

APPEALS POLICY AND PROCEDURE

Introduction

- 1 In this document, 'we', 'our' and 'us' refer to Sheffield Hallam University. 'You' and 'your' refer to all students of Sheffield Hallam University who are studying for a Sheffield Hallam academic award either at the university or a partner organisation. Any variation from this policy and procedure for students studying at a partner organisation will be stated in your course documentation.
- 2 This policy and procedure explains what to do if you wish to appeal made by one of the following decision-making bodies:

<i>Decision-making body</i>	<i>Type of decision</i>	<i>Relevant regulation or policy</i>
Departmental Assessment Boards (DAB)	You can appeal against a result decision which impacts on the application of the pass, progression, award or classification regulations.	Policy for the Verification of Assessment and Standardisation and Moderation of Marking Standard Assessment Regulations Departmental Assessment Board Policy Any course-specific regulations published to you.
Extenuating Circumstances Panels (ECP)	You can appeal against a decision of an ECP to decline a Request to Repeat an Assessment Attempt.	Extenuating Circumstances Policy
Academic Conduct Panels (ACP) or Cheating Allegation Panel (CAP)	You can appeal against a decision of an ACP or CAP	Academic Conduct Regulation
University Research Degrees Committee	You can appeal against a decision of the University Research Degrees Committee regarding applications for Confirmation of PhD or Professional Doctorate.	Research Degree Regulations.
Research Degree Examiner Panel	You can appeal against a decision of a Research Degree Examiner Panel for	Research Degree Regulations.

	examination decisions in respect of a research degree award.	
Fitness to Practise Panel (FTPP)	You can appeal against a decision of a FTPP.	Fitness to Practise Regulations
Fitness to Study Panel (FTSP)	You can appeal against a decision of a FTSP.	Fitness to Study Regulations .
Withdrawal for non-engagement	You can appeal against a decision to withdraw you for non-engagement.	Standard Assessment Regulations

- 3 This policy and procedure does not cover appeals about admissions or disciplinary decisions - these are dealt with by the [Appeals and Complaints Procedure for Applicants](#) and by the [Disciplinary Regulations for Students](#) respectively.
- 4 This policy and procedure should not be used 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](#). If you are unsure which policy to use, please contact Faculty Student Services.
- 5 If we consider that you have used the incorrect procedure, we will direct it to the correct one and advise you accordingly. If you submit an appeal form and a complaint form, we will make a decision about the most appropriate way to take them forward, for example by considering all issues raised under one procedure or putting the appeal on hold pending the outcome of the complaint. Again, we will let you know how we are going to proceed.
- 6 The outcome of an appeal cannot be made the subject of a complaint.

Advice

- 7 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 and support. We recommend that you do this as soon as possible and well before any meetings or hearings.
- 8 You are strongly advised to speak with relevant members of staff as early as possible if you require clarification or do not fully understand the impact of a decision or sanction, or require clarification of a mark awarded for your work.

The Appeals Procedure

- 9 The procedure has two distinct stages:
 - Stage 1: Your appeal against a 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

- 10 You can appeal against a decision and request that it be reviewed on the following grounds:-
 - There has been an irregularity in the application of the published regulation, policy or procedure which has had an impact on the decision.

- There is relevant new evidence or information that you did not provide and you have a valid reason why you did not submit it at the time.
- 11 Disagreement with academic judgement cannot in itself constitute grounds for appeal. The definition of academic judgement by the Office of the Independent Adjudicator is ¹ "a judgement that is made about a matter where only the opinion of an academic expert will suffice". This means that you cannot question judgement made by an academic about the quality of your work or the assessment criteria being applied to mark your work.
- 12 To submit an appeal you must complete the Appeal Form (A1) which is available at <https://students.shu.ac.uk/regulations/>. This form and any supporting evidence should be sent via e-mail to appealsandcomplaints@shu.ac.uk within 10 working days² of the decision being made available to you. This means within 10 working days of the date we email you the relevant decision, which may also include the date your confirmed results are published on My Student Record (for DAB decisions). We will acknowledge receipt of your Appeal Form (A1) within 3 working days.
- 13 Appeals submitted beyond the timescales above will not be considered unless you provide an acceptable explanation as to why you were unable to submit on time. You are asked to provide this in Box 4 your Appeal Form (A1). The type of explanation we would normally accept is where you were incapable of submitting to time due to serious health or personal reasons, provided that the explanation supported by independent and authoritative evidence from a third party to confirm the circumstances that have delayed you submitting the appeal. If you feel you need a longer period to submit the appeal whilst you attempt to better understand the decision behind the appeal or are seeking advice on how to appeal you should contact the Regulations and Policy Team via the e-mail appealsandcomplaints@shu.ac.uk.
- 14 We will undertake an initial review of your 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 beyond the 10 working day deadline without an acceptable reason (see point 12 above).
 - Your submission does not relate to any of the grounds for appeal set out in section 10. 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.
- 15 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. This decision will be final and you will be issued with a Completion of Procedures letter (see points 41 and 42 for an explanation of what this is).
- 16 If your appeal is eligible to be considered, we will do so as quickly as possible whilst recognising the need for thorough review. We aim to respond your appeal within 30 working days of receiving your Appeal Form (A1) and supporting evidence. You will be contacted every 15 working days to keep you informed of progress. We will let you know if there is likely to be a delay.
- 17 Your appeal 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 or Faculty records and documents, and scrutiny of any documents you provide with your Appeal Form (A1) to

¹ <http://www.oiahe.org.uk/glossary.aspx>

² We define working days as all days other than weekends, public holidays and the University closure periods.

explain or support your appeal. The written findings of the investigation will be presented to the Appeal Panel for consideration.

- 18 The Appeal Panel will be chaired by the Assistant Registrar (Assessment, Awards and Regulations), or nominee. The Panel will normally consist of one other member of senior academic or professional services staff. The Panel will not include any member of staff from your Faculty or anyone else who has had any relevant prior involvement in the decision against which you are appealing.
- 19 The Appeal Panel will consider the evidence and decide whether to accept or decline your appeal. 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.
- 20 If your appeal is accepted, the Appeal Panel will refer the appeal back to the original decision-making body for further re-consideration of the case in light of the findings of the Panel (save for points 23 and 24).
- 21 It is not within the remit of the Appeal Panel to adjust marks, grades or degree classifications as a result of an appeal being accepted.
- 22 The original decision-making body will be asked to review its decision in light of the Appeal Panel's findings and any relevant new information or evidence. This review will take place as soon as possible and the Chair of the original decision-making body will write to you with the outcome of the review.
- 23 If your appeal against an ECP decision is accepted, the Appeal Panel will apply its own decision rather than referring your appeal back to the ECP. This is to ensure that you receive the outcome of your Request to Repeat an Assessment Attempt as soon as possible.
- 24 In cases where the conduct of research examiners is brought into question, a sub-panel of the University Research Degrees Committee will undertake the review instead of the Research Degree Examiner Panel.
- 25 If your appeal is declined you may challenge this decision at the second stage of the appeals procedure but only on the grounds specified in point 26 below.

Stage 2: Review

- 26 You can challenge a decision of the Appeal Panel and request that it be reviewed on the following grounds:-
 - There has been an irregularity in the application of the Appeals Policy and Procedure at Stage 1 which has impacted on the decision.
 - There is relevant new evidence or information that you did not provide to the Stage 1 Appeal Panel and you have a valid reason why you did not submit it at the time.

Please note this is a review of the issues you raised during Stage 1 of the procedure. You cannot introduce additional issues into your appeal at this stage.

- 27 To challenge a decision of the Appeal Panel you must complete Appeal Form (A2) available at <https://students.shu.ac.uk/regulations/>. This form and any supporting evidence should be sent via email to appealsandcomplaints@shu.ac.uk within 10 working days of the date we email you the decision of the Appeal Panel. Please note that your appeal will be considered on the evidence you submit. You should ensure that all relevant evidence that you wish to be considered is

submitted with your Appeal Form (A2). We will acknowledge receipt of your Appeal Form (A2) within 3 working days.

- 28 Challenges submitted beyond the timescales above will not be considered unless you provide an acceptable explanation as to why you were unable to submit on time. You are asked to provide this in Box 4 your Appeal Form (A2). As at Stage 1, the type of explanation we would normally accept is where you were incapable of submitting to time due to serious health or personal reasons, provided that the explanation supported by independent and authoritative evidence from a third party to confirm the circumstances that have delayed you submitting the appeal. If you feel you need a longer period to submit the challenge whilst you attempt to better understand the decision to decline the appeal or are seeking advice on how to make the challenge you should contact the Regulations and Policy Team via email appealsandcomplaints@shu.ac.uk.
- 29 We will 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 beyond the 10 working day deadline without an acceptable reason (see point 28).
 - You have not clearly explained the basis of your challenge in relation to the grounds specified in point 26, for example you have simply re-stated your original appeal.
- 30 Where we decide that your challenge is not eligible to be considered, the Director of Registry Services (or nominee) will write to you explaining the decision. This decision will be final and you will be issued with a Completion of Procedures letter.
- 31 If your challenge is eligible to be considered, we will do so as quickly as possible whilst recognising the need for thorough review. We aim to respond within 30 working days of receiving your Appeal Form (A2). You will be contacted every 15 working days to keep you informed of progress. We will let you know if there is likely to be a delay.
- 32 Your challenge will be considered by the Review Panel on the basis of:
- the information considered at Stage 1 by the Appeal Panel
 - the rationale given by the Stage 1 Appeal Panel for its decision in its decision letter and in any further discussions with the Review Panel,
 - your challenge to that decision as set out on Appeal Form (A2), any supporting evidence you provide, and any points made at a meeting with the Review Panel, and
 - any further investigation deemed appropriate by the Review Panel.

You will receive a copy of all the information considered by Review Panel.

- 33 The Review Panel will consist of the Dean of Students (Chair), or nominee and one senior member of academic/professional services staff. The Panel will not include any member of staff from your Faculty or anyone else who has had any relevant prior involvement in the decision against which you are appealing.
- 34 You have the opportunity to meet with the Review Panel to discuss your challenge in person or you may request a telephone meeting. The Chair of the Review Panel may also ask a representative from the Appeal Panel to attend this meeting to explain the rationale for the Appeal Panel's decision to decline the appeal. You should indicate on your Appeal Form (A2) if you wish to attend a meeting. Meetings will follow these principles:
- we will confirm the date and time of meeting normally 5 working days before the meeting
 - you should make attendance at the meeting a priority. We will normally re-arrange a meeting on one occasion only if you are unable to attend the initial date.

- you can bring someone with you to support you during the meeting. This may be a friend, family member, a support worker or a member of staff from the Students' Union Advice Centre.
 - if you choose not to request a meeting or do not attend a meeting you have requested, the Review Panel will consider your case based on the information you have provided on your Appeal Form (A2).
- 35 You will be notified of the decision of the Review Panel normally within 5 working days of the meeting and given a copy of the record of the meeting taken by the Panel Secretary . We will inform you if there is a delay to this due to any further investigation that needs to take place.
- 36 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 case 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 appealsandcomplaints@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.
- 37 If your challenge is accepted, the Review Panel will refer your case back to the original decision-making body for further re-consideration of the case in light of the findings of the Panel (save for the exceptions set out previously in points 23 and 24 above).
- 38 It is not within the remit of the Review Panel to adjust marks, grades or degree classifications as a result of an appeal being accepted.
- 39 The original decision-making body will then be asked to review its decision in light of the Appeal Panel's findings and any relevant new information or evidence. This review will take place as soon as possible and the Chair of the original decision-making body will write to you with the outcome of the review.
- 40 If your challenge is declined, there is no further right of appeal and a Completion of Procedures letter will be issued to you.

Completion of Procedures and the Office of the Independent Adjudicator for Higher Education (OIA)

- 41 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/>.

- 42 Once we have issued our final decision regarding your appeal we will send you a Completion of Procedures letter. You will need this letter to take your case to the OIA. The letter will explain that you have exhausted our internal appeal procedures and give details about the OIA and the timescales in which you have to take your case to the OIA.

Studying whilst an appeal is being considered

- 43 We appreciate that waiting for the outcome to an appeal may be stressful but we do expect you to continue to attend as normal and to submit coursework and attend examinations on time. Once we have made the final decision on your appeal, your status at the University will be updated accordingly.
- 44 We are aware that you may be appealing against a decision which prevents you from progressing from one academic year to the next or to or continue on your course. In such circumstances you may be allowed to attend teaching and attempt assessment pending the outcome of your appeal, provided that your appeal was submitted within the specified time period and is still being considered at either stage of the appeals procedure at the start of an academic year. You must speak to Faculty Student Services to discuss whether this option is available to you and to ensure that you understand the implications of progressing to the next academic year or continuing on your course pending the outcome of your appeal. Each case will be considered on an individual basis and if you are permitted to continue with your studies, it will be under the following conditions:
- Your enrolment status will be conditional (pending the outcome of the appeal) which means that you will not be charged tuition fees and you will not be able to access student funding.
 - If your course includes a placement may not be possible to attend placement pending the outcome of your appeal.
 - Once we have made the final decision on your appeal, your conditional enrolment status will be updated accordingly.
- 45 If your appeal is under consideration by the OIA and the decision appealed against would prevent you from progressing normally on the course at the start of an academic year, you are not permitted to attend the programme or take assessments, and are not permitted to enrol.

General Principles

- 46 The Appeals Policy and Procedures applies to anyone studying for a Sheffield Hallam University award including those studying at one of our collaborative partners in the UK or overseas.
- 47 You will not be disadvantaged by submitting an appeal provided it is made in good faith and is not vexatious, malicious or trivial.
- 48 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. In accordance with the [Student Privacy Notice](#), data from appeals is retained for a period of six years.
- 49 We expect you to submit your appeal and engage in the appeal process 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 appealsandcomplaints@shu.ac.uk. The person considering the case will decide if your reasons are acceptable.
- 50 Usually you will submit an appeal as an individual student. Exceptionally, a group of students may submit an appeal. To do so, you will need to identify one of you to act as a spokesperson who will then act on behalf of the group. Normally, only the spokesperson will attend meetings

on behalf of the group. At each stage of the process, each member of the group must sign the statement of the appeal for it to be accepted as a valid group appeal.

- 51 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.
- 52 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) and will respond to all points you raise in the appeal.
- 53 All correspondence from the University regarding your appeal will be issued electronically to your University e-mail account plus any additional e-mail address you provide on the appeal form.
- 54 We review appeals in order to better understand issues raised by students and to learn from cases. We do this by annual reporting on the application of the process and monitoring of cases and sharing learning points from cases with staff via a blog.

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Amendments since Approval:	Detail of Revision:	Date of Revision:	Revision Approved by:
	Amalgamation into single policy. Inclusion of appeals against withdrawal for non-engagement. Simplification of grounds for appeal. Removal of challenge to ineligible appeals. Application of Appeal Panel decision for ECP appeals. Revisions to membership of Appeal Panel and Review Panel.	June 2017	Academic Board (AB/1/17/10)
	Clarification: point 48 - retention periods for complaint data	September 2018	Assessment, Awards and Regulations Manager