

# **STUDENT ACADEMIC APPEAL PROCEDURE**

# 1. SCOPE OF THESE PROCEDURES

## 1.1 What is covered by the Procedure

This document contains procedures for dealing with academic appeals from students against the decisions of Boards of Examiners for undergraduate and postgraduate programmes. The procedures apply to appeals against the decisions of Boards of Examiners for both qualifying and final examinations.

These procedures are not intended to supersede the following existing provisions for students to make representations to Boards of Examiners prior to decisions being made as defined in the [General Regulations](#) for each level of study Undergraduate, Postgraduate, Postgraduate Research.

## 1.2 What is not covered by the Procedure

There are issues that will not be considered through the Academic Appeal Procedure, including but not limited to:

- Disagreement with the academic judgement<sup>1</sup> of a Board of Examiners in assessing the merits of an individual piece of work or in reaching a decision on a student's progress or on the final level of an award, based on the marks, grades and other information relating to the student's performance, cannot in itself constitute grounds for an appeal.
- Concerns about assessment outcomes that have not yet been approved by a Board of Examiners you should seek advice in the first instance from your College, Personal Tutor or module leader.
- Suggestions, comments, concerns and complaints in respect of the student experience at the University, including but not limited to services and facilities This would be dealt with under the Complaints Procedure.
- A complaint related to an admissions decision. This would be dealt with under the Applicant Appeals and Complaints Procedure and you should contact the Director of Admissions, Outreach and Recruitment.
- An attempt to have a same complaint reconsidered where the University has completed its procedures, unless new material evidence has come to light or a new, material event has occurred.
- Where the complainant has entered another University process regarding the same or similar matter.
- A complaint which relates to an issue currently being considered by the Office of the Independent Adjudicator for Higher Education (OIA), a court or tribunal.

# 2. VERSION CONTROL

Version	Officer Responsible	Effective Date
2022.1	Associate Pro-Vice Chancellor Students	[June] 2023

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<sup>1</sup> If you are unsure about what is meant by academic judgement, please seek advice from the [SU Aston Student Advice team](#) in the Students' Union advice@aston.ac.uk or from the relevant Associate Dean from your College.

### 3. DETAILED PROCEDURES STATEMENT

Following the informal early resolution stage which involves raising concerns with the appropriate College. The Academic Appeal Procedure comprises the following stages.

Formal stages 1 and 2	Following submission of a Formal Academic Appeal Form, formal investigation, and determination of an outcome.
Review Stage	Following submission of an Academic Appeal Outcome Review request

If at any stage students are not aware who they should contact about their academic appeal, they should seek advice from the [Academic Appeal Team](#).

Students can contact the [SU Aston Student Advice team](#) in the Students' Union for independent advice and support with submitting an academic appeal.

#### Early resolution

The purpose of early resolution is to enable students and the University to address straightforward concerns quickly at College/School level.

It is expected that students will raise any concerns or exceptional circumstances promptly by the published deadlines on the university website. This will enable the University to address and resolve issues swiftly. The exceptional circumstances procedure is available to all students [here](#).

Where a student wishes to raise a concern or make an academic appeal application, they should first take steps to resolve the matter with an appropriate staff member (for example, their module leader/personal tutor or supervisor).

It is not possible to challenge academic decisions relating to marks, progression or awards but students are given the opportunity to seek clarification and/or feedback in relation to these decisions.

Any general issues relating to Programmes may be addressed through the Course Representative system whereby students can notify their Course Representative of any issues (e.g. dissatisfaction with resources/equipment/teaching), and these issues can then be raised at the Student Staff Committees.

If the student is satisfied by the outcome of early resolution the matter will be considered resolved. If the student does not consider their concern has been resolved, they may consider submitting an academic appeal.

#### The Formal Stage

##### Academic Appeal Procedure

A student wishing to appeal against the decision of a Board of Examiners may submit an academic appeal to the University if they are able to meet one or more of the grounds set out below.

The academic appeal should be made in writing using the University's academic appeal application form available on the Aston University website.

Unless there is a demonstrable reason for needing a longer period, the academic appeal application complete with supporting evidence, must be received by the Academic Appeal Team not later than 14 days, including weekends and public and University holidays, after the student's Exam Board decision have been issued on MAP (My Aston Portal).

Any member of staff of the University may request a review of the decision of a Board of Examiners with appropriate grounds (i.e. one or more of those listed below). The request must be made in writing as detailed above.

### **Allowed grounds for appeal**

The student must state the grounds on which the appeal is made and attach any supporting documentary evidence (e.g. medical certificates). The student's grounds for appeal must fall into one or more of the following categories:

- a) that there has been an administrative error or some other material irregularity relevant to the assessments has occurred on behalf of the University.
- b) that the assessment procedure and/or examinations were not conducted in accordance with the approved regulations.
- c) that the student's performance was adversely affected by illness or other specific factors which they were unable for valid reasons to submit to the Board of Examiners before it reached its decision. *(It will be very difficult to appeal under these grounds as all students are required to bring [exceptional circumstances](#) to the prior attention of the Board of Examiners, and accordingly, evidence would be required that there were very good reasons for failing to notify the Board of Examiners of any factors affecting their work e.g. a medical condition diagnosed after the meeting of the Board).*\*

\*If a student is suspected of submitting either a fraudulent claim for exceptional circumstances, or falsifying evidence to support a claim for exceptional circumstances, the case will be referred to the University Discipline Officer. If the case is found to be proven, an agreed penalty will be applied by the Disciplinary Board and the claim for exceptional circumstances will not be accepted. If third party evidence is suspected to be fraudulent the University may contact the provider to validate the evidence.

### **Formal Stage 1 Initial consideration of academic appeal application**

Initial consideration of the application will be made by the Head of Academic Services to ensure that the student's application meets the allowable grounds and that the appeal has been made by the 14 day deadline. The student will be informed in writing if there are no appropriate grounds to progress the academic appeal to Formal Stage 2 with the reason(s) why. This concludes Formal Stage 1 of the Academic Appeal Procedure.

### **Formal Stage 2 Academic Appeal Resolution**

If an appeal can be resolved by the Head of Academic Services in conjunction with the Chair of the Board of Examiners and any other appropriate persons, then appropriate action will be taken provided that it is in accordance with the current [University regulations](#).

The Chair of the Board of Examiners may

1. take Chair's action in line with the exam board procedures in changing the original decision of the Board
2. agree to put new evidence to the full Board, without the need to hold a meeting of the Academic Appeals Committee.

In such cases, students will be informed in writing of the outcome by the Head of Academic Services. Responses will be sent to the student's University email address, unless due to a student's status this is inactive. In which case the student's personal email address will be used.

This communication shall be deemed to be sufficient and the duty to inform the student will be completed. This concludes the Formal Stages of the Academic Appeal Procedure.

In complex cases the Head of Academic Services may consider it appropriate for an academic appeal application to be reviewed by the Senate Academic Appeals Committee. This decision will be at the discretion of the Head of Academic Services following assessment of a student's individual case.

## Review Stage: Academic Appeal Outcome Review

If the student is dissatisfied with the outcome of the Formal Stages, they may request an Academic Appeal Outcome Review. The grounds for a review request are

- a) a review of the procedures followed at the formal stage if it is believed the procedures were not carried out in line with Regulations
- b) a consideration of whether the outcome was reasonable in all the circumstances
- c) new material evidence which the student was unable, for valid evidenced reasons, was unable to provide earlier in the process.

Unless there is a demonstrable, significant reason for needing a longer period, the request must be submitted within 14 calendar days of the Formal Stage outcome to the [Academic Appeal Team](#). In the Academic Appeal review request, the student must clearly demonstrate how they meet one of more of the allowed grounds.

If the student has no grounds under which to request an Appeal Outcome Review the student may request a Completion of Procedures letter so that they may take their case to the Office of the Independent Adjudicator. To request a Completion of Procedures letter the student should email the [Academic Appeal Team](#) no later than 31 days after the date on the appeal outcome letter (Please put Completion of Procedures Letter Request in the email subject box).

A reviewer will be nominated to conduct the Academic Appeal Outcome review and will be an academic member of staff from a different subject area and having not been involved with the student's appeal.

The review will not involve considering the student's concerns anew or involve a further investigation, but a consideration of whether:

- The relevant procedures were properly followed during the formal stages and whether any errors or failings made a material difference to the outcome.
- The outcome could be considered unreasonable taking account of all the circumstances.
- Any new evidence provided by the student could have been supplied earlier in the process, and if it had been, whether it would have made a difference to the decision.
- The student received clear reasons why their complaint was not upheld.

The outcome of the review will be communicated to the student by the Head of Academic Services usually within fifteen working days of receipt of the request to review. The student will be automatically issued with a completion of procedures letter.

If the Appeal Outcome Review is upheld but no agreement can be made with the Chair of the Board of Examiners the student will be invited to attend a meeting of the **Senate Academic Appeal Committee** which will be made up of members who were not involved in the original decision.

If the student remains dissatisfied at the conclusion of the Appeal Outcome Review they student may apply to the Office of the Independent Adjudicator for Higher Education as the internal process of the University would have been completed (see Independent Review below).

### Senate Academic Appeals Committee

In appropriate cases a meeting of the Senate Academic Appeals Committee will take place. The Committee will comprise Vice-Chancellor or nominee (Chair), two members of academic staff taken from either the Senate membership, members of the Learning and Teaching Committee or are Programme Directors (not from the same subject as the applicant), a representative of Aston Students' Union (nominated by the President), Head of Academic Services (secretary).

No person who was a member of or was concerned in any way with the proceedings of the Board of Examiners will be a member of the Academic Appeals Committee

The Academic Appeals Committee shall have the following functions:

- i) to consider appeals against the decision of a Board of Examiners on the grounds that, for valid reasons, the Board was not aware of certain factors which adversely affected a student's performance; or that a material administrative error or irregularity in the conduct of assessment has occurred; or that the assessment procedure and/or examinations were not conducted in accordance with the approved regulations.
- ii) to report its decisions to the Senate.

A student whose appeal will be heard by the Academic Appeal Committee shall be sent notice of the meeting to the student's University email address, or where this is inactive to their personal email address, not less than five working days before the scheduled meeting.

A student shall have the right to be accompanied and/or represented by an independent representative, such as an advisor from the Student Union Advice Centre, or a chosen member of staff of the University, to present witnesses, and to submit a written statement outlining the grounds for appeal.

The Committee shall be concerned with aspects of a procedural or personal nature, and not with testing the academic judgement of a Board of Examiners. In order to facilitate its investigations, the Committee shall have access to relevant material evidence (including: the programme regulations, the minutes and papers of the Board of Examiners) and shall require the Chair of the Board (or the appropriate Associate Dean of Research for appeals from research students) to submit evidence in support of the decision made concerning the student in question. In addition, it may require the attendance of witnesses.

All paperwork for consideration by the Committee will be sent to the student, their representative and all Committee members not less than 5 working days before the scheduled meeting.

At conclusion of the proceedings all non-members of the Committee will be asked to withdraw and the Committee shall reach its decision in private. The Committee shall have the power to make one of the following decisions on behalf of the Senate:

- i) that the student's performance has been affected by exceptional circumstances, of which the Board of Examiners was not aware, and that the Board is requested to review its decision accordingly.
- ii) that on the basis of substantiated evidence of administrative error or other material irregularity the Board of Examiners is requested to review its decision accordingly.
- iii) that on the basis of conclusive evidence of a significant irregularity in the conduct of, or arrangements for, an assessment, the decision of the Board of Examiners concerning one or more candidates be annulled and the assessment retaken.
- iv) that the appeal be rejected.

The Head of Academic Services shall be responsible for informing the Chair of the relevant Board of Examiners, or the appropriate Associate Dean of Research, of the Committee's decision.

The Chair of the Board of Examiners or the appropriate Associate Dean of Research will ensure, where appropriate,

1. that the Board reconsiders its decision in the light of the recommendations of the Academic Appeals Committee, having regard to its role in ensuring that the student is fairly assessed within the programme regulations as an individual and in relation to their peers.
2. Where the Board wishes to have further evidence of the student's performance, it may require an alternative form of assessment appropriate to the student's circumstances and the requirements of the programme regulations, before reaching its final decision.
3. inform the Head of Academic Services of the Board's decision within five working days of the meeting of the Board.

The Head of Academic Services shall inform the student in writing of the Board of Examiners' decision.

If a Board of Examiners which has been requested to review its decision in respect of 3.6 ii) or iii) above, does not modify its decision, the Senate shall have the right to annul that decision if in its opinion due and proper account has not been taken of the relevant factors specified by the Academic Appeals Committee.

The Academic Appeals Committee shall not have the power to vary the approved general or programme regulations or to override the prescribed authority of an External Examiner.

If the **Senate Academic Appeals Committee** was initiated at the Formal Stage and was not a result of an Academic Appeal Outcome Review the student may request an outcome review as per the Review Stage detailed in these procedures.

### **Office of the Independent Adjudicator for Higher Education (OIA)**

If the student remains dissatisfied with the outcome of their academic appeal following completion of the Review Stage and receipt of the University's Completion of Procedures letter, they may take their complaint to the OIA. The OIA will not normally review complaints unless they have been considered through the University's own complaints procedure.

The student must submit their complaint in writing using the OIA complaint form which can be found on the OIA's website [OIA Complaint Form \(oiahe.org.uk\)](http://oiahe.org.uk).

The OIA must receive the student's complaint form within 12 months from the date of the Completion of Procedures letter received following Stage 2 under this Complaints Procedure.

Guidance on submitting a complaint to the OIA can be found on the OIA's website. Students may also wish to seek advice from the [SU Aston Student Advice team](#) in the Students' Union.

Students should note that the OIA will not review complaints about an application for admission to the University unless the individual is a former student of the University.