominee
48 hours before Panel hearing	Notification that student cannot attend hearing	Student
Three working days before Panel hearing	Notification that student intends to bring legal rep or prof body rep to hearing	Student
Five working days after Panel hearing	Decision of the Panel to be sent to the student	Secretary to the Panel
Twenty working days of receipt of the appeal	Progress report provided to student if appeal not concluded	Investigating Officer of Glyndwr University

Note: Please note that these deadlines are provided for guidance only. Every effort will be made to comply with these deadlines but non-compliance with the timescales quoted above will not constitute a procedural irregularity. The student will be kept informed of the reasons for any delays and the revised timeframes.

PROTOCOL FOR APPEALS FROM STUDENTS STUDYING FOR UNIVERSITY OF CHESTER AWARDS

1. The University of Chester (UoC) PGR Academic Appeals Procedure will apply;
2. Submission of academic appeals from WGU students will be to the Student and Programmes Centre at WGU, which will send the submission electronically to the University of Chester;
3. Where an appeal is accepted for investigation, such investigation will be conducted jointly by the nominee of the Dean of Academic Quality and Enhancement to UoC and the nominee of the Academic Registrar at WGU.

Updated 28/5/2019 by Chair's action to incorporate regulations for students who are studying wholly online or via distance learning – see paragraphs 2.2 and 8