

REGULATIONS

C3 Academic Appeals

Introduction

1. The Academic Appeals procedure allows a student to appeal against a decision of an Examination Committee, if it is believed an error has occurred under one of the grounds stated in this set of regulations. It is worth noting that before a grade can be published:
 - assessed work is marked then moderated under a Marking and Moderation Policy. These policies can be obtained from a Faculty.
 - all decisions (including marks awarded) are considered by the Examination Committees. An Examination Committee is responsible for assessment of specified modules and for considering student progress on specified subjects. The external examiners are in attendance.

If a student appeals against a grade received, they are appealing against the decision of the Chair of the relevant Examination Committee.

2. Written guidance on this procedure, including where to submit Academic Appeals, is available on the University website or from the Student Investigation and Resolution Team.

Grounds for an Appeal

3. A student may only request an appeal on one or more of the following grounds:
 - (a) there is evidence to suggest that the assessment was not conducted in accordance with the regulations for the programme.
 - (b) there is evidence to suggest that the process of assessment was affected by bias.
 - (c) there is evidence to suggest that there was an administrative error or some other irregularity in the conduct of the assessment causing the assessment decision to be significantly different.
 - (d) circumstances existed that affected performance in the assessment, and for a valid and compelling reason, the student did not apply for exceptional circumstances before the examination committee met

Exclusions

4. An appeal may not be submitted on any ground other than those listed above. For the avoidance of doubt, however, the following grounds are specifically excluded. A student may not raise an appeal stating:
 - (a) that poor teaching, supervision, academic advice or guidance affected their performance. In such circumstances a student may submit a complaint under the Student Complaint Procedure.
 - (b) that they disagree with the academic judgement of an examiner or of the Examination Committee in:
 - i. assessing the merits of an individual piece of work
 - ii. reaching any decision about their assessment, progression and/or exclusion based on the marks, grades and other information relating to their performance. (In such circumstances a student is advised to seek feedback from assessors about the grades awarded.)

These regulations apply to all students enrolled or registered for an award made by Oxford Brookes University, whether the programme is delivered directly by the University or through a collaborative arrangement with a partner institution.

The University will investigate all Academic Appeals as fully as possible. Therefore, students are not allowed to submit a subsequent Appeal if the content is substantially similar to one already considered.

Principles

5. The following principles allow the procedure to be accessible to all students. The Academic Appeals procedure aims to ensure students have the opportunity to seek redress if there are grounds to indicate an irregularity has occurred. Individuals and groups may raise academic appeals. For a group appeal, a lead appellant must be declared. The University will liaise with the lead appellant unless individual circumstances make it necessary to communicate with another appellant in the group.
6. Any student who wishes to raise an Academic Appeal should feel able to do so without fear of subsequent victimisation.
7. All staff and students are required to keep information relating to an Academic Appeal confidential, except where it is necessary to progress, investigate or respond. If there is an unnecessary breach of confidentiality, it may result in formal disciplinary action being taken through the Student or Staff Disciplinary Procedure.
8. The University recognises that there is appropriate conduct when submitting, pursuing or investigating Academic Appeals. Raising a vexatious appeal, or fabricating incidents or evidence is a breach of the Student Conduct Regulations and may lead to disciplinary action. The Procedure can only operate in a climate of mutual respect. It is understood that in upsetting or distressing circumstances, people may act out of character and may become persistent, angry or

upset. However, where it leads to aggressive behaviour, unreasonable demands or repeated related requests, it is considered unacceptable. The Academic Registrar reserves the right to suspend the Academic Appeals procedure if they consider the student is acting inappropriately and will write to the student to inform them of the reasons for doing so.

Procedure

9. The Student Investigation and Resolution Team can provide authoritative advice on the application and operation of these regulations. The Brookes Union Advice Service can provide advice independent of the University.

Raising an Appeal

10. All requests for an Academic Appeal must be completed on a Complaints and Appeals Form and should include:

- which of the grounds set out in paragraph 3 the request is based on
- clearly stated facts that support the appeal
- sufficient evidence to support the case being made
- the remedy the student is seeking

Please note that the assessment mark alone cannot be used as evidence to support your grounds for appeal.

11. All appeals must be received in full, within two months of the publication of the Examination Committee decision. If a student is unable to comply with that timescale but would like to submit an Appeal they must write to the Student Investigation and Resolution Team within two months of the publication date.

A time limit for the submission of the full request will be imposed. This request must include:

- a statement about why the appeal will be late, demonstrating that the circumstances which caused the delay were through no fault of the student and could not have been accommodated by them
- suitable evidence to demonstrate the reasons for lateness and why it was out of the student's control

12. It is the responsibility of the student to ensure that they raise all relevant issues and provide all relevant information and documentation at the point of submission.

13. The Student Investigation and Resolution Team may ask the student to submit further information and will set an appropriate time limit to do so. A student may not submit further material at a later date on the grounds that it was not requested earlier.

14. If the appeal, in the view of the Student Investigation and Resolution Team member, does not fall into one of the stated grounds, or is frivolous or vexatious, should be considered as a complaint, is unsubstantiated by evidence or there is no valid reason for not providing evidence, or late without valid reason, it will not be permitted to Level 1. The team member will inform the student of their reasons for their decision, normally within 10 working days from receipt of the Complaints and Appeals form.
15. If the student is dissatisfied with a decision made under paragraph 14, the student may request that it be reviewed by the Academic Registrar. Such a request must:
- be in writing to the Academic Registrar
 - be sent within 10 working days of receiving the response
 - must set out the full reasons why the student believes that the decision is incorrect
16. The Academic Registrar shall acknowledge the request, normally within 10 working days from receipt of the request.

If the request was late, without a valid reason, they shall not conduct a review and will write to the student to inform them, clearly stating that the complainant has now completed the University's internal academic appeals procedure, normally within 20 working days of the request.

If a review of the decision is carried out, the Academic Registrar shall inform the appellant in writing of the outcome and the reasons for it, normally within 20 working days of the request. If the Academic Registrar upholds the decision, the letter to the appellant shall clearly state that the appellant has now completed the University's internal complaint procedure.

Level 1 Academic Appeal – Investigator from the Student Investigation and Resolution Team

17. If the Student Investigation and Resolution Team member decides the Appeal is admissible under these regulations they shall refer the appeal to an Investigator from the Student Investigation and Resolution Team. The student will be informed of this referral, normally within 10 working days from receipt of the Complaints and Appeals Form.
18. The Investigator shall investigate the Appeal and provide an outcome, which may include a recommendation of action to remedy the appeal. They will review the student's appeal in consultation with members of the relevant Examination Committee and others as they deem appropriate. Any recommendation made is subject to the approval of the Academic Registrar or his nominee. The Investigator will respond to the student in writing, informing them of the Chair's decision, normally within 20 working days from the date of referral to Level 1. The letter to the student shall set out their options if they are dissatisfied with the decision and the relevant time limits.

Request at Level 2

19. If the student is not satisfied with the response from the Investigator, or they have not received a response within the timescale, they may request that their Appeal is considered at Level 2. A level 2 outcome may determine that a Level 1 outcome and / or recommendation is no longer appropriate. To do this the student must write to the Student Investigation and Resolution Team within 10 working days from the Level 1 response. If a response has not been received, the request must be received within 10 working days from the deadline. The request must clearly state:

- that the student would like the Appeal to be considered at Level 2 of the Academic Appeals procedure and the reasons for doing so
- the reasons why the student believes that the response is unsatisfactory
- the remedy the student is seeking

20. A member of the Student Investigation and Resolution Team may do one of the following:

- require further clarification of the request before proceeding further
- progress the appeal to Level 2
- grant the Level 1 responder up to 10 extra working days to respond, if there is good reason for the delay
- not permit the Appeal to go to Level 2, if the request is late

21. The member of the Student Investigation and Resolution Team shall respond to the request in writing, normally within 5 working days of receipt of the request to go to Level 2.

22. If the student wishes to submit a request to go to Level 2 beyond the 10 working days from the Level 1 response, they must provide a statement, with evidence, to explain why it is late in the same manner as described in paragraph 11 above.

Level 2 Appeal – Two members of the Student Investigation and Resolution Team

23. If the Appeal is considered at Level 2, investigators of the Student Investigation and Resolution Team, will review the Level 1 response. The reviewers will consider the student's submission at Level 2, their reasons for requesting a review, and any new information provided. One of the designated investigators will be responsible for providing the agreed response; which may include a recommendation of action to remedy the appeal. Any recommendation made is subject to the approval of the Academic Registrar or his nominee. The other investigator will moderate the decision. Both staff members will be named in the response. One investigator will respond to the student in writing, informing them of the Chairs' decision. The response will be provided normally within 20 working days from the referral to Level 2.

24. If the Appeal is not upheld at Level 2 this will be the termination of the University Academic Appeal procedure and a letter stating this will be sent to the student.

Further Review

25. If a student has completed the University's internal Academic Appeal procedure and they are still dissatisfied with the outcome, they may be able to refer their complaint to the Office of the Independent Adjudicator for Higher Education (OIA) providing that the complaint is eligible under the OIA's Rules. A letter stating that a complainant has completed the University's internal complaint procedure shall include information on the OIA and comply with the OIA's guidance for a "Completion of Procedures" letter.

Timescales

26. The University will endeavour to respond to any Academic Appeal as rapidly as possible. However, every Academic Appeal will need to be fully investigated and this may mean that a response cannot be given as quickly as either party would wish, particularly if the Appeal is complex, extensive, or was submitted at a time when key staff were away from the University. The table below sets out the expected time limits that will apply for most Academic Appeals. These may be varied by the University where there is good reason to do so.

University Stage of Procedure	Timescale*	Responsibility
Submission of Complaints and Appeals Form	Within two months from the publication of the Examination Committee decision	Student
Acknowledgement of Complaints and Appeals Form	5 Working Days from Submission of Complaints and Appeals Form	Student Investigation and Resolution Team
Initial Response (Admissible or not)	10 Working Days from Submission of Complaints and Appeals Form	Student Investigation and Resolution Team
Student Requests a Review of Decision	10 Working Days from Response letter	Student
Acknowledgement of review request	10 Working Days from Student review request	Academic Registrar
Academic Registrar Response to Review Request	20 Working Days from Student Request	Academic Registrar
Level 1 Response	20 Working Days from referral to level 1	Investigator

Student Request Progress to Level 2	10 Working Days from Level 1 Response letter	Student
Acknowledgement of Level 2 request	5 Working Days from Level 2 Request	Student Investigation and Resolution Team
Level 2 Response	20 Working Days from referral to Level 2	2 Investigators

*The University defines a 'working day' as Monday-Friday excluding bank holidays and other days when the University is closed.

Other Procedural Matters

27. In the event of any uncertainty about the Academic Appeals regulations, the Student Investigation and Resolution Team will interpret this procedure upon receipt of a written request to do so and shall confirm their interpretation in writing.
28. Throughout the process, the Academic Registrar may nominate an alternative member of staff to act on behalf of any staff member assigned a role within this procedure.
29. If, in the judgement of the Head of the Student Investigation and Resolution Team a staff member has too close a personal or professional association with the appellant they will not be responsible for investigating the appeal. If this inadvertently occurs, the Head of the Student Investigation and Resolution Team will designate an alternative member of staff who does not give rise to such a concern.
30. The Student Investigation and Resolution will record and monitor all recommendations made and will ensure they are acted upon by the relevant staff members. Each year, the team will create an annual report setting out the key features, the outcomes and any changes that have been made in response to all Academic Appeals that have been initiated during the previous academic year. This report shall be copied to the Academic Registrar who shall present a summary report to Q-LIC and the Academic Board.
31. If one or more recommendations are made to an Examination Committee and they are not implemented, this shall be reported to the Academic Board, which will decide what action, if any, to take. If one or more recommendations are made to a Faculty or Directorate and they are not implemented, this shall be reported to the appropriate member of the Senior Management Team.
32. The use of covert recording (video/audio) is contentious. The Academic Registrar (or nominee) will consider carefully on a "case-by-case" basis whether such a recording should be admitted into Academic Appeals proceedings, having considered the relevant legal tests. The decision of the Academic Registrar is restricted to the Academic Appeal procedure only. It does not preclude other action being taken by the University or any other third party affected (such as by those

being recorded) for breaches of privacy laws, the Student Conduct Regulations and criminal offences, for example

For further information about these regulations, please contact the Deputy Director of Academic and Student Administration (Academic Policy and Regulations).

Approved by: Board of Governors, 26 November 2014

Updated: Academic Board, 3rd July 2019