

## Section 7

### **Principles and Procedures Relating to Student Appeals against Examination/Assessment Decisions**

These procedures are managed on behalf of the Vice-Chancellor by the University Secretary's Office.

**Guidance may be sought from the University Secretary's Office, + 44 (0)191 227 4399**

**Students may seek independent advice and support from the Students' Union Advice and Representation Centre – [su.advice@northumbria.ac.uk](mailto:su.advice@northumbria.ac.uk)**

#### **7.1 Background**

7.1.1 Under Section 3.3(a) of the University's Articles of Government, the Academic Board is responsible for the 'policies and procedures for assessment and examination of the academic performance of students'. The Academic Board requires Examination Boards to be established and lays down certain minimum standards and guidelines in connection with Examination Boards, which operate on behalf of the Academic Board. This document sets out the principles and procedures which enable students to submit appeals against the examination/assessment decisions of Examination Boards, and to have such appeals considered on behalf of the Academic Board.

7.1.2 The procedures set out in this document are quite distinct from those concerning students who are required to withdraw from the University for unsatisfactory academic performance. (Please see Section 8 of this handbook.)

#### **7.2 Principles**

7.2.1 There should be a procedure which enables students to submit appeals against the decisions of Examination Boards, and to have such appeals considered.

7.2.2 Appeals should not be permitted which are based on questioning the academic judgement of members of academic staff, or their academic integrity.

7.2.3 Appeals may be made on the following grounds:

- (a) that there have been procedural or organisational irregularities in the conduct of examinations and other forms of assessment such that proper processes were not followed. An appeal will only be considered where any such irregularity has a direct bearing on the outcome of the assessment decision which is the subject of the appeal;
- (b) that examinations/assessments have not been conducted in accordance with the approved scheme for the programme;
- (c) that misleading information was provided about the examinations/assessments;

- (d) that particular relevant information about the student's health or other personal extenuating circumstances was either not properly taken account of by the Examination Board, or that information relating to such circumstances was not made available to the Examination Board. **In the case of the latter, a valid reason for its earlier non-submission must accompany any appeal. (There are protocols for advising Examiners of personal extenuating circumstances, it is the student's responsibility to ensure that such details are properly communicated by the deadlines published and in particular before the meeting of the relevant Progression and awards Board (PAB).** If a student submits evidence of such circumstances after the assessment decision has been reached, and there is no good and valid reason for not having submitted them at the right time, then the appeal will not be considered.)

An Examination Board is required to consider extenuating circumstances presented properly to it, and, if it has not done so, then this is grounds for appeal. However, once that information has been considered by an Examination Board, the decision that Board makes about a student's performance, taking into account all those circumstances presented to it, is a matter of academic judgement, and cannot be grounds for appeal.

- (e) other grounds acceptable to the Vice-Chancellor, excluding appeals based on the questioning of academic judgement.

- 7.2.4 There should be an initial filtering process to determine which appellants have established a '*prima facie*' case, and which justifies going forward to further stages in the procedures.
- 7.2.5 If a '*prima facie*' case is established, the appeal may be heard and considered by an ad hoc Panel of Enquiry established in the name of the Academic Board.
- 7.2.6 It is open to such a Panel to require a PAB to reconvene and reconsider a case, taking account of the evidence assembled, and the views, advice, recommendations and conclusions arrived at, by the Panel in respect of this evidence. The final decision on the candidate's position must however rest with the appropriate PAB, which may need to ask the appropriate Module Examination Board to reconsider module results. A decision of the Examination Board cannot be rescinded and replaced by a different decision other than by that Examination Board duly constituted at a later occasion.
- 7.2.7 A full report of the findings of the Panel of Enquiry should be submitted to the Academic Board and the student duly informed of the outcome of the case.
- 7.2.8 Procedures shall normally be completed according to the timescales indicated in these regulations. If for any reason these timescales cannot be met, the student shall be informed.

### 7.3 Procedures

- 7.3.1 If the student's appeal challenges the mark awarded for a module and no other examination board decision, they may lodge the appeal after the Module Examination Board has met and ratified modules marks. All other appeals must wait until the decision of the PAB is known.

- 7.3.2 An important responsibility rests on the individual student to make known, through the Programme Leader or Guidance Tutor, at an early stage, any factors which might adversely affect his/her examination performance, and which might give grounds for a subsequent appeal. Where reasonably practicable, such factors should be made known in time for the PABs to take them into account when considering the examination results. It may weaken a student's case, in the event of an appeal, if relevant information concerning the health or other personal circumstances of the student in the period leading up to the examinations is not made known until the results have been declared.
- 7.3.3 In order to ascertain which factors were, or were not, taken into account in individual cases it is essential that records of Examination Board proceedings are complete and accurate. The records of the Personal Extenuating Circumstances Panel should clearly indicate the decisions made on cases of mitigating circumstances.

#### **7.4 Informal Procedure**

- 7.4.1 If a student considers that he/she may have grounds for appeal, or is seeking clarification of an Examination Board's decision, he/she should consult in the first instance with the School Registrar, in order to make every effort to see whether the problem can be resolved through these less formal processes. Only when these informal stages have been exhausted, and the student remains convinced that he/she has firm grounds for appeal, should the formal appeals procedures be initiated.

#### **7.5 The Formal Procedure**

- 7.5.1 The formal procedure is initiated by the student submitting a completed Student Appeals Pro Forma (Appendix 1) and submitting it to the Vice-Chancellor. The Pro Forma should set out as fully as possible the reason(s) why the student is appealing, the ground(s) on which the appeal is being brought (ref. Section 7.2.3), and should contain any relevant supporting evidence (e.g. medical documentation, in the form of a doctor's statement) which shall be treated in the strictest confidence. **The deadline for the receipt of such Pro Formas shall normally be 20 working days after the meeting of the relevant examination board (the Module Examination Board or the Progression and Awards Board).** Appeals received after the expiration of this period will be accepted only in exceptional circumstances.
- 7.5.2 On receipt of a Student Appeals Pro Forma from a student the Vice-Chancellor shall inform the Student Appeals and Complaints Ombudsman who will acknowledge the letter and cause an investigation to be undertaken. The Chair of the PAB/Dean of School and the Programme Leader from the School to which the student belongs and any other relevant person including the student's Guidance Tutor and Module Tutors shall be required to submit written comments within 20 working days of receiving notification from the Student Appeals and Complaints Ombudsman that the student has appealed. The School Registrar shall be responsible for ensuring that all relevant information is submitted to the Student Appeals and Complaints Ombudsman normally within 20 working days of receiving notification that the student has appealed. This may include the student's complete personal file, with details of the student's examination and assessment marks for the duration of the programme; the relevant Examination Board minute(s) and an up-to-date copy of relevant programme documentation.

7.5.3 The Student Appeals and Complaints Ombudsman will consider the documents submitted and taking into account the evidence assembled the Vice-Chancellor shall decide which of the following lines of action is appropriate in each case.

- (a) If the Vice-Chancellor is unconvinced that the less formal procedures referred to in 7.3.3. above have been exhaustively pursued, he may refer the appeal to the Programme Leader, and advise the student to make contact with the Programme Leader and/or Guidance Tutor as soon as is practicable.
- (b) If the Vice-Chancellor concludes that the student has established, on a balance of probabilities, grounds for having the case reconsidered, he may refer the appeal to the Chair of the PAB, with the requirement that the Board reconsider the case, in the light of evidence put forward by the student, as soon as practicable.
- (c) In exceptional circumstances, notwithstanding an appeal having been considered under 7.3.6(b) above, if the Vice-Chancellor considers that the student has established a '*prima facie*' case, he may direct the Student Appeals and Complaints Ombudsman to establish an Academic Board Panel of Enquiry (see 7.3.11), to consider the case in detail.
- (d) If the Vice-Chancellor considers that no '*prima facie*' case has been established, he may direct that the appeal shall not be considered further and ask the Student Appeals and Complaints Ombudsman to notify the student accordingly. At the same time the Student Appeals and Complaints Ombudsman shall notify the Chair of the PAB/Dean of School, Programme Leader, and School Registrar of the Vice-Chancellor's decision. A Completion of Procedures Letter will be issued.

Decision a) above would be without prejudice to the right of the student to return to the formal appeals procedures once the more informal discussions at programme level have been exhausted.

Decision b) above does not preclude the possibility of the eventual establishment of a Panel of Enquiry, in the event of the Examination Board re-affirming its original decision.

The Student Appeals and Complaints Ombudsman will advise the student of the outcome of this preliminary stage, normally within 25 working days of receiving the Formal Appeal.

7.5.4 In the interests of avoiding delay, the Vice-Chancellor may implement decision b) without going through the consultative process identified in 7.3.5 or may convene a Panel of Enquiry to consider the case in detail if the required written information from 7.3.5 cannot be submitted within 20 working days.

7.5.5 If the appeal is to be heard by a Panel of Enquiry, the Student Appeals and Complaints Ombudsman will advise the student of the date, time and place of the Panel meeting and invite the student to attend and of his/her right to be accompanied by a Friend if desired. Such a Panel shall normally be convened within 20 working days of the Vice-Chancellor's decision. The date for the meeting of the Panel shall be one which is mutually convenient to the student and the other parties involved in the Enquiry.

7.5.6 If the continued attendance of the student on the subsequent stage of the programme is dependent on the outcome of an appeal, then, in the event of the appeal reaching the stage of a Panel of Enquiry, the student may be permitted, at the discretion of the Vice-Chancellor, to attend the subsequent stage of the programme, pending the outcome of the appeal. During any such interim period of attendance the student would have 'Provisionally enrolled' status and would be permitted to attend lectures, seminars, tutorials, practicals, etc, to submit coursework for assessment, and to sit any examinations required by the programme. If the next stage of the course is a period of industrial/ commercial/professional placement, then the Vice-Chancellor will consult fully with the Programme Leader before exercising this discretion, in order that relevant factors can be fully taken into account.

7.5.7 The payment of tuition fees will be suspended during any such interim period of attendance. In the event of the appeal ultimately being resolved in the student's favour and the student being formally reinstated on to the course, the full fee appropriate to the stage of the course would be payable. Where appropriate the sponsor should also be informed by the Student Appeals and Complaints Ombudsman of any such interim period of attendance, in order that it can decide what action to take concerning payment of grant/fees.

7.5.8 Academic Board Panels of Enquiry shall normally be constituted by the Vice-Chancellor as follows:

Chair: Pro Vice-Chancellor (Learning & Teaching).

Two members of Academic Board (not being members of the Examination Board which made the disputed decision).

One student member of Academic Board.

A nominee of the University Secretary.

A member of a relevant profession may attend the panel as an adviser as determined by the Pro Vice-Chancellor (Learning & Teaching).

The University Secretary or his/her nominee shall attend as adviser and shall appoint a Clerk to the Panel.

Papers relating to the appeal should be received by Panel members at least 5 working days prior to the Enquiry.

7.5.9 The Panel of Enquiry shall be charged with the duty of hearing and judging the student's appeal and adopt the following methods of operation.

(a) The Panel should invite the student, accompanied by a Friend if he/she wishes, to present evidence and to respond to questions from the Panel. If the student fails to attend the Enquiry, the Panel shall decide whether to proceed in his/her absence or to inform the Vice-Chancellor and Academic Board that it is not able to arrive at a judgement. Where a Panel is not able to reach a decision in the absence of the student, then the Vice-Chancellor, taking into account all of the evidence accumulated, will decide whether or not the appeal is upheld.

- (b) Having received evidence from the student, the Panel should invite the Chair of the PAB/Dean of School and the Programme Leader to submit evidence and respond to questions from the Panel.
- (c) The Chair of the Panel shall decide, after taking account of the evidence assembled, whether evidence from each party can be heard in the other's presence.
- (d) No other persons will have the right of attendance but the Panel should be able to receive evidence from, and invite attendance by, any other individual, at its discretion. Such persons may include the student's Guidance Tutor, for example. Where possible, the Secretary to the Panel should consult with the Chair of the Enquiry about the witnesses to be invited to attend.
- (e) A Panel is not analogous to a court of law and should not be governed by court procedures. However, the principles of natural justice shall apply to all the Panel's proceedings.

7.5.10 The Panel of Enquiry will submit a written report of its findings to the Academic Board (via the Vice-Chancellor) including a statement of whether, in its judgement, the appeal is upheld or not. It will submit such a statement to the Vice-Chancellor as soon as possible, and normally not later than 10 working days after it has met. A copy of the report will also be sent to the Director of Academic Registry as Secretary to Academic Board.

7.5.11 In the interest of minimising the time taken to resolve an appeal, the Vice-Chancellor may act on behalf of the Academic Board in carrying the process forward. In the event of the Panel finding against the student, the University Secretary will inform the student that the appeal has been unsuccessful and a Completion of Procedures Letter will be issued. In the event of the Panel finding in the student's favour, the case will be referred back to the PAB, in order that it can be further considered in the light of the findings to the Panel. The PAB should meet to review the case as soon as is practicable.

7.5.12 With regard to those cases that are referred back to Examination Boards for reconsideration, the Examination Board will take careful account of the findings and conclusions of the Panel of Enquiry. In so doing the expectation of the Academic Board will be that the decision then arrived at by the Examination Board, full account having been taken of all relevant factors, will represent justice having been done in respect of the appeal. The appeals procedure would therefore, at this stage, be terminated and the Student Appeals and Complaints Ombudsman will inform the student of the outcome and issue a Completion of Procedures Letter.

7.5.13 The Panel of Enquiry may recommend that its Chair, or another member of the panel acting on behalf of the Chair, shall attend the meeting of an Examination Board at which the disputed case is to be reconsidered. This would serve two purposes:

- to ensure that the conclusions and views of the Panel of Enquiry are fully understood by the Examination Board
- to act as an observer, on behalf of the Academic Board, to enable the Board to be satisfied that all relevant factors have been taken into account.

7.5.14 With regard to the character of the written reports produced by Panels of Enquiry, the following guidelines shall be observed:

- the Report should be sufficiently full to reflect the reasoning by which the conclusions and recommendations have been reached;
- the Report should be sufficiently comprehensive to allow the Examination Board and the Academic Board to use it as a basis for review of the case;
- the Report should be compiled with all due regard for confidentiality. The student should not be named in the Report but referred to as the 'appellant' only. All other witnesses should normally be identified in the Report, though where individuals are named during the course of the Panel meeting but have not appeared as witnesses their anonymity should be preserved in the report;
- the Report should state explicitly whether or not the appeal is upheld.

7.5.16 Once the Report has been approved by Academic Board or by the Vice-Chancellor on its behalf, then copies should be sent to all witnesses, the appellant, as well as the School Registrar and the Dean of School.

## **7.6 Independent Adjudication**

Under the Higher Education Act 2004 provision is made for reference of student complaints to the Office of the Independent Adjudicator (OIA) for Higher Education when the University's internal student complaints processes have been exhausted, but the student remains dissatisfied with the outcome.

On completion of the University's internal Appeals Procedure a student will be issued with a 'Completion of Procedures Letter' by the University Secretary's Office and provided with details of the services available to the student from the Office of the Independent Adjudicator. The Completion of Procedures Letter will:

- provide a description of the complaint
- confirm that the University's internal complaints procedure has been completed
- state the outcome of the internal complaint process
- confirm that the student has the right to take the complaint to the OIA
- indicate how a student can contact the OIA
- stipulate that the OIA will only consider complaints from students within a period of three months from the date of the Completion of Process Letter
- enclose an explanatory leaflet on the OIA.

Further advice and/or assistance concerning the OIA, or in contacting or submitting a complaint to the OIA, should be obtained from the University Secretary's Office.

## Appendix 1

# Northumbria University Student Appeals Pro Forma

This form is to be completed in support of appeals made by students in accordance with the University's Student Appeals Procedure, Section 7 of the Handbook of Student Regulations. Please read this before completing this form.

1. <u>Personal Details</u>	
Name: _____	Student Number: _____
School: _____	
Programme of Study: _____	
Contact Address: _____	
Contact Telephone Number _____	
Contact e-mail Address: _____	
Date of the Examination Board at which your results were considered: _____	

2. <u>Grounds for Appeal</u>	
An appeal should normally be lodged within 20 working days of the meeting of the relevant PAB. Please note that you may only appeal on the basis of one of the five grounds as indicated in regulation 7.2.3 of the Handbook of Student Regulations. You may not base an appeal on the questioning of academic judgement. Please indicate on which grounds you are appealing by ticking the appropriate box:	
(a) Procedural or organisational irregularities in the conduct of the assessment <sup>1</sup>	<input type="checkbox"/>
(b) Examinations have not been conducted in accordance with the approved scheme for the programme <sup>1</sup>	<input type="checkbox"/>
(c) Misleading information was provided about the examinations <sup>1</sup>	<input type="checkbox"/>
(d) Relevant information about your health or other personal circumstances which it was not possible to have made available, or not properly taken account of by, the Examination Board <sup>2</sup>	<input type="checkbox"/>
(e) Other grounds acceptable to the Vice-Chancellor	<input type="checkbox"/>

<sup>1</sup>You must indicate the regulation or process which was incorrectly carried out.

<sup>2</sup>You must give a valid reason as to why it was not possible to inform the relevant Examination Board beforehand. If valid reasons are not provided, you do not have grounds for an appeal.

3. Academic Appeal Details

Please give details of the informal discussions with the Programme Leader or other member of staff within your School (regulation 7.4).

- (a) Date of discussion \_\_\_\_\_
- (b) Who did you discuss this with? \_\_\_\_\_
- (c) Brief summary of the discussion \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Documentation Attached

You must provide supporting documentation in which you explain the grounds for your appeal in detail and provide supporting evidence. Please list the document supplied in the space below and attach them to this Pro Forma:

5. Data Protection

I hereby consent for any sensitive/confidential personal data, such as counselling records, held by the University to be made available to the Student Appeals and Complaints Ombudsman for use as evidence or supporting documentation as appropriate. I understand that as part of the investigation into my appeal, the Student Appeals and Complaints Ombudsman may be required to share this information with other University staff on a need-to-know basis.

**I declare that to the best of my knowledge all of the information I have supplied is true, accurate and complete.**

**I give my consent for information in this Pro Forma and attached documents, and personal data held elsewhere within the University, to be shared with relevant members of University staff on a need-to-know basis for the purpose of investigating my appeal.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please make a copy of the completed form and submit the original submit and attached documents to: The Student Appeals and Complaints Ombudsman, Room B224, Ellison Building, Northumbria University, NE1 8ST

This form is also available online on the University Secretary's Office web page - <http://northumbria.ac.uk/sd/central/uso/>

