



STUDENT ACADEMIC APPEALS

Document Control

Date	Revision/Amendment Details &	Author
15 th June 2016	Senate: guidance on companions at hearings (4iii)	G. Donelan
7 th July 2016	University Council	G. Donelan
March 2018	Senate: clarity on intention to appeal and referral to the mitigating circumstances panel and on handling of late appeals due to mitigating circumstance (2c)	C. Walsh
February 2019	Chair of Senate: inclusion of a right to appeal the decision of the Registrar in Section 2. Updating in line with new Data Protection requirements, general improvement in clarity throughout.	

September 2019	Inclusion of OIA statement	C. Walsh
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1) **Preamble**

There is a separate procedure for complaints which may be made about on-course provision and assessment. Any matters for a student's concern with regard to teaching and learning, including on-course assessment of all kinds, are therefore to be brought to the notice of the University and resolved before the meeting of any Progression or Award Board, or should be made known to the Board by the student in advance, as factors possibly affecting performance which could be taken into account (see 2a below).

Academic Appeals: this Policy applies in all cases

Academic Appeals cover

(i) decisions of Award or Progression Boards, including cases of academic misconduct in which a student's studies are terminated by Chair's action before the meeting (see section 2 below)

OR

(ii) decisions to terminate studies prior to an Award or Progression Board due to poor engagement (see section 3 below).

It is important to note that:

The **Office of the Independent Adjudicator for Higher Education (OIA)** runs an independent scheme to review student complaints. Liverpool Hope University is a member of this scheme. If you are unhappy with the outcome you may be able to ask the OIA to review your appeal. You can find more information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right here: <https://www.oiahe.org.uk/students>.

You normally need to have completed the Student Academic Appeals Process before you complain to the OIA. Liverpool Hope University will send you a letter called a "Completion of Procedures Letter" when you have reached the end of our processes and there are no further steps you can take internally. If your appeal is not upheld, Liverpool Hope University will issue you with a Completion of Procedures Letter automatically. If your

appeal is upheld or partly upheld you can ask for a Completion of Procedures Letter if you want one. You can find more information about Completion of Procedures Letters and when you should expect to receive one here: <https://www.oiahe.org.uk/providers/completion-of-procedures-letters>.

Student should take advice at all stages from a Senior Academic Adviser or the Students' Union.

All students should familiarise themselves with the rules and regulations governing their programme of study. All such regulations are available on the Student Administration website and can be accessed via the University homepage.

Confidentiality and Disclosure

Where the grounds for appeal relate to mitigating circumstances of a health, medical or disability-related nature (Special Category data), the University will seek explicit consent from the student in order to be able to receive and use Special Category Data in the decision making process. It may be necessary when processing an appeal for information to be shared between the team in Student Support and Well Being and the Appeals Team.

For all appeals requests, the Student Administration Team will review information with the University Registrar and a panel of Faculty Senior Academic Advisors. If a decision cannot be reached at this stage, the appeal will be passed to a Mitigating Circumstances Panel to review. This Panel consists of the Registrar [or nominee], a member of Student Administration, a Faculty Senior Academic Advisor and the Head of Student Welfare and Wellbeing [or nominee]. All of these people will review the Special Category data that has been provided in order to make a decision.

Should an outcome remain undecided and the case is referred to a full Academic Appeals Committee the Committee will be made up of three members of academic staff, the President or Vice-President of the Students' Union, a Dean or Pro Vice-Chancellor the Registrar (or nominee) and a member of Student Administration as Secretariat. All of these people will review the Special Category data that has been provided in order to make a decision.

The outcome of an appeal will be recorded in the University's main student database by either Student Administration or Faculty Administration staff, depending upon the outcome. Once entered the outcome of O M can be viewed by Academic, Faculty and Support staff who have access to the University database. However, these individuals will not have access to the detail behind this decision.

Special Category data will be treated as confidential by all of the members of staff who receive it in line with the process set out above. The Special Category data submitted as part of the appeal will be stored and processed in accordance with the University's Data Protection Policy and will be destroyed one year after the end of the academic year in which the request for the appeal was made.

2) Appeals against Decisions of Award & Progression Boards

(a) Medical Evidence

It should be noted that all work will be marked on merit. The Examiners will **NOT take into account any evidence of mitigating circumstances** when recommending the mark, grade or grade point to be awarded to a student who has undertaken the relevant assessment[s].

Responsibility rests on the student, therefore, to consider carefully whether s/he is fit to undertake an assessment, bearing in mind that a student who sits an examination and/or submits coursework on the required date is deemed to be declaring that s/he is fit to be assessed.

Medical or other evidence supporting a candidate's absence from an examination or failure to submit coursework on the required date **will** be taken into account by the Award or Progression Board when determining the consequences of a student's absence from an examination or non-submission of coursework by the published submission date, **provided that** it has been presented to the Registrar's Office within three working days of the examination or coursework submission date.

(b) Grounds for Appeal

A student may give notice of appeal against the decision of an Award or Progression Board on the following grounds:

- that s/he was unable to divulge evidence of mitigating circumstances relating to non-completion of an assessment before the Award or Progression Board reached its decision;
- that there had been a material administrative error;
- that the assessments were not conducted in accordance with the current regulations;
- that some other material irregularity had

occurred. The student **may NOT appeal** on any grounds:

- which have already been considered by that Award or Progression Board;
or
- which could have been considered, had notice of the student's wish to have them so considered been given prior to the meeting of the Award or Progression Board and the student having no valid reason for having failed to give such notice; or
- which arise out of teaching, learning and associated assessment issues which have been, or could have been, considered under the Complaints Procedure, the student having no valid reason for having failed to do so; or
- which merely dispute the academic judgement of members of staff, or their

academic integrity or the academic judgment of the Award or Progression Board.

(c) Action Required by the Student

After the publication of the decision of the Award or Progression Board, a student who considers there are grounds for appeal, or is seeking clarification of a Body's decision, should consult either their Head of Department/School or a Senior Academic Adviser, in order to make every effort to see whether the problem can be resolved through these less formal procedures.

Only when these informal stages have been exhausted, and the student remains convinced that s/he has firm grounds for appeal, should the formal procedure be initiated. The final decision on whether to proceed with an appeal must, however, rest with the student.

In the first instance, a student who has decided to submit a formal appeal **MUST** give notice to the University, in writing, of the intention to appeal. For this purpose, students are required to submit, either in hard copy or email to appeals@hope.ac.uk, an Appeal Form and any evidence they intend to provide. The Appeal Form can be found on the University web pages [Click here](#).

- The notification of intention to appeal must normally be received not later than the earlier of [a] 10 working days after the publication of the Board's decision or [b] 5 working days before the conferment of the award. However in the case of decisions published between the July Graduation ceremonies and 1st September, the notification may be received up to the end of the first full working week in September.
- The notification of intention to appeal should state :
 - the grounds for the appeal;
 - the evidence that would be produced;
 - the intended outcome;
 - and, in the case of appeals on grounds of mitigating circumstances, the reasons why the information was not presented in advance to the Award or Progression Board.

Note that:

- an appeal submitted outside the usual time frame, because of mitigating circumstances, which arrives after the final day of summer graduation will not normally be processed until the first working day after September 1st.
- a student should not proceed to any award ceremony pending appeal. The student must recognise that the due processing of an appeal, even if not upheld, may prevent attendance at the next award ceremony. Once a student has graduated (either in person or *in absentia*), the award classification will be deemed to have been accepted and an academic appeal will no longer be possible.

On receipt of the Appeal Form, the Appeals Administrator will arrange for a panel of Senior Academic Advisers/ senior academics, not within the student's own Faculty, to consider whether a student's notification constitutes a prima facie case and, if so, whether

the matter can be resolved on an informal basis. The Appeal Form may also be referred to the Mitigating Circumstances Panel, who are empowered to provide advice to the Senior Academic Advisers Panel or to make recommendations in relation to the Appeal without recourse to the Panel of Advisors. This reference to the Mitigating Circumstances Panel is normally on the basis that the substantive reason for the Appeal is related to a complex mitigating circumstances.

d) After initial consideration of the Appeal

The Appeals Administrator will submit a recommendation to the Registrar

The Registrar's decision will be notified to the student in writing. The Registrar will inform the student of one of the following outcomes.

- [a] the appeal has been upheld without the need for a formal Committee hearing
- [b] the appeal has been rejected by the panel as not constituting a prima facie case
- [c] there is a prima facie case and the matter will be referred to Academic Appeals Committee.

A student who has been informed that their case is to be considered by Academic Appeals Committee **MUST**:

- by the deadline stated by the Registrar, submit all the evidence referred to in the initial notification, and a response to any queries raised by the Registrar.

e) Right to Appeal against the decision of the Registrar

The student has the right to appeal against the decision notified by the Registrar by submitting a formal letter to the Deputy Vice Chancellor (Student Life and Learning), with any supporting evidence, to Office of the Deputy Vice Chancellor (Student Life and Learning), either in writing to Gateway Building, Liverpool Hope University, Hope Park, Liverpool, L16 9JD, OR by email to brownrk@hope.ac.uk.

This written appeal should be received within 10 working days of the date of the Registrar's notice

In normal circumstances such an appeal against the decision notified by the Registrar will only be accepted for consideration if evidence is submitted that, at the time of the original appeal, the handling of the case was the subject of some procedural irregularity. If a student decides to appeal to the Deputy Vice Chancellor it should be noted that the case will be considered initially on the written evidence that is submitted, although, ultimately the student may be required to attend for interview. It is essential that all relevant information is given in the appeal letter and that it is accompanied by all the supporting documents which the Deputy Vice Chancellor would need to consider.

If appeal to the Deputy Vice Chancellor is unsuccessful the student has recourse to the Office of the Independent Adjudicator (**see Section 5 below**).

3) Termination or Suspension of Studies prior to an Award or Progression Board, due to poor engagement

If following the operation of that Faculty's approved Student Monitoring procedures, decision is reached that a student's studies should be terminated or suspended, the Faculty will inform the Student administration unit who will issue a letter and e-mail to the student on behalf of the Registrar, indicating that studies will be terminated on a specified date unless an appeal is received.

(a) Grounds for Appeal

A student may give notice of appeal against the decision to terminate studies on the following grounds:

- that s/he was unable to divulge evidence of mitigating circumstances explaining his/her lack of response to contact through the Faculty's Student Monitoring Procedures
- that there had been a material administrative error;
- that some other material irregularity had occurred.

(b) Action required by the student

Given the nature of this form of appeal (which differs from disputing a decision of an Award or Progression Board), the deadlines are necessarily tighter.

ANY FAILURE TO MEET THESE DEADLINES WILL INVALIDATE THE APPEAL

Actions required by the student, and the handling of the case/ right to appeal shall be as those detailed in Section 2 of this policy, steps c) to e) except that:

- The initial intention to appeal must be received no later than five working days of the Termination of Studies letter being sent.

The student will normally receive an acknowledgement of their appeal within 5 working days with a request to submit supporting evidence.

4) Consideration of a Formal Appeal by Academic Appeals Committee

An Academic Appeals Committee will consider all appeals deemed to constitute a *prima facie* case which could not be resolved informally.

(i) Terms of Reference:

To consider appeals referred by the Registrar as constituting a prima facie case.

(ii) Membership:

Three members of academic staff (one from each Faculty, from amongst members of Senate; members will be excluded from discussion and decision-making on students from their home Faculty) and the President or Vice-President of the Students' Union. Given their involvement at an earlier stage in the process, Faculty Senior Academic Advisors / Research Degree Coordinators will not be eligible to be part of the Committee.

- A
Head of School or Deputy Vice-Chancellor will Chair the Committee
Invited Adviser: Registrar (or nominee).
- Secretarial servicing will be provided by Student Administration.

No member of academic staff who has been involved in the direct teaching or examining of the appellant should act as a member of the Academic Appeals Committee.

(iii) The Hearing:

Evidence shall be taken separately and in private, in the following order:

- The student who is the subject of the appeal. The student is allowed a companion who may put the case on behalf of the student if requested by the student to do so. The companion will normally be a Students' Union officer or trained nominee of the Students' Union, a member of academic staff or a student of the University. Only in exceptional cases will this rule be varied and will require authorisation by the University Secretary (or his nominee). The student must make representations to the University Secretary in advance of any meeting or hearing at which they wish to be accompanied by someone other than a Students' Union officer or trained nominee of the Students' Union, a member of academic staff or a student of the University.
- Witnesses for the student (if appropriate).
- Relevant teaching staff, relevant Academic Advisors and the Chair of the Award or Progression Board, if necessary.

After giving evidence, witnesses will be asked to withdraw but may be recalled by the Committee if required.

In considering their decision the Committee shall sit in private. The Invited Adviser and Secretary shall be present.

(iv) Powers of the Academic Appeals Committee:

(a) For appeals against decisions of an Award or Progression Board

The Academic Appeals Committee, having heard the appeal, may:

- refer the matter to the Chair of Award or Progression Board with an instruction on what action is necessary, following the Appeals Committee

OR

- dismiss the appeal.

(b) For appeals against Termination of Studies prior to a meeting of an Award or Progression Board

The Academic Appeals Committee having heard the appeal may:

- re-instate the student with an action plan to be agreed and re-instatement being subject to satisfactory engagement. Any breach of the action plan would lead to an automatic termination of studies.

OR

- dismiss the appeal

The decision of the Academic Appeals Committee will be communicated to the student in writing.

(v) Appeals against a decision of Academic Appeals Committee

If an appeal is dismissed by the Academic Appeals Committee a student may appeal to the Chair of Senate against the decision, but in normal circumstances such an appeal will only be accepted for consideration if evidence is submitted that, at the Academic Appeals Committee, the student concerned did not have a fair hearing as a consequence of some procedural irregularity.

If a student decides to appeal further, it should be noted that the case will be considered initially on the written evidence that is submitted, although, ultimately the student may be required to attend for interview. It is essential that all relevant information is given in the appeal letter and that it is accompanied by all the supporting documents which the Chair of Senate would need to consider.

In the first instance, the submission will be considered by the Secretary of the Senate who, after consultation with the Chair, has the power to decide on the acceptability or otherwise of the appeal. In order for an appeal to be considered it must be received by the Secretary of the Senate within 10 working days of the receipt of the written decision of an Academic Appeals Committee.

If the Secretary and Chair of Senate deem there is sufficient evidence to warrant further consideration, then the Chair will convene a meeting of three Senators not previously involved with the case, nor with the teaching or assessment of the student.

The decision of Senate (whether that of the Chair or the meeting of three Senators) will be communicated to the student in writing within 10 working days of the receipt of the appeal against the decision of the Academic Appeals Committee.

5) Office of the Independent Adjudicator

If the student is still dissatisfied, he/she has recourse to the Office of the Independent Adjudicator. Details of this scheme are contained in the introduction to this policy. Students should consult the OIA student pages which can be found at:

<https://www.oiahe.org.uk/students/>