

## **ACADEMIC APPEALS POLICY AND PROCEDURE FOR TAUGHT STUDENTS**

### **Introduction**

- 1 In this document, 'we', 'our' and 'us' refer to Sheffield Hallam University. 'You' and 'your' refer to all taught students of Sheffield Hallam University who are studying for a Sheffield Hallam academic award either at the university or a partner organisation.
- 2 This policy and procedure explains what to do if you wish to appeal against a decision made by one of the following three decision-making bodies:
  - Departmental Assessment Boards (DAB): DAB decisions are published after each assessment period in the form of ratified marks and grades, and these decisions will confirm whether you can progress to the next level of study and/or have achieved an award.
  - Extenuating Circumstances Panels (ECP): you will receive a decision from an ECP if you have submitted a claim under the Extenuation Policy that your ability to pass a module was affected by extenuating circumstances.
  - Academic Conduct Panels (ACP): you will receive a decision from an ACP if allegations of misconduct in assessed work have been considered under Stage 2 of the Academic Misconduct Policy.
- 3 This policy and procedure does not cover other appeal mechanisms such as those related to Student Fitness to Practise, Student Disciplinary and admissions decisions. The Academic Appeal procedure should not be used where you wish to report dissatisfaction about teaching-related or service-related provision. These types of issues should be dealt with under the Student Complaints Policy and Procedure. The outcome of an appeal cannot be made the subject of a complaint.

### **Advice and Clarity**

- 4 It is important you read this policy and procedure carefully if you are considering making an appeal. You should seek advice if you are unclear about the process. Further information and procedural advice can be obtained from the staff in your Faculty and/or your Student Support Officer. If you require assistance in preparing an appeal or completing the appeal forms, please contact the Students' Union Advice Centre which provides free, confidential and independent advice/support. We recommend that you do this as soon as possible and well before any meetings/hearings.
5. You are strongly advised to speak with your module tutor/leader as early as possible if you require clarification of a mark awarded for your work or if you do not fully understand the impact on you of an assessment board decision.

## Grounds for Appeal

- 6 You may only appeal if there are valid grounds to do so. There are specific grounds for each decision making body as outlined in sections 7 to 9 below.
- 7 You may appeal against a decision of a **Departmental Assessment Board** and request that it is reviewed if you can demonstrate that:
- There has been an error or irregularity in the assessment process.
  - The decision was not in accordance with the approved assessment regulations for your course.
- 8 You may appeal a decision of an **Extenuating Circumstances Panel** and request that it is reviewed if you can demonstrate that:
- There has been an error or irregularity in the process by which the ECP has considered your claim.
  - The ECP's decision is not in accordance with the regulations for considering extenuating circumstances as set out in the Extenuation Policy.
  - The ECP has taken insufficient account of the extenuating circumstances you presented.
- 9 You may appeal against a decision of an **Academic Conduct Panel** and request that it is reviewed if you can demonstrate that:
- There has been an error or irregularity in the process by which the ACP has considered your claim.
  - The ACP decision was not in accordance with the Academic Misconduct Policy.
  - The ACP had taken insufficient account of the explanation presented to the Panel
- 10 Please note that disagreement with **academic judgement** cannot in itself constitute grounds for appeal. The definition of academic judgement by the Office of the Independent Adjudicator is <sup>1</sup> "a judgement that is made about a matter where only the opinion of an academic expert will suffice". This means that you cannot question academic judgement: that is the decision made by academic staff on the quality of your work or the assessment criteria being applied to mark your work.

## The Appeals Procedure

- 11 The procedure has two distinct stages:
- Stage 1: Your appeal against a DAB/ECP/ACP decision (considered by an Appeal Panel)
  - Stage 2: your challenge to the decision of the Appeal Panel (considered by a Review Panel)

### Stage 1: Appeal Panel

- 12 To submit an appeal you should complete the Appeals form AA1 which is available at <https://students.shu.ac.uk/regulations/>. This form and any supporting evidence should be sent via e-mail to [Appeals@shu.ac.uk](mailto:Appeals@shu.ac.uk) within 10 working days of the decision being

<sup>1</sup> [www.oiahe.org.uk/glossary.aspx](http://www.oiahe.org.uk/glossary.aspx)

available to you. This means within 10 working days of your confirmed results being published on My Student Record (for DAB decisions) or 10 working days of the date we email you the decision of the ECP or ACP.

- 13 We will acknowledge receipt of your submission within 3 working days. We will then undertake an initial review of the submission to determine whether it is eligible for consideration as an appeal. The reasons why it may not be eligible include:
- You have submitted it late without valid reason. Appeals submitted beyond the 10 working day deadline will normally be ruled out of time and not considered. The only exception to this is where we consider that you have provided an acceptable explanation as to why you were incapable of submitting on time. You are asked to provide this in Box 4 on form AA1.
  - Your submission does not relate to any of the grounds for appeal set out in sections 7-9 of this Policy and Procedure. For example where you are disagreeing with academic judgement only.
  - The issues you have raised should be considered (or already have been considered) under a different procedure, for example the Student Complaints Policy and Procedure.
- 14 Where we decide that your submission is not eligible to be considered as an appeal, the Chair of the Appeal Panel will write to you explaining the decision. You can contest this decision by writing to the Director of Registry Services and explaining why you believe it to be unreasonable. This should be submitted to [Appeals@shu.ac.uk](mailto:Appeals@shu.ac.uk). Any correspondence must be received within 10 working days of the date we email you to tell you that your submission is not eligible for consideration as an appeal. Correspondence received after that date will not normally be considered. The Director of Registry Services will consider your correspondence and decide to either uphold the original decision or that it is eligible to be considered as an appeal. This decision will be final and you will be issued with a Completion of Procedures letter (see Section 36 of this Policy and Procedure for an explanation of what this is).
- 15 If your appeal is eligible to be considered, it will be investigated by a member of staff from the Assessment, Awards and Regulations team in Registry Services. The investigation will normally include discussions and correspondence with relevant University staff, scrutiny of relevant University/faculty records and documents, and scrutiny of any documents you provide with the appeal form to explain or support the appeal. The written findings of the investigation will be presented to the Appeal Panel for consideration.
- 16 The Appeal Panel will normally comprise two members: the Assistant Registrar: Assessment, Awards and Regulations or nominee (Chair), and one senior member of academic staff. The Panel will not include any member of staff from your Faculty or anyone else who has had any relevant prior involvement in decisions about your academic performance.
- 17 The Appeal Panel will consider the evidence and decide whether or not to refer the appeal back to the original decision-making body for further review. If the Appeal Panel cannot agree on a decision then a third member will be asked to consider the case and a majority decision will be taken. The Chair of the Appeal Panel will write to you explaining its decision.
- 18 If your appeal is referred back, the original decision-making body will be asked to review its decision in light of the Appeal Panel's findings and any relevant new evidence. This review

will take place as soon as possible and the Chair of the DAB/ECP/ACP will write to you with the outcome of the review. This decision is final and there is no further right of appeal. A Completion of Procedures letter will be issued to you.

- 19 If the Appeal Panel decides not to refer your appeal back for further review you may challenge this decision at the second stage of the appeals procedure but only on the grounds specified in section 20 below.

## Stage 2: Review Panel

- 20 You can challenge a decision of the Appeal Panel and request that it be reviewed if you believe:
- The decision was affected by irregularities in the application of the Academic Appeals Policy and Procedure.
  - The decision was unreasonable in light of the information available at the time.
  - There is relevant new information that has not been considered and you have a valid reason why you did not present it sooner.

Please note you cannot introduce any new issues into your appeal at this stage which would involve further investigation. This is a review of the issues you raised during stage 1 of the procedure. Also, a new appeal cannot be introduced at stage two. Only those appeals considered at stage one can be put forward for consideration at stage two.

- 21 To submit a challenge you should complete form AA2 available at <https://students.shu.ac.uk/regulations/>. This form and any supporting evidence should be sent via email to [Appeals@shu.ac.uk](mailto:Appeals@shu.ac.uk) within 10 working days of the date we email you the decision of the Appeal Panel.
- 22 We will acknowledge receipt of your challenge within 3 working days. We will then undertake an initial review of the challenge to determine whether it is eligible for consideration. The reasons why it may not be eligible include:
- You have submitted it late without valid reason. Challenges to appeal decisions submitted beyond the 10 working day deadline will normally be ruled out of time and not considered. The only exception to this is where we consider that you have provided an acceptable explanation as to why you were incapable of submitting on time. You are asked to provide this in Box 2 on form AA2.
  - You have not clearly explained the basis of your challenge .e.g. you have simply re-stated your original appeal.
- 23 Where we decide that your challenge is not eligible to be considered, the Director of Registry Services will write to you explaining the decision. You can contest this decision by writing to the Chief Operating Officer explaining why you believe it to be unreasonable. Any correspondence must be received within 10 working days of the date we email you to tell you that your challenge is not being considered. Correspondence received after that date will not normally be considered. The Chief Operating Officer (or nominee) will consider your correspondence and decide to either uphold the original decision or that your challenge is eligible to be considered. If the original decision is upheld, this decision will be final and you will be issued with a Completion of Procedures letter.
- 24 If your appeal is eligible to be considered, the information for the Review Panel will be collated by a nominee of the Secretary to the Academic Board. If any new evidence

presented by you at stage 2 warrants further investigation of your appeal claims, this will be undertaken by the nominee. A written case review will be prepared for the Panel outlining the main points at stage 1, the written rationale for the Appeal Panel's decision and your explanation as to why you believe this decision was unreasonable. All information presented at both stages will be considered by the Review Panel. You will also receive a copy of this information.

- 25 The Review Panel will consist of two members of the University's Academic Board, the supreme academic body in the University. Student members of the Board are ineligible to act as Panel members. Neither member of the Review Panel will be from your faculty. They will not have had any involvement in the decision taken on your appeal at stage 1 or the decision made by the original decision-making body (DAB, ECP or ACP).
- 26 You also have the opportunity if you wish to meet with the Review Panel to discuss your challenge in person or you may request a telephone meeting. You should indicate on the AA2 form whether a meeting is required. If you do request a meeting then we will contact you with details as soon as possible. You should make participation a priority. You can bring someone with you to the meeting to assist you in presenting your case such as a friend or family member. If you would like support and assistance from the Students' Union Advice Centre, please ensure you contact them well in advance of your stage 2 meeting date. They will need time to help you plan and prepare your case for the meeting. If you choose not to attend a meeting, the Review Panel will consider the case in your absence and come to a decision.
- 27 This process does not seek to imitate the legal justice system. It is an internal University process and, as such, it is our position that professional legal representation at the Review Panel meeting is not necessary for either party. Therefore, you are not permitted to have a member of the legal profession representing you at the Review Panel meeting. However, if you believe that your appeal is exceptionally complex and you would like the person accompanying you to the meeting to be a member of the legal profession, you can submit a request to allow this via email to [Appeals@shu.ac.uk](mailto:Appeals@shu.ac.uk) at least 5 working days before the meeting. The request must outline the grounds on which you believe this is necessary. The request will be considered by the Chief Operating Officer (or nominee), who will take account of the complexity and possible consequences of your appeal. We will email our response to your request within 2 working days of receipt of the request. If we agree to you being accompanied by a member of the legal profession, you should note the following:
- They may support and assist you in presenting your case but cannot be your spokesperson. We expect you to present your appeal and respond to the Review Panel yourself.
  - You are responsible for their payment.
  - We may choose to have a member of the legal profession at the meeting ourselves. You will be notified of this no less than 2 working days before the meeting.
- 28 The Review Panel will consider all of the evidence presented in writing and/or during the meeting and decide whether or not to refer your appeal back to the original decision-making body for review. The Chair of the Review Panel will write to you explaining its decision.
- 29 If the Review Panel upholds your challenge then it will revoke the decision of the Appeal Panel and refer the appeal back to the original decision-making body. This body will be asked to review its original decision in light of the Review Panel's findings and any relevant new evidence. This review will take place as soon as possible and the Chair of the

DAB/ECP/ACP will write to you with its decision. This decision is final and there is no further right of appeal. A Completion of Procedures letter will be issued to you.

- 30 In very exceptional circumstances where the Review Panel agrees that an appeal should be referred back for review, the Review Panel may make its own decision instead, on behalf of Academic Board, by overriding the decision of the original panel. These decisions will be reported to Academic Board.
- 31 If the Review Panel rejects your challenge then the decision of the Appeal Panel will stand. This will be our final decision on the matter and you will be issued with a Completion of Procedures letter.

### **Participation of students whose appeals are under consideration**

- 32 If your appeal is still being considered at either stage of the appeals procedure at the start of an academic year, and the decision appealed against is preventing you from progressing normally, you may attend the programme and take assessments. If you choose to attend you will not be notified of any results of assessed work undertaken during your attendance. Nor can you collect a grant or apply for a student loan. You will be enrolled on a conditional/temporary basis until the outcome of the appeal is finalised.
- 33 If the outstanding appeal is referred back to the original decision-making body and the review decision made by that body allows progression, you will be fully enrolled and any outstanding marks released.
- 34 If the outstanding appeal is rejected or, if following review by the original decision-making body the decision is not to allow progression, or if the consequence of the decision made is that you cannot progress, we will withdraw you from the course/programme immediately.
- 35 You are advised to speak to your Student Support Officer to ensure that you understand the implications of continued study pending the outcome of the appeal as you may subsequently be withdrawn from the course/ programme if the appeal is unsuccessful.

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

- 36 Under the Higher Education Act 2004 the University subscribes to the independent scheme for the review of student complaints (the term 'complaints' encompasses the Academic Appeals policy and procedure and the Student Complaints policy and procedure). If you are dissatisfied with our final decision on your appeal you may be able to take your case to the OIA provided that it is eligible under its rules. You should check out the OIA rules and timescales for contacting the OIA on their website at <http://www.oiahe.org.uk/>.
- 37 At the point we issue a final decision regarding your appeal we will send you a Completion of Procedures letter. This letter will explain that you have exhausted internal appeal procedures and give details about what you can do if you remain dissatisfied with our decision.
- 38 If your appeal is under consideration by the Office of the Independent Adjudicator and the decision appealed against would prevent you from progressing normally on the course at the start of an academic year, you may not attend the programme or take assessments, and may not enrol.

## General Points

- 39 Your appeal will be considered as quickly as possible whilst recognising the need for thorough review. We aim to consider your appeal and come to a conclusion within 30 working days for each of the two stages. We will let you know if there is likely to be a delay.
- 40 We define working days as all days other than weekends, public holidays and the University's closure periods.
- 41 You will not be disadvantaged by submitting a valid appeal. All information submitted in relation to appeals will be dealt with confidentially and will only be disclosed to those parties involved in the investigation and judgement of the appeal, or as is necessary to progress the appeal, or as required by law.
- 42 In the case of collective appeals from more than one student, these procedures still apply but may be subject to any necessary additions or modifications.
- 43 Staff who investigate or adjudicate appeals at either stage of the procedure will do so impartially. Anyone with a material personal interest in the appeal will not be involved.
- 44 We will be transparent and give you access to the information relevant to the case, subject to considerations of privacy and confidentiality, and the reasonable interests of any third parties.
- 45 We expect you to conduct the appeal yourself. Only in exceptional circumstances can a third party raise issues or submit an appeal form on your behalf. You must request permission in writing stating reasons why you are unable to raise issues yourself. Please send this to [Appeals@shu.ac.uk](mailto:Appeals@shu.ac.uk). The person considering the case will decide if your reasons are acceptable.
- 46 All correspondence from the University regarding your appeal will be issued electronically to the e-mail address you give on the appeal forms.
- 47 We review academic appeals in order to better understand the issues raised by students and to learn from cases. We do this via:
- faculty departmental overview reports and action plans
  - annual overview reports of appeals and complaints to the relevant sub-committee of Academic Board.

*Approved by Academic Board April 2015 (Ref: AB/2/15/6)*

*Addition of paragraph 27 approved by Academic Board June 2016 (Ref: AB/3/16/10)*