

**ACADEMIC APPEALS REGULATIONS 2017/2018**

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# Introduction

1.1 The University’s regulations for academic appeals apply to all students registered or enrolled on University of South Wales courses, whether the course is delivered by the University or through a collaborative arrangement at a partner institution. The only exception to this is students studying research degrees, who should refer to the Research Degree Regulations. If students are studying at the Royal Welsh College of Music and Drama any reference made to ‘faculties’ or ‘faculty’ in the regulations should be read as ‘the College’.

1.2 The regulations allow students to appeal following a decision of an award and progression board as long as appeals are raised within the timeframes specified in the regulations. Before results are formally released University marking protocols are followed as detailed in the Regulations for Taught Courses A.2.7.4:

* Internal moderation of all marking should take place in order to ensure consistency across the subject.
* All assessed work should be made available for external scrutiny by way of external moderation of marks.
* All decisions (including marks awarded) are considered and ratified firstly by the subject assessment board (which is responsible for assessment of modules) and then by the award and progression board (which is responsible for student progression and awards). An external examiner will be in attendance at the assessment boards.

# Advice

2.1 In the first instance, students are strongly advised to speak to the Advice Zone for formal guidance relating to appeals. The Advice Zone will signpost students to other areas of the University as appropriate.

# General Principles

***3.1 Presumption of good faith and conduct***

3.1.1 The application of the regulations will be in good faith and any appeal submitted by a student will also be in good faith.

3.1.2 It is expected that students submitting appeals, and their representative(s), behave in an appropriate manner. If the University deems that their behaviour is unacceptable action may be taken under the Student Conduct Regulations.

***3.2 Group appeals***

3.2.1 Where an appeal is submitted by a group of students, one member of the group must be nominated as the main contact. Each member of the group must confirm in writing that they wish the nominated individual to act in this capacity and that the appeal reflects their concerns. The nominated contact will receive updates on the appeal on behalf of the group. All members of the group will receive notification of the outcome individually.

***3.3 Appeals from third parties***

3.3.1 The University expects students to submit appeals themselves. Should a submission be required by a third party on behalf of a student valid reasons should be provided, along with evidence, and with written authorisation that the student has agreed for the third party to act on their behalf.

***3.4 Malicious/vexatious appeals***

3.4.1 Appeals which the University considers to be unreasonably persistent or vexatious will not be considered and could result in action being taken under the Student Conduct Regulations. In this context ‘unreasonably persistent’ means, for example, that the appeal is being made in a way that is obsessive, prolific or repetitious, or might be considered to be harassment. It may be one that is being pursued in a way that hinders the ability of the University to carry out its appeals process.  A ‘vexatious appeal’ is one that the University considers is designed to cause disruption or annoyance, or makes demands for redress which lack serious purpose or value.

3.4.2 Where the Associate Registrar: Student Casework considers that an appeal is being pursued in an unreasonably persistent or vexatious manner the student will be written to and informed that the University will not consider the appeal any further.  Reasons for this decision will be given and a Completion of Procedures letter will be issued.

***3.5 Confidentiality***

3.5.1 Information supplied within an appeal will only be provided to appropriate members of staff.

3.5.2 The University will not disclose any information to third parties regarding investigations and outcomes from student appeal cases unless legal exceptions under the Data Protection Act apply or the student has given the University written authority to do so.

3.5.3 If students have any concerns regarding disclosure of information detailed within their appeal they should contact the Student Casework Unit.

***3.6 Attendance at Graduation***

3.6.1 Students who are eligible to receive a University award and wish to appeal against the decision of the award and progression board should seek advice from the Advice Zone if they wish to attend their upcoming graduation ceremony.

3.6.2 Where students appeal against a decision of an award and progression board and the appeal is still in progress at the time of the graduation ceremony they will not be able to attend that particular graduation ceremony as attendance would indicate agreement with the award made.

3.6.3 Students will not be issued with their certificate until the outcome of the appeal is known.

3.6.4 Once an appeal has been completed students, if eligible, will be able to attend the next available graduation ceremony.

***3.7 Status of students during appeals***

3.7.1 Whilst an appeal is ongoing students should prepare to complete any resit assessments or other progression requirements.

3.7.2 Students will not normally be allowed to progress to the next stage of their study whilst their academic appeal outcome is pending.

***3.8 Possible actions***

3.8.1 Following consideration of an appeal, marks for assessments, modules or degree classifications cannot be raised or amended unless there has been an administrative error.

3.8.2 Students may be referred through other University regulations where this is deemed to be appropriate, for example the Fitness to Study Regulations.

3.8.3 The faculty may, as a condition of a successful appeal, request that students provide medical evidence to confirm that they will be fit to study and/or practice when they return. The faculty will clearly state the consequences of failure to comply with the condition.

# Appeals and complaints

4.1 Where it is considered that an appeal contains elements of complaint, a decision will be made on whether the appeal as a whole, or elements of it, should be reclassified and processed using the Student Complaints Regulations. Where an appeal and complaint cannot be separated the University will investigate the issues raised together. The investigation will then inform both the outcome of the appeal and complaint. The Student Casework Unit will discuss any decisions made on the status of the appeal with the faculty and the student concerned.

4.2 Issues that have been considered under the Academic Appeals Regulations cannot subsequently be used as a ground for complaint.

# Grounds for appeal

5.1 Appeals can only be submitted on the following grounds:

1. Material procedural defect or irregularity which is relevant to the outcome of the academic decision.

Students must demonstrate one or more of the following:

* there has been an administrative error
* proper process has not been followed in relation to the assessments
* there were defects in the advice provided in relation to assessments
* an academic decision was not arrived at in accordance with the regulations of the course.

1. Unconsidered extenuating circumstances

Students must demonstrate that they had unforeseen exceptional personal circumstances, outside of their control, which significantly affected their performance and, which supported by evidence, were not made known prior to the award and progression board through the Extenuating Circumstances Regulations.

5.2 The University has separate Extenuating Circumstances Regulations for use prior to the meeting of the award and progression boards. These regulations set out the responsibility of students to notify the University of any circumstances which may affect their assessments as soon as they arise. Extenuating circumstances claims throughout the academic year will normally only be considered within 4 weeks prior to the assessment deadline. Exceptions to this are where students have evidence, in advance, of specific circumstance that will impact for a specified period. For example, a hospital admission or where the assessment deadline relates to submission of a dissertation or individual project.

5.3 If students have good reason for not being able to submit an extenuating circumstances claim prior to the published University deadline, they may use these regulations to appeal against the decision of the award and progression board. An appeal cannot be submitted if evidence is not provided as to why the published deadline was missed. Sensitive personal, family or cultural reasons will not be accepted as good reason as to why the circumstances were not made known previously.

5.4 The University has a ‘Fit to Sit’ policy within the Extenuating Circumstances Regulations under which students who submit assessments or attend examinations are declaring themselves fit to sit. Students cannot subsequently appeal if they have undertaken the assessment unless there are exceptional circumstances, supported by evidence, that they were not fit to make a rational decision to undertake the assessment at that time.

5.5 An appeal will not be accepted on the basis of a disagreement with the academic or professional judgement of the assessment boards i.e. students believe they deserve a higher mark or different outcome. Academic and professional judgement includes assessing a specific piece of work, and/or reaching a decision on a student’s progression, or on the final level of the award, based on the marks, grades and other information relating to the student’s performance.

5.6 These regulations do not allow students to submit an appeal based on bias or perception of bias. Where students consider that they have been treated in a biased manner these issues should be raised through the Student Complaints Regulations for investigation. Students are required to provide evidence to support any claims of bias.

# Evidence

6.1 All appeals submitted must be supported by written independent corroborating evidence. Appeals which do not provide such evidence will not be accepted.

6.2 Appeals submitted on the grounds of unconsidered extenuating circumstances will need to include evidence to show why students could not make their circumstances known during the year through extenuating circumstances. These appeals will be considered on the same basis as if they had been submitted as an extenuating circumstance claim i.e. on the ‘balance of probabilities’ (that the circumstances were more likely to have affected a student’s ability to study than not). Students should refer to the Extenuating Circumstances Regulations (https://registry.southwales.ac.uk/student-regulations/extenuating-circumstances/) for information on appropriate evidence and Appendix 1 of these regulations.

6.3 If students submit any evidence which turns out to be false they will be dealt with under the Student Conduct Regulations and the appeal will be put on hold until an outcome is reached under the alternative regulations.

# Stages in the handling of appeals

***7.1 Early resolution***

7.1.1 Each campus offers students the opportunity to discuss their end of year outcomes following publication of their results.

7.1.2 Prior to submitting an appeal for consideration students are advised to discuss any concerns they have regarding their results or the decision of the award and progression board with the appropriate member of staff. This may be their module leader or course leader, or if they believe that there has been an administrative error they should contact the Advice Zone. If it has not been possible to resolve any of the concerns then students may submit an academic appeal.

***7.2 Initial assessment of appeal***

7.2.1 Appeals must be submitted within **10 working days** of publication of results using the ‘Stage 1 Appeal Form’ and include appropriate supporting evidence (see section 6) and a copy of the student’s results. Appeal forms are available at: https://registry.southwales.ac.uk/student-regulations/academic-appeals/ Stage 1 appeals will not be considered unless they comply with the requirements above.

7.2.2 Late appeals will only be accepted if a student can provide good reason, supported by written independent evidence, for submitting an appeal outside of the timescales.

7.2.3 All appeals should:

* identify the ground(s) of appeal (see section 5.1)
* clearly set out the facts that support the appeal
* include appropriate evidence to support the appeal being made (see section 6)
* identify the outcome the student is seeking

7.2.4 Upon receipt of a stage 1 appeal, the Student Casework Unit will check that the appeal meets all of the requirements set out in 7.2.3 and was submitted within 10 working days of the publication of the assessment results or is permissible under 7.2.2. If this is the case the appeal will be referred for consideration.

7.2.5 An appeal which does not meet the requirements set out in 7.2.3 will not be processed further but will be returned to the student along with a Completion of Procedures letter.

***7.3 Timescales***

7.3.1 Where it is identified that swift consideration of an appeal is required, for example when a student is due to graduate or when progress or delays will affect a student’s mental health, the University will ensure this is highlighted to the staff considering the appeal.

7.3.2 Where it is not possible to adhere to the timescales set out in 7.4 and 7.5, for example due to the complexity of the case, the University will write the student providing a rationale for the delay and a revised date for the outcome of their appeal.

* 1. ***Stage 1 – Consideration by faculty/campus***

7.4.1 Appeals submitted under 5.1 a) will be considered by a nominee within the faculty at associate head of school level or above. The relevant nominee will not have been involved in the consideration of the student’s results. Appeals submitted under 5.1 b) will be considered by the relevant campus extenuating circumstances panel. Where an appeal is submitted under both 5.1 a) and b) it will be considered by both the nominee of the faculty and the relevant campus extenuating circumstances panel.

7.4.2 Stage 1 appeals will be dealt with on the basis of the documentation provided by students. Exceptionally, students may be invited to a meeting to clarify details of the appeal. If the nominee of the faculty/campus extenuating circumstances panel require additional information to assist them in reaching a decision on the outcome of an appeal students will be given 5 working days in which to confirm that they intend to provide the additional information and the timeframe in which the information will be submitted. If the information is not submitted within the timeframe and a rationale for the delay is not provided a decision will be made on the appeal without the additional information.

7.4.3 The nominee of the faculty/campus extenuating circumstances panel has **10 working days** from the date that the student provided the final relevant piece of documentation to review the appeal and provide a response, with a rationale as to the decision, to the Student Casework Unit. The Student Casework Unit will write to the student with the outcome of the appeal within **5 working days** of receipt of the faculty/campus extenuating circumstances panel’s response.

***7.5 Stage 2 – Review***

7.5.1 Students are entitled to submit a stage 2 request for review of the stage 1 decision on the following grounds.

1. The student has evidence that the procedures at stage 1 were not conducted in line with the regulations and this has materially disadvantaged them.
2. The student has new and relevant evidence which **for good reason** was not available at the time their stage 1 appeal was submitted. *(NB Sensitive personal, family or cultural reasons will not be accepted as good reason as they should have been drawn to attention at stage 1)*.

This information should not have been accessible or known to the student when the stage 1 appeal was submitted. Information which was available and not provided with the stage 1 appeal will not be considered valid grounds for a request for review.

1. The student has evidence thatthe outcome at stage 1 was not reasonable in the circumstances.

7.5.2 Students are only entitled to access stage 2 once stage 1 has been completed.

7.5.3 No new issues may be introduced at stage 2.

7.5.4 Stage 2 requests for review must be submitted within **10 working days** of notification of the outcome of stage 1 using the ‘Stage 2 – Request for Review Form’ and include appropriate evidence. Request for review forms are available at https://registry.southwales.ac.uk/student-regulations/academic-appeals/. Stage 2 requests for review will not be accepted unless they comply with the requirements above.

7.5.5 Requests for review will be initially considered by the Academic Registrar (or nominee) to determine whether there is a *prima facie* case for review, within **10 working days** of submission of the request.

7.5.6 If the Academic Registrar (or nominee), after considering the stage 2 request for review, concludes that:

1. it does not meet the grounds above set out in 7.5.1
2. it was submitted outside the 10 working day deadline
3. it does not include the appropriate evidence

the request for review will be disallowed and the student will be issued with a Completion of Procedures letter.

7.5.7 If it is decided by the Academic Registrar (or nominee) that the request for review meets one or more of the grounds, the following action may be taken:

1. if the case is straightforward, it will be referred back to the relevant award and progression board for reconsideration; a response will be provided to the student within **10 working days**
2. if the case is complex, it will be referred to a review panel, which will be comprised of members from the Standing Review Board; the Review Panel will be convened within **20 working days**

7.5.8 The Standing Review Board will consist of:

* + 3 members appointed by Academic Board
	+ 4 academic representatives of each faculty (as a minimum).

7.5.9 The Review Panel will consist of:

* + 1 of the members of the Standing Review Board appointed by Academic Board (Chair)
	+ 1 of the academic representatives on the Standing Review Board, drawn from faculties unconnected with the appeal under consideration
	+ President of the Students’ Union (or nominee).

A member of the Student Casework Unit will provide administrative support.

7.5.10 In order to permit full consideration of the request for review the administrative support from the Student Casework Unit may request relevant information from the faculty/campus. The purpose of the Review Panel is to review the procedures at stage 1 or consider whether it was reasonable that evidence was not provided at stage 1 and not to rehear the case.

7.5.11 The Review Panel will make one of the following decisions:

1. That the appeal is rejected and no further action will be taken.

In this case, the decision of the Review Panel will be communicated to the student within **5 working days** of the meeting. The decision will be final and the matter will be regarded as closed.

1. That the matter is referred back to the chair of the relevant award and progression board for reconsideration.

In exceptional cases, the Review Panel may require that the full award and progression board be reconvened. Where this is the case the Review Panel may require an officer of the Student Casework Unit to attend the meeting of the award and progression board as an observer. The student will be kept informed of any resultant necessary amendments to timescales.

7.5.12 Any meeting of the Review Panel will normally be held in private; however, students will be given the opportunity to request attendance at the meeting. Exceptionally, students may be invited to meet with the Review Panel to clarify details of their request for review.  The chair of the Review Panel will confirm whether the student’s request will be upheld.

7.5.13 The chair of the relevant award and progression board will provide a decision to the Academic Registrar (or nominee) within **10 working days** and the decision will be communicated to the student in writing within **5 working days**.

7.5.14 The Review Panel may make recommendations for consideration by the Regulations Sub-Group or Academic Board as appropriate on any matters arising from the consideration of appeals.

# Monitoring

8.1 The Student Casework Unit will monitor the actions taken by the faculty/college in relation to the management of academic appeals. A report will be submitted to the annual meeting of the Student Casework Group.

8.2 The Student Casework Group may make recommendations for consideration by the Learning, Teaching and Enhancement Committee, Quality Assurance Committee and Academic Board, as appropriate, on any matters arising from the consideration of appeals that require amendments to regulations.

# OIA

9.1 Following the issue of a Completion of Procedures letter, the student may lodge a complaint with the Office of the Independent Adjudicator (OIA). Details of the OIA and the relevant information in relation to the Scheme can be accessed at [www.oiahe.org.uk](http://www.oiahe.org.uk). Further information and advice can be obtained from the Student Casework Unit, Academic Registry.

**Evidence for extenuating circumstances and appeals submitted under ground b)**

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| **This table provides you with an indication of the types of evidence that you will be required to provide in order to support an extenuating circumstances claim or an appeal submitted under ground b). You may not need to provide all the various forms of evidence but your claim/appeal must be supported by independent evidence.** **Please note that this is not an exhaustive list and there will be issues which are not covered below. In these cases you should provide the most relevant evidence to support your claim/appeal; advice should be sought from your Advice Zone. Extenuating circumstances and appeals will be accepted or rejected depending on their nature, severity, timing and the appropriateness of the evidence.**  |
|  | **Letter from medical professional or counsellor** | **Letter/ evidence from an independent professional** | **Death certificate** | **Obituary/ order of service** | **News/ Media report** | **Official witness report/police report which details information related to the offence** | **Letter from bank/debt letters** |
| **All evidence should be submitted in English or in the original language with an official certified translation provided** |
| **Serious short-term illness/accident** | **✓** | **✓** |  |  |  |  |  |
| **Bereavement** | **✓** | **✓** | **✓** | **✓** | **✓** |  |  |
| **Significant worsening of an ongoing health condition** | **✓** | **✓** |  |  |  |  |  |
| **Pregnancy related illness or childbirth** | **✓** | **✓** |  |  |  |  |  |
| **Significant adverse personal/ family circumstances** | **✓** | **✓** |  |  |  |  |  |
| **Significant financial problems** | **✓** | **✓** |  |  |  |  | **✓** |
| **Victim of crime** | **✓** | **✓** |  |  | **✓** | **✓** |  |