SECTION 4

Assessment Regulation 7: Appeal against a decision of an Assessment Board

Students are advised to seek impartial help, advice, guidance and support from sabbatical officers in the Students’ Union and Students’ Union Advice Centre.

7.1 Candidates may in the circumstances set out below request a review of the Assessment Board’s decision.

7.1.1 An ‘appeal’ is defined as a request for a review of a decision of an Assessment Board charged with making decisions on student progression, assessment and awards. Such an appeal will always be concerned with the conduct of the assessment or with the personal circumstances of the candidate and not with questioning the academic judgement of a Board.

7.2 An appeal may only be made in relation to the decision made by the Assessment Board. Given the existence of procedures for complaint during the study period, alleged inadequacy of tuition or other arrangements (including feedback) during the period of study do not constitute grounds for requesting a review of the Assessment Board’s decision.

7.3 Leave to appeal will only be granted on one or both of the following grounds;

a) that there is evidence of a material irregularity (including administrative error), either in the conduct of the assessment itself, or in the proceedings of the Course Assessment Board, which substantially affected the Course Assessment Board’s decision;

b) that the student was subject to personal extenuating circumstances at the time of the assessment, which:

i) were unforeseen and outside of his/her control,

ii) were not made known to the Course Assessment Board via the Extenuating Circumstances panel for a demonstrated, valid reason

iii) resulted in significantly impaired performance.

7.4 A request for an appeal of a result confirmed by an Assessment Board shall be made using the appeal form contained within this document and accessible from: www.hud.ac.uk/regs/ to the Head of Registry’s office as soon as possible and normally not later than 10 working days after the decision of the Assessment Board which is disputed has been announced. Some reasonable delay in lodging a request will be allowed where, for example, the student is involved in either sandwich placement or teaching practice as part of his/her course. The appeal form should detail the nature of and the grounds for the request.

7.5 On receipt of the request to appeal, the Head of Registry or nominated deputy will review the documentation to identify if 7.3.a or 7.3.b has occurred and/or is demonstrated within the documentation. If leave to appeal is not granted, the Head of Registry or nominated deputy will write to the student with a full explanation.
7.6 If leave to appeal is granted the Appeals Committee shall comprise three members of the Senate, one of whom will be a student member. No member shall have been directly involved in the assessment under dispute, be a member of the Assessment Board nor be drawn from the School in which the student is based. The chair of the Committee, who may not be a student, shall be chosen by the members of the Committee.

7.7 The Head of Registry or a nominated deputy shall act as secretary and convenor of the Committee, but shall not be a member.

7.8 The Appeals Committee shall normally hold its first meeting within 30 working days of the request being lodged, provided all evidence is presented with the appeal form. Delays in providing evidence may delay a hearing. The Appeals Committee’s meetings shall be held in private and its proceedings shall be confidential.

7.9 The student may, if he/she wishes, present his/her case to the Committee in person and has the right to be accompanied by a friend when presenting the case to the Committee. Representatives from the School will present their case in the presence of the student and supporter. Notification of the date of the Appeals Committee will be forwarded to the student at least five working days in advance of the meeting.

7.10 The meeting of the Appeals Committee may be postponed, if the student who has made the appeal can show good reason for not being able to attend at the originally specified time. However, the failure or inability of a student to attend the meeting of the Appeals Committee will not preclude the Committee from reaching a decision.

7.11 In its proceedings the Appeals Committee must pay proper deference to the role and the authority of external examiners and to the regulations of external bodies where they are relevant.

7.12 An Appeals Committee, acting on behalf of the Senate, may require an Assessment Board to reconsider its decision:

7.12.1 if a candidate requests such reconsideration and establishes to the satisfaction of the Appeals Committee that his or her performance in the assessment was adversely affected by illness or other factors which he or she was unable, or for valid reasons unwilling, to divulge before the Assessment Board reached its decision. The candidate’s request must be supported by medical certificates or other evidence acceptable to the Appeals Committee.

7.12.2 if the Appeals Committee is satisfied on evidence produced by a candidate or any other person that there has been a material administrative error, or that the assessments were not conducted in accordance with the current regulations for the course, or that some other material irregularity has occurred.

7.13 All decisions of the Appeals Committee shall be made by a majority vote of the members. In the event of the votes being tied the decision shall be in favour of the student and the procedure laid down in paragraph 7.12 shall be followed.

7.14 The decision of the Appeals Committee shall be final, with the following provisos:
7.14.1 The Pro Vice-Chancellor (Teaching and Learning) or nominee may hear complaints based on evidence that the University’s processes were not followed in relation to the Committee hearing or require, in exceptional circumstances, the Committee to be reconvened.

7.14.2 In cases of exclusion the decision of the Appeals Committee cannot prejudice any right of appeal under Articles 3.3 and 8.1. (See regulations governing the suspension and expulsion of students from the University on academic grounds.)

A complaint must be submitted in writing within two weeks of the date of the letter notifying the student of the outcome of the Appeals Committee and must include all evidence on which the complaint is based.

7.15 In cases where the request is granted, and in consequence the case is referred back, the Assessment Board shall be informed of the evidence accepted as justification for the review to be carried out and the case should be re-assessed in the light of the new totality of information on the case.

7.16 The Committee shall submit a written report of its conclusions within ten working days of its final meeting to the Chair of the Course Assessment Board and to the student.

7.17 The University will meet reasonable and proportionate incidental expenses (for example, travel within the UK, subsistence and essential accommodation) necessarily incurred by successful appellants as a result of attending an Appeals Committee on production of valid receipts. The University will not meet any legal expenses.

7.18 The Head of Registry will prepare an annual statistical report on complaints and appeals for the University’s Teaching and Learning Committee and Research Committee as appropriate. This report will identify any issues which need prompt attention.

**Note:** This should be read in conjunction with E3.8 of the Regulations for Awards, September 2014.
You can obtain advice on the submission of an appeal from the Students’ Union Advice Centre:
Tel: 01484 473446 or email: advice-centre@hud.ac.uk

You should complete this form if you wish to request a review of a decision by an assessment board which relates to

- your progression to the next year of your course
- the marks which you were awarded for a module
- the classification of degree which you have been awarded.

Requests will only be considered in the following circumstances:

1. Your performance in the assessed work or examination was adversely affected by illness or other factors which you were unable or, for valid reasons, unwilling to divulge before the assessment board reached its decision. These extenuating circumstances and the reason for their late submission must be supported by medical certificates or other independent evidence.

2. You can produce evidence demonstrating that there has been an administrative error or other irregularity that has directly affected the mark awarded.

3. You must submit all evidence you are relying upon to support your appeal as this is your final opportunity to request a review of the decision you wish to challenge.

Given the existence of procedures for complaint during the study period, retrospective complaints regarding dissatisfaction with tutoring, supervision or feedback will not be accepted as grounds for appeal.

There are no other grounds on which you may request a review of the Board’s decision.

A request for a review must be submitted in full within 10 working days of the publication of the results you are querying.

Full name: ......................................................... Student number: .............
Course: ................................................................. Year: .............

Address for correspondence in connection with the request for the review:

...................................................................................................................................................................................
...................................................................................................................................................................................

Telephone number: .............................................................................................................................................
Please indicate the grounds on which you wish to request the review (this must fall into either paragraph 1 or 2 above or the request cannot be considered)

If you are requesting a review under paragraph 1 above, please state below what information you have previously made available to the Assessment Board in connection with the relevant extenuating circumstances.

You should note that, if the Board was aware of these circumstances when it reached its decision, no further action can be taken and your published result stands.

If you are requesting a review under paragraph 1 above and you have not previously made any information available in connection with these extenuating circumstances, please state below the reasons why you were unable to do so and indicate the nature of evidence that you have attached in support of this.

You should note that if you do not have a valid reason for not having made the circumstances known to the Board in advance of its meeting, no further action can be taken and your published result stands.
If you are requesting a review under paragraph 2 above, please state below what evidence you have attached that would support your claim that an administrative error or irregularity has occurred and how this has impacted on your results.

Evidence:

IMPORTANT – PLEASE READ CAREFULLY BEFORE SUBMITTING YOUR APPEAL

On the next pages is some advice for students on the type of evidence required when submitting an appeal. If you are claiming that an illness affected:

- your performance in an assessment
- your ability to have judged your fitness to sit an exam

you must include evidence of that illness and evidence to support your claim that it would not have been possible to have declared this illness and the evidence as an EC claim during the year.

If you are submitting your appeal more than 10 working days after the publication of results, you must include an explanation for the delay with appropriate supporting evidence. The University will only consider your case if it is satisfied that you have presented a compelling reason to disregard the 10 working day deadline.

Declaration:

I declare that the information given in this form is true and that I have read and understand the requirements for evidence.

Signed: ..........................................................  Date: ..........................
Guidance for students when submitting evidence in relation to:

- an appeal based on a late declaration of extenuating circumstances
- an appeal submitted late as a result of extenuating circumstances

Please do make sure that the evidence upon which you are relying is full and accurate. Your appeal will be considered on the basis of this submission and you will not have a further opportunity to submit additional evidence. Any statements that you make about your health must be directly supported by medical evidence if they are to be taken into account by the University when considering your case.

The evidence should be a sick note or a letter from a health professional to confirm your illness – copies of prescriptions or letters of medical appointments will not be accepted.

If you are making a case based on:

- the illness of a family member or close friend
- circumstances (such as financial or housing issues) that have caused you to be depressed, stressed or anxious

the evidence required is not confirmation of the illness of your friend or family member, nor is it copies of final demands for the payment of bills – instead it must confirm the impact that the situation had on you which meant that:

- you were unable to perform to your best in the assessments in question
- you could not reasonably have been expected to submit an EC claim and/or the appeal on time.

If you are making a case related to an examination that you sat, you should be aware that the University operates a ‘fit to sit’ regulation. By presenting yourself for that exam, you have declared that you were fit to undertake it. A subsequent claim that this was not the case would need to be supported by an explicit confirmation from a medical practitioner that you were not fit to have determined your fitness at the time when the exam was sat.

Please bear in mind that your appeal will not be accepted if your claim:

- is not evidenced
- is evidenced by a medical note for another person
- is evidenced by a series of hospital appointments
- is evidenced by prescription notes
- could reasonably have been submitted as an EC claim in-year
- (in the case of a late appeal) could reasonably have been submitted within 10 working days of the publication of the result in question

If you are intending to consult with a health professional for the evidence and are unsure what may be suitable, the following page has some guidance notes which may help.
Guidance for Healthcare Professionals when responding to a student’s request for evidence in relation to an appeal based on a late declaration of extenuating circumstances

The University regulations allow a student to make a claim that their performance was affected by circumstances beyond their control – such as ill health. This allows some flexibility when considering a student’s results and their overall academic performance.

Students have to present these claims within a specified period. If a claim is late it will not be considered and the student is at risk of failing their course.

However, the University recognises that, in cases where mental health is affected, a student may not be well enough to identify their own fitness at the time.

Bearing in mind the usual levels of stress experienced by a typical student at the point of an exam period or assessment activity, consideration can only be given in cases where the symptoms or their impact are confirmed as being ‘over and above’ or disproportionate to the levels normally expected at an assessment point.

The evidence required in support of a late claim submitted by a student is required to show:

i. The nature of the illness that has now been formally diagnosed (such as depression, stress etc)

   The University does not accept evidence which indicates: ‘the student informs me that …’. It is important that the evidence confirms your professional diagnosis of the illness and does not just record what the student has told you.

ii. The period of time affected by this condition

   Confirmation of how long the student has been under your care for this condition.

iii. [if different from ii) above] When the effects of that illness may have had an impact on the student

   In your professional opinion, is it reasonable to assume that the nature and extent of the symptoms now described by the student will have impacted on the studies during the course of the year

iv. The impact of the condition on the student

   (is it likely that the student would have been unable:

   a. to attend classes on a regular basis
   b. to complete coursework or sit an exam
   c. to inform the University at the time of their difficulties