

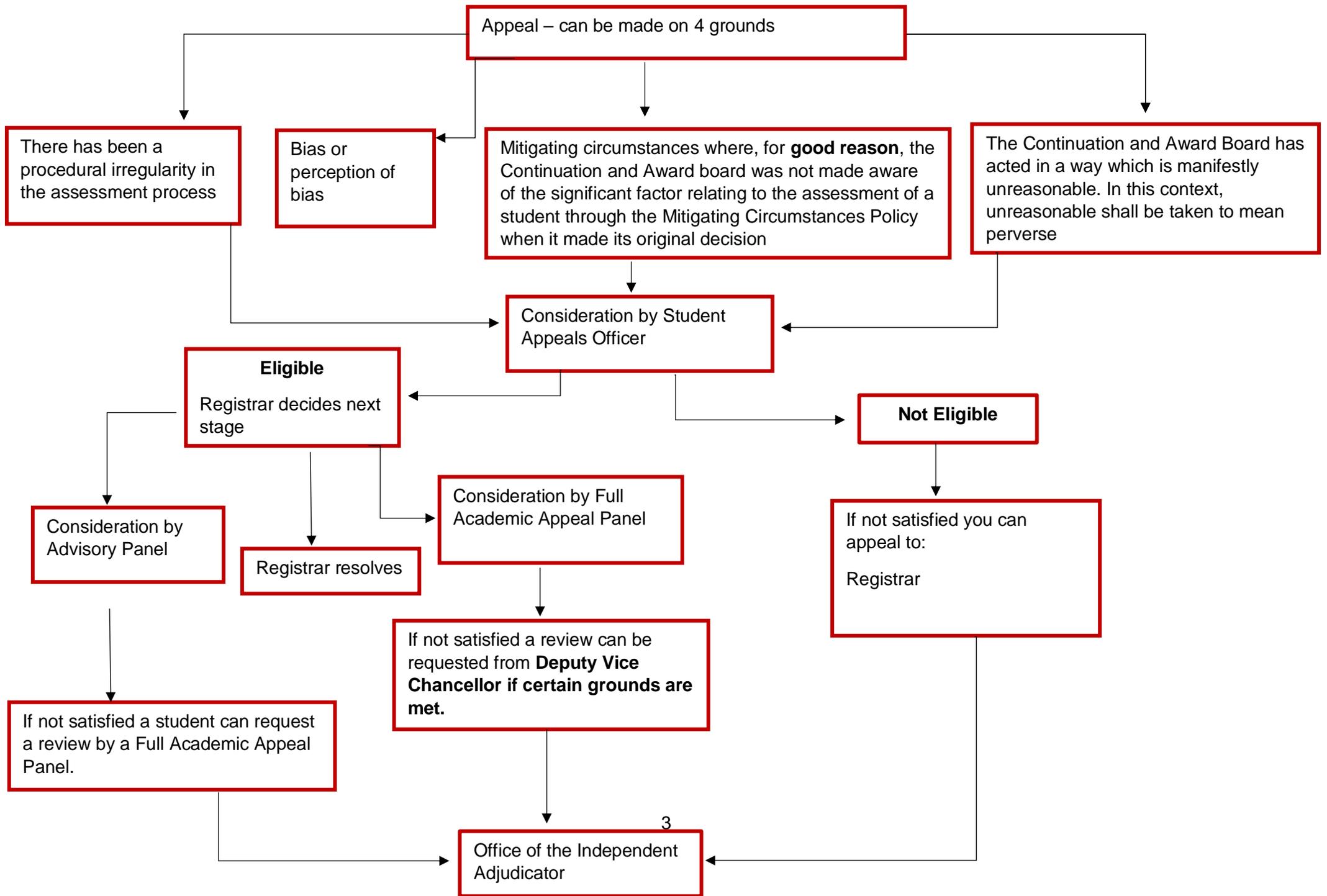
LIVERPOOL
HOPE
UNIVERSITY

Est. 1844

Academic Appeals Policy

Document Control

Responsibility for Policy:	Registrar
Approved by and date:	Senate March 16 th 2022
Frequency of Review:	5 years
Next Review date:	2027
Related Policies:	Mitigating Circumstances Policy
Minor Revisions:	<p>June Senate 2023 Review of policy to refocus emphasis onto Registrar/ Advisory Panel. And To reflect OIA good practice framework 3.1 added Early Resolution informal stage 3.2 amended to accommodate 3.1 3.2.4 Addition of bias or reasonable perception of bias</p> <p>Addition of Consideration by Registrar (Clause 8) Clause 8 now amended to Clause 9: Consideration by Advisory Panels and amended to suit.</p> <p>9.1 Addition of the sort of evidence that might support at appeal 9.2 Clarification of process</p>
EIA:	The policy is monitored using an annual review of available data relating to appeals cases.



1. Academic Appeal Policy

- 1.1. If you require this document in an alternative format please contact Student Development and Wellbeing on sdw@hope.ac.uk
- 1.2. This Policy explains the valid grounds for an academic appeal and the procedure that will be followed to consider an appeal.

2. Scope

- 2.1. An academic appeal is a request for a review of a decision made by the Continuation and Award Board.
- 2.2. This Policy applies to all students registered at Liverpool Hope University including those following Liverpool Hope University courses at partner institutions or to those individuals who have recently finished their studies, as long as appeals are raised within the timeframes specified in this Policy.
- 2.3. Appeals which are frivolous, vexatious or malicious or which have already been considered will not be reviewed. In addition, where students or their representatives are aggressive, offensive or abusive or where demands are unreasonable in nature or unreasonably persistent, appeals may not be reviewed. Where such instances arise, the student will be advised of the reason for terminating the review.
- 2.4. Where students identify individual needs, reasonable adjustments will be made to the Procedure.
- 2.5. An academic appeal differs from a complaint. Appeals and complaints are considered under different Procedures. A complaint is defined as an expression of dissatisfaction by one or more students about the University's action or lack of action, or about the standard of service provided by or on behalf of the University. Complaints are dealt with under [the Student Complaints Policy and Procedure](#).
- 2.6. The Academic Appeals Policy cannot be used to bring complaints related to teaching, supervision or services. These must be raised at the time when they occur and through the appropriate channels e.g. personal tutor, supervisor, Student Voice Committee or the Student Complaints Procedure.

3. Academic Appeals Procedure

- 3.1. **Early Resolution at School/Department level**

This is designed to address straightforward concerns quickly at School/Department level. Students are encouraged to attempt an early resolution ahead of instigating the formal appeals process by contacting their local administrator and ask to meet the Head or their nominee to discuss the possible appeal. Where appropriate the outcome of this meeting will be set out in writing.

3.2. **Grounds for an Academic Appeal**

A formal academic appeal follows where an informal early resolution has not been possible or the student remains dissatisfied with the outcome. An appeal can only be submitted by a student on one or more of the following grounds:

- 3.2.1. mitigating circumstances where, for Good Reason, the Continuation and Award Board was not made aware of a significant factor relating to the assessment of a student through the Mitigating Circumstances Policy when it made its original decision.

A '**Good Reason**' means that circumstances are beyond a student's control and prevented the student from disclosing the relevant circumstances at the appropriate time. Personal embarrassment and unwillingness to disclose personal circumstances are not considered "good reason" for the purposes of an appeal.

- 3.2.2. that there has been a procedural irregularity in the assessment process;

- 3.2.3. that the Continuation and Award Board has acted in a way which is manifestly unreasonable. In this context, unreasonable shall be taken to mean perverse, i.e. the decision was not a possible conclusion that a similar meeting of the Continuation and Award Board might have reached.

- 3.2.4. Bias or reasonable perception of bias

- 3.3. Disagreement with the academic judgement of the Board in confirming marks, grades or recommendations of examiners for Continuation and Awards does not constitute valid grounds for appeal. The University defines academic judgement as 'a judgement that is made about a matter where only the opinion of an academic expert will suffice'.

- 3.4. Students do not have the right to demand remarking of an assessment.

- 3.5. Late notification of self-certification claims does not constitute grounds for appeal.

- 3.6. Indicative timescales for the University's response to an academic appeal are provided below. The University will do its best to abide by the time limits set out in these procedures, but it may not always be possible to do so. The University aims to complete all the steps described in this procedure within 90 calendar days of the start of the appeal.

4. Submission of an Academic Appeal

- 4.1. A student who has decided to submit a formal appeal should give notice to the University, in writing, of the intention to appeal. 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](#).
- 4.2. When completing and submitting the Appeal Form, students must:
- 4.2.1. specify which of the permitted grounds the appeal relates to;
 - 4.2.2. state clearly the decision of the Continuation or Award Board against which they are appealing;
 - 4.2.3. state clearly the case for the appeal;
 - 4.2.4. provide appropriate evidence to support the appeal and, if relevant, evidence to explain why a Mitigating Circumstance request was not submitted within 10 working days of the relevant assessment(s);
 - 4.2.5. ensure that all evidence provided is in English, if any evidence is submitted in a language other than English, an approved certified translation should also be provided.
 - 4.2.6. specify what remedy they are seeking.
- 4.3. An appeal must be submitted within 10 working days from the date of publication of the Board's decision. If full evidence to support the appeal is not available within 10 working days, a student may submit their intention to appeal using the Appeal Form within 10 working days from the date on their results and then supply all remaining information, including any relevant documentary evidence, within 10 working days, again from the date of publication of results.
- 4.4. If evidence is not supplied within the time frame, it will not be considered.

5. Procedure

- 5.1. The Student Appeals Officer (or nominee) will review all appeals submitted and reject those as **Not Eligible** which:
- 5.1.1. are clearly out of time without good cause (i.e. submitted after the 10 working day deadline or when notification of intention to appeal is made within the 10 working day timescale but full information is submitted outside the 10 working day timescale);
 - 5.1.2. do not state one or more of the specified grounds for appeal (including those based on academic judgement and those which form the basis of a student complaint);
 - 5.1.3. comprise mitigating circumstances, and no Good Reason has been established to explain why the University was not notified about mitigating circumstances via the Mitigating Circumstances Policy;
 - 5.1.4. do not provide evidence to support circumstances outlined in the appeal;
 - 5.1.5. request an outcome that is not possible through the Academic Appeals Procedure.

6. Appeals that are Not Eligible

- 6.1. If an appeal is declared Not Eligible by the Student Appeals Officer and the student is not happy with this decision, they may complete the Not Eligible Appeal Form to refer the case to the Registrar within 10 working days from the date of the decision of the Student Appeals Officer.
- 6.2. The Registrar (or nominee) will review the case and make a final decision on whether the appeal is eligible. If the Registrar (or nominee) upholds the Student Appeals Officer's decision, the student has come to the end of the University's appeal procedure. The student will receive a Completion of Procedures letter. If the student remains dissatisfied, they may apply for a review by the Office of the Independent Adjudicator for Higher Education.

7. Eligible Appeals

- 7.1. Once an academic appeal is considered eligible, the Student Appeals Officer/Registrar (or nominee) will then make a decision as to where to refer the academic appeal, this will either be:
- 7.1.1. Resolution by the Registrar or nominee or
 - 7.1.2. Consideration via an Advisory Panel or

7.1.3. consideration by an Academic Appeals Panel.

8. Consideration by the Registrar or Nominee

8.1 In cases where the evidence is compelling and supports a positive outcome the Registrar or nominee will provide a detailed rationale and a letter advising the student of the outcome.

9. Consideration by an Advisory Panel

9.1. An Advisory Panel will be composed of Senior staff who have significant experience of implementation of the regulations and conventions.

9.2. Any appeal which may meet one or more of the specified grounds but cannot be resolved in a straightforward manner by the Registrar or nominee will be referred by the Student Appeals Officer (or nominee) to an Advisory Panel for investigation and review. This process should be undertaken by advisers independent from the Course team. The Panel will review the appeal within 10 working days and will notify the Student Appeals Officer of the outcome. The evidence that may be required to support the appeal include independent medical evidence, reports from professionals, financial information or witness statements.

9.3. In cases where the appeal cannot be upheld, a detailed rationale shall be included. The Student Appeals Officer will then write to the student to inform them of the outcome. The outcome of each appeal will be reviewed by the Registrar [or nominee] before the student is notified of the outcome. In cases where the Registrar [or nominee] is unable to confirm the Panel decision, and is not able to reach agreement following discussion, the case will be referred to an Academic Appeals Panel.

9.4. Notwithstanding .1 above if an appeal relates to a decision principally directed by a central process the Student Appeals Officer (or nominee) may direct the appeal to an Academic Appeals Panel in the first instance.

9.5. If a student is unsatisfied with the outcome, the Student Appeals Officer or nominee will refer the appeal to the Academic Appeals Panel.

9.6. If an appeal from an Advisory Panel Consideration (under this section 9) is found unjustified then a Completion of Procedures Letter will be issued after the Academic Appeals Panel.

10. Consideration by Academic Appeals Panel

10.1. The Academic Appeals Panel shall consist of:

- 10.1.1. A senior member of academic staff (as Chair) from a School/Department other than that in which the student's programme of study is located;
- 10.1.2. One member of academic staff who is from a School other than that in which the student's programme of study is located;
- 10.1.3. A nominee of the Students' Union.
- 10.2. An officer from Student Enrolment and Administration will provide administrative support (the Panel Secretary).
- 10.3. At the discretion of the Chair, the student may be invited to attend the meeting along with the relevant Head of Department/School (or nominee). The Student Appeals Officer may also wish to attend the meeting to present any evidence. Where appropriate, meetings will normally be scheduled within 20 working days of either (a) date of the outcome under clause 8 or 9 or (b) the date an appeal form is submitted in accordance with clause 4.3. Copies of relevant documentation will be made available to all parties, normally 5 working days in advance of the meeting.
- 10.4. The Procedure to be followed during a meeting is included in Appendix 1
- 10.5. The Panel, having considered all relevant information and submissions, shall make one of the following decisions:
 - 10.5.1. Allow or partially allow the appeal and determine the ground(s) on which the appeal is upheld; or
 - 10.5.2. dismiss the appeal.
- 10.6. If the Panel finds in favour of the student or partially in favour on one or more grounds, the Panel Secretary shall write to the student to advise of the outcome within 5 working days and will refer the matter back to the appropriate Continuation and Award Board with a detailed rationale for its decision.
- 10.7. It is the responsibility of the Continuation and Award Board to notify the student of the outcome once the matter has been considered by the Board
- 10.8. Where an appeal has been rejected, the Chair will write to the student within 5 working days of the panel meeting to advise of the decision and outline the reason(s) for rejection and the opportunity to appeal (see section 9.3.)

10.9. If a student does not attend a meeting/hearing under this Procedure, without providing good reason in advance, the Chair may decide that the meeting or hearing can proceed in the student's absence. In this instance, the appeal will be considered on the basis of the evidence available at the time of the meeting/hearing.

11. Representation/Support

11.1. Students may find it helpful to ask the Students' Union for advice and guidance on their intended appeal. Students who have any questions about how the appeals process works should contact appeals@hope.ac.uk by email.

11.2. The appeal can normally only be started and progressed by a student themselves. A third party may not do it on a student's behalf. (This does not affect a student's right to have a supporter during an Academic Appeal Panel hearing). In exceptional circumstances, at the discretion of the Student Appeals Officer, a third party may submit an appeal on a student's behalf if the student provides written consent and a reason deemed acceptable by the Student Appeals Officer. Students can seek this consent by emailing appeals@hope.ac.uk within 10 working days of the decision they wish to appeal, providing their reasons and relevant evidence. Consent will not be unreasonably withheld.

11.3. If either a supporter or representative behaves inappropriately at any stage during the appeal, that person will be asked to withdraw their involvement.

11.4. If the Academic Appeal Panel asks a student to appear before it at a hearing, the student may choose to bring a supporter with them. The student may find it helpful to ask a representative from the Students' Union to be their supporter, but it can also be, for example, a friend or relative. The student will be asked to provide the name and capacity in which the supporter is attending in advance.

11.5. It is not normally expected that a student will have legal representation, but if a student believes it is justified in the circumstances, the student should make these reasons known to the Student Appeals Officer at least three working days in advance of the hearing. If the Student Appeals Officer believes the student has established compelling grounds for legal representation, it will be permitted.

12. Attendance at a graduation Ceremony Whilst an Appeal is Under Consideration

A student appealing a decision which relates to a final award may be able to attend a graduation ceremony where an award has been confirmed. Attendance will not prejudice the appeal. Subsequently, if the outcome of

the appeal permits the student to receive a different classification of degree or a different award, and they have received their certificate, the student will be required to return any original award certificate obtained before receiving a revised award certificate.

13. Review Stage

- 13.1. If a student is still dissatisfied with the decision of the Academic Appeals Panel, they may ask the Deputy Vice Chancellor to review the case. The student must make this request by submitting the Appeal Review Form by email to appeals@hope.ac.uk within 10 working days from the date on the letter notifying the student of the decision of the Academic Appeal Panel.
- 13.2. The Deputy Vice Chancellor's decision on the case will be final as far as the University's internal procedures are concerned.
- 13.3. The Deputy Vice Chancellor may delegate the review to an appropriate person.
- 13.4. The Deputy Vice Chancellor will review the decision on the following grounds only:
 - 13.4.1. The decision of the Panel was unreasonable in the light of the evidence supplied; or
 - 13.4.2. The procedure for the hearing of the appeal was deficient in a way which materially prejudiced the student's case.
- 13.5. The Deputy Vice Chancellor will base the decision on the written material submitted to the first hearing of the case, a written statement of the outcome of the appeal and the student's written case.
- 13.6. The Deputy Vice-Chancellor will not normally consider new grounds of appeal or new evidence, unless there is new material evidence which the student was unable, for valid reasons, to provide earlier in the process.
- 13.7. If the Deputy Vice Chancellor believes that the student has established grounds for appeal, the appeal will be returned to a new panel for fresh consideration.
- 13.8. The Deputy Vice Chancellor or delegate will send the student the decision in writing as soon as possible and normally within [15] working days. If the student has not established grounds for appeal, the student has come to the end of the University appeals procedure. If the outcome is that the Deputy Vice Chancellor will not review the case or if a review goes ahead and the outcome is not in favour of supporting the student's appeal then the

student will receive a Completion of Procedures letter. If the student remains dissatisfied, they now have the opportunity to apply for a review by the Office of the Independent Adjudicator for Higher Education.

- 13.9. 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 a student is unhappy with the outcome they may be able to ask the OIA to review their appeal within 12 months of the date of the Completion of Procedures letter. 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 can be found here:

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

14. Data Protection

- 14.1. Details of a student's appeal will be kept confidential, except where the disclosure is necessary to progress the appeal or implement a decision on the appeal, or where it is required by law or in the public interest. If there are elements of an appeal which are particularly sensitive and a student has particular concerns about their confidentiality, the student is welcome to indicate this fact to appeals@hope.ac.uk who will discuss with the student how disclosure can be minimised.
- 14.2. Liverpool Hope University is committed to equality of opportunity and an inclusive environment for all students. Student should note on the Appeal Form if they have a disability that requires the University to make reasonable adjustments to accommodate their needs during the appeal process.

Appendix 1: Academic Appeal Panel Hearing Rules

1. Not all Academic Appeal Panels will hold a formal hearing, this is at the discretion of the Chair.
2. When a hearing takes place, the Panel will undertake to conduct it in a fair and proper way and consider all relevant information. The following process will normally be followed:
3. The Chair will ensure that introductions are made and the role of each person present is clear.
4. The Chair will invite the student to declare any matters which could impact on their participation in the hearing (e.g. ill health).
5. The Chair will outline the process which will be followed during the panel hearing.
6. The Chair will invite the student to outline the reasons for their appeal.
7. The Chair will invite the Head of School/Department (or nominee) to respond to any of the issues raised by the student.
8. Panel members may ask questions.
9. The student or Head of School/Department (or nominee) may call witnesses to present evidence.
10. The student or Head of School/Department (or nominee) shall question their witness(es).
11. Any questions for the witness(es) shall be addressed through the Chair.
12. Witnesses withdraw once their evidence has been heard and there are no more questions.
13. Commentary deemed by the Chair to be irrelevant, frivolous or vexatious will not be heard and will not be recorded.
14. Both the student and Head of School/Department (or nominee) shall have the right to make final submissions to the Panel. The student will speak first, followed by the Head of School/Department (or nominee). No new information is permitted at this stage.
15. Both parties will be asked to withdraw whilst the Panel reaches a decision.

- 16.** The standard of proof for the Panel when reaching a decision is on the balance of probabilities.
- 17.** The decision of the Panel will normally be communicated in writing, normally within 5 working days. The written response shall state whether the appeal has been upheld, partially upheld or rejected. If the appeal is partially upheld or not upheld, the outcome letter will constitute a 'completion of procedures' letter.