

## ACADEMIC APPEALS PROCEDURE

**This Procedure can be made available in the following alternative formats: braille, large print, tape, disk and on coloured paper. Please contact Student Cases to request a copy in your chosen format.**

### Contents

The following table outlines the Sections of the Academic Appeals Procedure and the principles that are adhered to by the University when students raise an appeal.

	<b>Heading of Section</b>	<b>What's included in the Section</b>	<b>Guiding principle for the section</b>
1	<b>Scope and definition</b>	When students can raise an academic appeal.	Students have the right to appeal against the decision of the Programme, Composite or PGR <i>viva voce</i> Examining Board.
2	<b>Grounds of appeal</b>	The permitted appeal grounds and the requirement for evidence.	Appeals are only considered on permitted grounds, which will be managed through consistent, fair and transparent procedures in a timely way.
3	<b>School response to appeal</b>	The requirement for the Chair of the Examining Board to provide a response to the student's appeal.	The Chair of the Examining Board must provide a factual statement and evidence to be considered alongside an appeal.
4	<b>Consideration of the appeal</b>	Who considers the appeal and the potential appeal outcomes.	Each appeal will be considered fairly on the basis of the evidence provided by someone outside of the School.
5	<b>Appeal Board</b>	The process where, in exceptional circumstances, an appeal is referred to an Appeal Board for further consideration.	Where an appeal is referred to an Appeal Board by a Senior Academic, a student and a School representative will present information to the Board for consideration.
6	<b>Reconvening an Examining Board</b>	The process for reconvening an Examining Board if an appeal is upheld.	A reconvened Examining Board will consider information presented in the appeal and review its original decision in line with Senate Regulations.
7	<b>Review of the Senior Academic's or Appeal Board's decision</b>	How to request a review of the appeal decision if a student is dissatisfied with the outcome of the appeal.	A student can request the decision of the Senior Academic or Appeal Board to be reviewed to ensure that the decision is fair and reasonable.

## 1 Scope and Definition

### **Principle**

Students have the right to appeal against the decision of the Programme, Composite or PGR *viva voce* Examining Board.

- 1.1 The Programme, Composite or Postgraduate Research Examining Board (PGR *viva voce* Examining Board) formally considers a student's academic results and recommends action to be taken by the Awards and Progress Committee in accordance with Senate Regulations.
- 1.2 The University publishes results and awards and informs students of their right of appeal via the Student Information and Management System (SIMS). The information will also be made clearly available to a student in the programme handbook, University Website and Senate Assessment Regulations.
- 1.3 The Academic Appeals Procedure applies to every student on a programme of study leading to an award granted by Cardiff University, including awards granted by Cardiff University in partnership with other providers, unless otherwise stated in the student handbook.
- 1.4 The Academic Registrar may delegate the operation of the Academic Appeals Procedure to a nominee.
- 1.5 A student, following the formal publication of the results by the University, may appeal against the results by submitting a completed Academic Appeal Form within 28 calendar days of the published decision. Students must provide a good reason for submitting their appeal outside of the 28 calendar days in order for the appeal to be considered. The Academic Registrar or nominee shall consider the reason for lateness and confirm whether the appeal will be accepted for consideration; this decision will be final.

### **Guidance**

#### **G1** Publication of Results

The Programme, Composite or Postgraduate Research Examining Board (PGR *viva voce* Examining Board) formally considers your results. Examining Boards are either established groups of academics who convene to consider a group of students' results or the Examiners on the Panel who examine the thesis (PGR *viva voce* examination).

Following the consideration of the Examining Board, the University will write to you, via SIMS, to inform you of the formal results and provide details of your right to appeal against the results.

#### **G2** Informing you of your right to appeal

You can find information about how to appeal in the Student Handbook, on the University website at [www.cardiff.ac.uk/appeals](http://www.cardiff.ac.uk/appeals) and in your formal results letter issued via SIMS.

You can seek independent advice from Student Advice in the Students' Union on 029 2078 1410 or at [advice@cardiff.ac.uk](mailto:advice@cardiff.ac.uk). This information will be provided in all formal correspondence from the University during the Academic Appeals Procedure.

### **G3** Nominating a representative to manage your appeal

You can nominate a representative to manage your appeal on your behalf. The Students' Union provide independent advisors who can discuss this option with you. The 'form of authority' section on the Academic Appeal Form enables you to give permission for the following:

- to appoint a representative to manage your appeal and act on your behalf;
- if a representative is appointed, to be copied in on any correspondence relating to your appeal;
- to have a supporter copied into communication, please note that a 'supporter' is unable to take action on your behalf.

You cannot normally be represented by someone acting in a legal capacity unless this is requested and agreed as a reasonable adjustment. You cannot be represented by an employee of the University.

Any reference in this Procedure to a 'student' refers to a student or a student's representative.

## **2** **Grounds of appeal**

### **Principle**

Appeals are only considered on permitted grounds, which will be managed through consistent, fair and transparent procedures in a timely way.

**2.1** A student may appeal on one or more of the following grounds only:

- i. an arithmetical or other error of fact in the results published following the decision of the Examining Board;
- ii. a defect or irregularity in the conduct, the written instructions or written advice relating to an Assessment either: unknown to the Examining Board which can be shown to have had an adverse effect on the student's performance; or known to the Examining Board and where the Board has acted unreasonably;
- iii. Extenuating Circumstances either unknown to the Examining Board where the student can show good reason why they could not have been made known to the Examining Board when the student's results were being considered; or known to the Examining Board and where the Board has acted unreasonably.

**2.2** Appeals submitted on any basis other than the permitted grounds, including the academic judgement of examiners, shall not be admissible and the Academic Registrar or nominee will inform the student accordingly in writing.

**2.3** A student must include evidence in support of any claims made in the appeal.

- 2.4** A student shall normally be informed within 7 calendar days in writing whether the appeal will be considered under the Procedure. If the appeal is accepted, the student will receive further information regarding the process and timeframe of the Procedure and the likely outcomes if an appeal were to be successful.

## Guidance

### **G4** Arithmetical or other error of fact in the published results

If you believe an arithmetical or other error has occurred in your published marks, progression or award decision then you should seek clarification from the University by raising an academic appeal.

If you appeal on the ground of arithmetical or factual error, your marks will be checked for errors. However, you cannot challenge the academic judgement of examiners under any University procedure. Appeals made solely on the basis of academic judgement, for example, that a higher mark was deserved based on your knowledge, will be rejected.

### **G5** Defect or irregularity in the conduct of an assessment or written advice relating thereto

The University normally expects you to raise defects or irregularities in the conduct of the assessment or in the written advice at the time they occur, by writing to the Chair of the Examining Board or their nominee. An example of a defect would be where something disruptive occurs that had a material effect on an exam or PGR *viva voce* exam or if there is an error on a question paper. If a defect affects all students in an examination venue the invigilators will report it directly to the Examining Board.

You can appeal on this ground if you can demonstrate and provide evidence that:

- a defect or irregularity occurred **and** it had a serious detrimental impact on your academic performance;
- bias or perception of bias occurred in the marking of your assessment;
- the Examining Board has not addressed defects or irregularities that occurred in the conduct of or the written advice relating to your assessment;
- action the Examining Board took in relation to a defect or irregularity was unreasonable in light of all the facts.

If as a result of personal circumstances, including a disability, a defect or irregularity has had a more serious impact on you than the rest of those affected by the defect, then you should report this to your School using the Extenuating Circumstances Procedure; more information is available in G6.

You cannot use any of the permitted academic appeal grounds to challenge matters relating to teaching or supervision provided during your programme. These issues must be raised under the Student Complaint Procedure at the time they occur which will normally be before the results are received. If you raise a complaint about the teaching or supervision during your programme, and it is upheld, this may be considered as a defect or irregularity under the Academic Appeals Procedure. If you raise a complaint and an appeal then

the appeal may be held in abeyance pending the outcome of the complaint or both Procedures may continue where they relate to different matters.

#### **G6** Extenuating Circumstances

You can appeal on the grounds of extenuating circumstances if you can demonstrate and provide evidence setting out:

1. a good reason why extenuating circumstances were not disclosed to the Extenuating Circumstances Group by the deadline given by the School;  
**and**
2. extenuating circumstances which meet the criteria of the Extenuating Circumstances Procedure and therefore must be:
  - Severe and exceptional;
  - Unforeseeable or unavoidable;
  - Close in time to the assessment, or where you can demonstrate that the circumstances continued to have an impact on their academic performance in the Assessment.

You may also appeal against the reasonableness of a decision made in relation to an application for extenuating circumstances submitted by the School's deadline. You would have to demonstrate in writing clearly why you believe the decision is unreasonable.

#### **G7** Evidence for an appeal

You must attach all relevant evidence to the appeal. You will not normally be permitted to submit further evidence after the submission of the Academic Appeal Form. If you believe there is good reason for submitting evidence after you have submitted your appeal form you will need to give a justification which will be considered by the Academic Registrar or nominee, whose decision will be final.

In appeals based on the ground of extenuating circumstances that were unknown to the Examining Board; evidence is an absolute requirement. If you do not submit any evidence this may make the appeal ineligible as the circumstances cannot be substantiated.

#### **G8** The operation of the Procedure and related correspondence

The Academic Registrar will normally delegate the operation of Academic Appeals to the Head of Student Cases. Any correspondence between the University and the student or their representative regarding the process will be directed to and from the Head of Student Cases.

#### **G9** Appeal timeframe and expediting an appeal

Appeals will normally be completed within 90 calendar days. However, if you believe there is an exceptional reason why your appeal should be completed more quickly, state this in a covering letter along with evidence, attached to the appeal. The Academic Registrar or nominee will consider whether you have provided good reason to expedite the appeal. An example of good reason for expediting an appeal would be in order to meet a professional or statutory body deadline for a professional programme you

are studying. You should be aware that during the summer period, appeals cannot normally be expedited to allow students to sit resit assessments.

**G10**     Making reasonable adjustments to the appeals process

You should confirm on the appeal form if you have a disability which requires reasonable adjustments to be made to the Academic Appeals Procedure. Students will receive an acknowledgement letter within 7 calendar days which will confirm what adjustments if any have been made.

**G11**     Ineligible appeal submissions

An appeal will be ineligible if it is not within the permitted grounds. If your appeal is ineligible under the Academic Appeals Procedure, you will be given a letter (known as a Completion of Procedures letter) confirming the reasons for the decision and whether the information in your appeal will be referred to any other University procedure.

**G12**     Data Protection and Confidentiality

You are advised that completed University Academic Appeal Forms and evidence will be kept securely and will be processed in-line with the Data Protection Act 1998, including the requirements regarding processing sensitive personal data, such as health matters. The form and supporting information will be shared only with appropriate University staff including your Personal Tutor(s) where relevant and the Chair of the Examining Board. If your appeal is referred to a reconvened Examining Board, members of the Board will be aware of your appeal to enable consideration of the impact of the appeal on your academic performance. Information regarding any extenuating circumstances will not be discussed at the Examining Board.

If you are on a Programme leading to professional accreditation and if the information you submit during an appeal raises concerns regarding your fitness to practise (for example it reveals a physical or mental health condition which despite reasonable adjustments or treatment may adversely affect your fitness to practise the particular profession), it will be referred to the Head of School as a concern in accordance with the Fitness to Practise Procedure.

### **3       School Response to the Appeal**

**Principle**

The Chair of the Examining Board must provide a factual statement and evidence to be considered alongside an appeal.

- 3.1**     The Academic Registrar or nominee, shall require a response to an appeal from the Chair of the Examining Board (who may delegate this role). The factual statement and accompanying evidence shall set out whether:
- i.     there is an arithmetical or other error of fact in the results published following the Examining Board's decision;
  - ii.    there was any known defect or irregularity in the conduct, in the written instructions or written advice relating to an Assessment and if so what

action, if any, was taken by the Examining Board and the reasons for the action taken; and

- iii. any extenuating circumstances reported to the Examining Board, and if so, any action that was taken including any remedy and the reasons for taking that action.

**3.2** The Chair of the Examining Board or nominee shall normally provide the written response and evidence to the Academic Registrar or nominee within 14 calendar days of the request.

## **Guidance**

### **G13** Evidence to support the verification

The Chair of the relevant Examining Board is required to review the evidence and provide a response to the appeal. Evidence could include:

- copies of assessment marks or mark sheets;
- extracts from the Examining Board minutes or Extenuating Circumstances Groups;
- the Student Handbook or other student information issued to students;
- Extenuating Circumstances Forms previously been considered by the School.

The Chair must provide a response and evidence for each ground of the appeal. Where the Board's decision has been questioned on the ground of unreasonableness all information the Board considered when reaching its decision should be provided.

The Chair of the Examining Board shall not normally be permitted to submit any further evidence following the submission of the response.

## **4 Consideration of the Appeal**

### **Principle**

Each appeal must be considered fairly on the basis of the evidence provided.

**4.1** The Vice-Chancellor will appoint a pool of senior members of the Academic Staff (Senior Academics) who will be trained to consider appeals under this Procedure. Each College will be required to nominate a minimum of five senior members of the Academic Staff for consideration by the Vice-Chancellor to join the pool.

**4.2** The Academic Registrar or nominee shall appoint one Senior Academic from the pool, not from the same College as the student, to consider the appeal. In the case of appeals from Postgraduate Research students the Senior Academic will be appropriately experienced in the regulations regarding postgraduate research.

For each appeal, the Senior Academic will consider the Appeal Form and the evidence submitted by the student, the information provided by the Chair of the Examining Board, the University Regulations and take one of the following actions:

- i. refer the appeal to a reconvened Examining Board to review the original decision in light of the information presented; or
- ii. reject the appeal; or
- iii. in exceptional circumstances refer the appeal to an Appeal Board for further consideration.

Additionally, for students on Postgraduate Research Degrees where a case is to be referred back to an Examining Board, the Senior Academic (or where appropriate, Appeal Board), shall also specify:

- a) whether or not the candidate is permitted to make any revisions to the thesis as originally submitted and if so whether it will require further review or examination by an Examining Board;
- b) whether or not the candidate is deemed to be submitting as if for the first time or re-submitting;
- c) whether or not the candidate will be liable to pay a further examination fee;
- d) the deadline for submission/re-submission.

**4.3** A student will be informed of the decision and reasoning of the Senior Academic by the Academic Registrar or nominee. A student will normally receive this within 38 calendar days of submitting their appeal and evidence.

## **Guidance**

### **G14** The Senior Academic decision

A Senior Academic will consider your appeal and the verification provided by the Chair of the Examining Board and will:

- refer an appeal to a reconvened Examining Board if it meets the grounds for appeal criteria and is supported by evidence; or
- reject an appeal if it does not meet the grounds for appeal criteria or is not supported by evidence; or
- in exceptional circumstances, refer an appeal to an Appeal Board for further consideration where a decision cannot be made regarding the facts of the case.

You will be provided with: the decision of the Senior Academic; the reason for that decision; and the next part of the process. Upon request, you will also be provided with the name of the Senior Academic who made the decision.

## 5 Appeal Board

### **Principle**

Where an appeal is referred to an Appeal Board by a Senior Academic, a student and a School representative will present information to the Board for consideration.

- 5.1** An appeal will be referred to an Appeal Board in exceptional circumstances where a Senior Academic cannot make a decision regarding the facts of the case.
- 5.2** Where an appeal is referred to an Appeal Board, the Academic Registrar shall appoint three Senior Academics as Board members, one of whom shall be Chair. The Board members will not be from the student's School or have a previous material connection to the student.
- 5.3** The Academic Registrar or nominee will inform the student in writing that an Appeal Board is to be convened to consider the appeal and confirm:
- i. the date, time and venue of the meeting and the student's right to representation or support at the Appeal Board;
  - ii. that a student may attend the Appeal Board to present the appeal; and the deadline by which the student must advise the Academic Registrar or nominee in writing, whether or not the student will attend the meeting and the name of anyone who will be accompany them at the Appeal Board.
- 5.4** If the student does not appear at the hearing without reasonable explanation and the Appeal Board is satisfied that due notice was given to the student, the Appeal Board may proceed in the absence of the student and shall consider at the appropriate stage any representations made by, or on behalf of, the student. The Chair will have discretion as to what constitutes 'reasonable explanation'.
- 5.5** The Secretary shall ensure that copies of the formal papers which the original Senior Academic considered will be provided to the Appeal Board members and the student at least 14 calendar days prior to the Appeal Board hearing.
- 5.6** The Appeal Board will consider the papers presented; and oral representations by the student and by a School representative.
- 5.7** The student and the School representative will not be permitted to introduce new evidence to the Appeal Board.
- 5.8** The Appeal Board will take one of the following decisions:
- i. that the appeal be referred to a reconvened Examining Board to review the case in light of the information presented.
  - ii. that the appeal be rejected and no further consideration be given to the appeal.

## Guidance

### **G16**    Membership of an Appeal Board

Senior Academics who refer the appeal to an Appeal Board are able to be a member of the Appeal Board, provided that they have made no judgement on the merits of the appeal and will have viewed the same information as the rest of the Appeal Board members. However, the referring Senior Academic shall not chair the Appeal Board.

A “material” connection to the student in this context is any connection that could lead a reasonable observer to conclude that the relevant Board member had prior knowledge of the student which could or would affect that Board member’s consideration of the appeal to the detriment of the student.

### **G17**    Student representative at the Appeal Board

You can be accompanied by either a representative or supporter during the Appeal Board. You can permit a representative or supporters to speak on your behalf during the Appeal Board. You cannot normally be represented by someone acting in a legal capacity unless this is requested and agreed as a reasonable adjustment.

## **6**        **Reconvening an Examining Board**

### **Principle**

A reconvened Examining Board must consider information presented in the appeal and review its original decision in line with Senate Regulations.

- 6.1**        Where an appeal is referred to a reconvened Examining Board under Sections 15.3.2(i) or 15.4.7(i), the Academic Registrar or nominee shall write to the Chair of the Examining Board requiring the Examining Board to re-convene to review the case in the light of the information presented in the appeal. The review may not require a student’s original result to be changed. However, the Examining Board may in light of the appeal information provide a different results decision. The Chair of the Examining Board shall provide the decision of the re-convened Examining Board in writing to the Academic Registrar within 18 calendar days of the request.
- 6.2**        The Academic Registrar or nominee shall inform the student of the outcome of the reconvened Examining Board in writing and, if appropriate, issue a supplementary result, normally within 25 calendar days of the student receiving the decision that the appeal will be referred to a reconvened Examining Board.
- 6.3**        The Academic Registrar or nominee will report all appeal outcomes to the next meeting of the University Awards and Progress Committee. Where the appeal relates to a matter of principle, the University Awards and Progress Committee will confirm or reject the recommendation of the reconvened Examining Board. Where the University Awards and Progress Committee does not accept the recommendation of the reconvened Examining Board, it shall be empowered to substitute its own decision.

## Guidance

### **G18** Examining Board decision – Chair’s Action

Where the Chair is required to reconvene an Examining Board, there are some instances where the Chair can take Chair’s Action. These are confirmed in Section 12.4.3 of the Senate Assessment Regulations for Taught Programmes.

### **G19** Remedies

The reconvened Examining Board will provide a remedy for appeals where appropriate. Likely remedies include enabling you to be re-assessed, for example as a further first attempt, or a further second attempt. Your mark will be capped at a pass mark where you are having a further second or further third attempt as required by the University Senate Academic Regulations. Reconvened Examining Boards are only permitted to amend marks where there has been a factual error in the published marks.

### **G20** Informing the University of the decision of the reconvened Examining Board

The reconvened Examining Board or nominee will provide a summary of the decision or an extract of the reconvened Examining Board minutes to the Head of Student Cases as the nominee of the Academic Registrar.

## **7 Review of the Senior Academic’s or Appeal Board’s decision**

### **Principle**

A student can request the decision of the Senior Academic or Appeal Board be reviewed to ensure that the decision is fair and reasonable.

- 7.1** Students shall be informed that if they are dissatisfied with a decision of either the Senior Academic or the Appeal Board to reject the appeal they can request that the decision is reviewed under the following grounds:
- i. procedural irregularities;
  - ii that the decision was unreasonable and could not be sustained by the facts of the case;
  - ii. new relevant evidence unknown to the Senior Academic when making the decision, where students can show good reason why they could not have provided the evidence before the Senior Academic considered the appeal.
- 7.2** A student will need to submit a request for review in writing to the Academic Registrar or nominee, outlining the grounds of the request and including any evidence within 7 calendar days of receiving the appeal decision. If a student confirms in writing that they do not wish to progress to this stage then no further action will be taken in relation the appeal. A Completion of Procedures letter will be provided to a student at this stage upon request confirming that the internal procedures were not completed.

- 7.3** On receiving a request for review, the Academic Registrar or nominee will consider the grounds and evidence and dismiss any request for review that is not within the permitted grounds or is not substantiated by evidence.
- 7.4** Any request for review that is not dismissed will be considered by a Pro Vice-Chancellor who has no prior knowledge of the appeal. The Pro Vice-Chancellor will receive: the student's submission; the Chair of the Examining Board's verification; and the Senior Academic's decision, along with all corresponding evidence. The Pro Vice-Chancellor may seek further clarification from the Senior Academic where required and will either:
- i. substitute a decision permitted under the Senate Academic Regulations; or
  - ii. confirm the original decision.
- 7.5** The Pro Vice-Chancellor's decision is final and the student will be notified of the decision by the Academic Registrar or nominee within 7 calendar days and will be provided with a Completion of Procedures letter.

## **Guidance**

### **G21** Office of the Independent Adjudicator

You will receive a final decision letter following a request for review of the appeal. This letter (also known as a Completion of Procedures Letter) will explain how you can raise a complaint with the Office of the Independent Adjudicator if you remain dissatisfied with the academic appeal outcome.