

## Chapter 6

### Students' right of appeal against Assessment Board or Research Degrees Committee decisions

Students subject to this procedure may ask the Office of the Independent Adjudicator for Higher Education (OIA) to review their case but only after the University's procedure has been exhausted. Information on the OIA scheme can be found at <http://www.oiahe.org.uk>.

#### 1 Definitions

- 1.1 A Student has the right to appeal for reconsideration of a decision by an assessment board or, in the case of a research Student, a decision of the Research Degrees Committee or Examiners:
  - 1.1.1 Concerning an assessment outcome in a module or modules or constituent parts of a non-modular programme, subject to the permissible grounds as in 1.3.
  - 1.1.2 Concerning the determination of progression or non-progression, or determination of an intermediate or final award, or a decision not to make an award or additionally, in the case of a research Student, a decision to end their registration or the outcome of the formal milestone.
- 1.2 A Student whose appeal is pending retains Student status, all liability for fees, and is entitled to proceed (provided that their other results do not bar the Student from doing so) until the appeal is resolved. Entitlement to proceed normally relates to theoretical work only and not to work-based learning (e.g. placement or practice).

- 1.3 The grounds on which a Student can appeal for reconsideration of an Assessment Board decision are limited to the following:

1.3.1 During the assessment or examination

There were demonstrable errors in the conduct of the examination or assessment or decision-making processes which are of such a nature as to cause reasonable doubt as to whether the result would have been different had they not occurred. Examples of this may include irregularities in a formal examination, irregularities in the setting or conduct of some other form of assessment, defective communications about an assessment or non-compliance with published documentation. Where possible, Students should provide evidence to substantiate any claims of demonstrable errors by the University during the assessment process.

1.3.2 During the marking and decision-making process

There are alleged errors in the University quality assurance processes of marking, internal and external moderation and/or consequent decision-making. Students are not permitted to question the academic judgement of the examiners, see point 1.5 below.

- 1.3.3 In considering whether the circumstances put forward by the Student fulfil this ground for appeal the Student Appeals and Conduct Officer (or nominee) will expect the Student to provide evidence that their expectations of the outcome of the assessment were markedly different.

- 1.3.4 These are examples of acceptable circumstances in relation to this ground for appeal but they do not represent an exhaustive definition of such circumstances.

- 1.4 Students on externally verified Further Education programmes may have an additional avenue of appeal. If an appeal is not resolved to the candidate's satisfaction, the matter may be referred to the External Verifier. In certain circumstances, a further appeal may be made to the head of the awarding body, whose decision will be final.

- 1.5 Disagreement with the academic judgement of an Assessment Board or Research Degrees Committee in assessing the merits of an individual piece of work cannot in itself constitute grounds for an academic appeal. In such cases the Student Appeals and Conduct Officer (or nominee) reserves the right to dismiss the appeal as being without substance (see paragraph 2.3).
- 1.6 Given that there are procedures for complaint and redress during the study period which Students should use at the time issues arise, allegations of inadequacy of tuition or supervision or any other arrangements during the period of study will not constitute grounds of appeal unless there are exceptional reasons why the matter was not raised until after the Assessment Board or Research Degrees Committee. This should be clearly stated in the appeal documentation submitted. In such cases the Student Appeals and Conduct Officer (or nominee) reserves the right to dismiss the appeal as being without substance (see paragraph 2.3).
- 1.7 Students should note that extenuating circumstances (including periods of suspension, debt hold or debt exclusion) are not grounds for an academic appeal and will not usually be considered by the University once a Student's marks (and/or award) have been verified by an Assessment Board or Research Degrees Committee.
- 1.8 In exceptional circumstances where a Student receives a retrospective diagnosis of a health condition or learning difficulty which they could not reasonably have known about at the time of their assessments the Student Appeals and Conduct Officer (or nominee) will consider such cases taking into account the individual circumstances of the Student and the medical and/or professional evidence supplied.
- 1.9 The Student Appeals and Conduct Officer (or nominee's) decision in such cases shall be final and not subject to review by any other University forum.

## **2 Process for conducting an appeal for reconsideration of a decision by an Assessment Board or the Research Degrees Committee**

- 2.1 Any Student wishing to appeal for reconsideration of the decision of an Assessment Board or the Research Degrees Committee shall give notice of the appeal in writing, using the standard University appeal form. The appeal form is available from Faculty Advice Centres; Student and Academic Services; the Doctoral College or can be found on the following webpage: [Academic appeals \(dmu.ac.uk\)](https://www.dmu.ac.uk/academic-appeals). It must be signed by the Student and submitted to the Student Appeals and Conduct Officer (or nominee) via post, in person or by email to [acasupportoffice@dmu.ac.uk](mailto:acasupportoffice@dmu.ac.uk). The form must indicate the grounds on which the Student is appealing, as listed in 1.3 above, and be accompanied by any available documentary evidence.
- 2.2 The appeal form, together with all the necessary documentation, should reach the Student Appeals and Conduct Officer and Deputy within 15 University working days of the published date for issuing results from the Assessment Board/ Programme Award Board concerned or the date of notification of a Research Degrees Committee decision.
- 2.3 The Student Appeals and Conduct Officer (or nominee) are empowered to dismiss an appeal at this stage if it should appear in their absolute opinion that the grounds of appeal are so lacking in substance that further consideration would not be justified.
- 2.4 If necessary, the Student Appeals and Conduct Officer (or nominee) shall seek an initial response to the appeal from the Student's Faculty/ the Doctoral College, which could include, but is not limited to, asking for evidence that Marking, Moderation and External verification procedures have been followed. The Student Appeals and Conduct Officer (or nominee's) decision to dismiss in accordance with paragraph 2.3 above shall be final and not subject to review by any other University forum.
- 2.5 A Student whose appeal has been dismissed by the Student Appeals and Conduct Officer (or nominee) at this stage may not seek reconsideration of this decision through the University's Student Complaints Procedure.

- 2.6 Where it appears to the Student Appeals and Conduct Officer (or nominee) that the academic appeal should be upheld or partially upheld, an offer of resolution shall be made that puts the Student back to the position they would have been in before the error occurred. This will be considered in discussion with the Faculty/ Doctoral College.
- 2.7 It is noted that an upheld appeal does not guarantee that a Student's mark will change, or that the outcome of an Assessment Board will change. It is not University policy to adjust results where an appeal is upheld, but to give Students a chance to perform to the best of their academic abilities.
- 2.8 If a Student is not happy with the resolution of the upheld academic appeal offered to them by the Student Appeals and Conduct Officer (or nominee), they may request their case to be heard at an Academic Appeals Panel. This request must be received by the Academic Support Office, in writing via email to [acasupportoffice@dmu.ac.uk](mailto:acasupportoffice@dmu.ac.uk) within 10 University working days of the date of the outcome letter. Failure to do so will result in the Student Appeals and Conduct Officer (or nominee's) decision standing.

2.9 The Academic Appeals Panel shall comprise:

- **Chair:**
  - The Vice-Chancellor,
  - The Deputy Vice-Chancellor,
  - A Pro Vice - Chancellor,
  - A Pro Vice Chancellor/Dean,
  - Associate PVC Research,
  - A Deputy Dean holding a doctorate degree (in the case of a research Student).
  
- **In the case of Students on taught courses,**
  - A member of the Academic Board,
  - Associate Dean (Academic),
  - Associate Professor (Quality) or nominee.
  
- **In the case of a research Student,**
  - A member of the Research Degrees Committee.
  
- The Director of Registry Services or nominee.
- A member of the Students' Union Executive Committee.

2.10 No panel members shall have been connected with the case.

2.11 The Academic Appeals Panel is empowered to examine appeals made to it under the grounds cited in sections 1.3.

2.12 The Student will be given notice of the hearing and the members of the Academic Appeals Panel in writing or via email. Due notice will be deemed to have been given if the notice and supporting information was sent by first class post and/or securely using an encrypted and password protected document to the Students University email and any personal email addresses provided by the Student, no less than 10 University working days<sup>1</sup> before the date of the hearing. If the Student does not attend the hearing, the hearing will go ahead in their absence.

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<sup>1</sup> Please note all timelines referred to within this chapter are subject to change as a result of University closure days, such as bank holidays and Christmas holidays

- 2.13 The Student is entitled to be accompanied by a Student Companion whose role is set out in the Glossary to these Regulations.
- 2.14 The procedure adopted by the Academic Appeals Panel shall be as follows:
- 2.14.1 The Panel will be sent all necessary and appropriate documentation 5 University working days prior to the hearing date.
  - 2.14.2 First the Student then Department representative may state their case, without any questioning by each other or the Panel.
  - 2.14.3 Once both have stated their case, Panel members may ask questions of the Student and the Academic representative and the Student and Department representative may ask questions, provided that questions are for clarification rather than cross-examination. All questions should be addressed through the Panel Chair.
  - 2.14.4 The Panel will retire to consider its decision in private. Once a decision has been reached the Student (and the Student Companion if present) and the Academic representative(s) return to the meeting room. The Panel Chair will read the decision of the Panel. The decision will be confirmed formally in writing thereafter.
  - 2.14.5 The Chair has general discretion to adjourn proceedings if necessary, for instance to seek expert advice where it is thought that the appeal is straying into technical areas of knowledge, and after such advice is received is entitled to reconvene the meeting. The Panel will share any further information, evidence or advice it has obtained with the Student and the Academic representative. The Panel will give both the appellant and the Faculty an opportunity to question any further information, evidence or advice for the clarification of matters of fact.

- 2.15 The Academic Appeals Panel is empowered to reach one of the following decisions:
- 2.15.1 That there are no grounds for the appeal and the original decision of the Assessment Board or Research Degrees Committee should stand.
  - 2.15.2 That the appeal is upheld and the decision giving rise to the appeal is set aside. The Academic Appeals Panel requires any assessed work concerned to be newly examined, either by the original examiners or by new examiners as determined by the Academic Appeals Panel. The Academic Appeals Panel shall also determine the conditions of this examination, consulting the Assessment Board or Research Degrees Committee if necessary.
  - 2.15.3 The appeal is upheld and the decision giving rise to the appeal is set aside. The Academic Appeals Panel grants the Student the opportunity to submit work for assessment as if for the first time, in the assessment concerned. The Academic Appeals Panel shall stipulate the timeframe for any resubmission for this replacement assessment, consulting the assessment board or Research Degrees Committee as necessary.
  - 2.15.4 The Academic Appeals Panel is also empowered to make recommendations to an Assessment Board and/or Research Degrees Committee regarding the conduct of business.
- 2.16 The decision of the Academic Appeals Panel is final and not subject to review by any other University body.



### **3 Records of academic appeals**

- 3.1 The Student Appeals and Conduct Officer or nominee shall keep appeal files for a minimum of two years (from the point of programme completion), together with any mediator notes, allowing Chairs of Panels to consult them as an archive resource if so required.

### **4 Behaviour**

- 4.1 If at any time during the appeals process the Students behaviour is considered vexatious or malicious, the University may decline to continue consideration of the appeal and / or make a referral under the Student Disciplinary Procedure.

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