

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 Disputes Officers in Student Central.

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.

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 mitigating circumstances adversely affected their performance in an assessment and/or that an inappropriate allowance was made for such circumstances. In such circumstances a student must use the Mitigating Circumstances Regulations, including the procedures in those Regulations for appealing against a decision in relation to mitigating circumstances.
 - (b) 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.
 - (c) 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 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 Disputes Officer 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 Disputes Officer within two months of the publication

date. The Student Disputes Officer will impose a time limit for the submission of the full request. 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 Disputes Officer 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 Disputes Officer, does not fall into one of the stated grounds, or is frivolous or vexatious, 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 Student Disputes Officer 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 of the Student Disputes Officer 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 Student Disputes Officer response
- must set out the full reasons why the student believes that the decision of the Student Disputes Officer 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 of the Student Disputes Officer 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 of the Student Disputes Officer, the letter to the appellant shall clearly state that the appellant has now completed the University's internal complaint procedure.

Level 1 Academic Appeal – A Chair from an Examination Committee within the Relevant Faculty

17. If the Student Disputes Officer decides the Appeal is admissible under these regulations they shall refer the appeal to The Chair of the Examination Committee. The student will be informed of this referral, normally within 10 working days from receipt of the Complaints and Appeals Form.
18. The Chair of the Examination Committee shall investigate the Appeal. They will review the student's appeal in consultation with members of the relevant Examination Committee and others as they deem appropriate. The Student Disputes Officer 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 Chair of the Examination Committee, or they have not received a response within the timescale, they may request that their Appeal is considered at Level 2. To do this the student must write to the Student Disputes Officer 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. The Student Disputes Officer 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 Student Disputes Officer 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 Chairs of Examination Committees

23. If the Appeal is considered at Level 2, two Chairs of Examination Committees, from an alternative Faculty (to the decision in question) 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 Chairs will be responsible for providing the agreed response; the other Chair will moderate the decision. Both Chairs will be named in the response. The Student Disputes Officer 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 Disputes Officer
Student Disputes Officer Response (Admissible or not)	10 Working Days from Submission of Complaints and Appeals Form	Student Disputes Officer
Student Requests a Review of SDO Decision	10 Working Days from SDO Response letter	Student
Acknowledgement of review request	10 Working Days from Student Request	Academic Registrar
Academic Registrar Response to Review Request	20 Working Days from Student Request	Academic Registrar
Level 1 Response	20 Working Days from SDO Response letter or AR Response Letter (or 30 working days if extension given)	SEC Chair
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 Disputes Officer
Level 2 Response	20 Working Days from referral to Level 2	2 SEC Chairs from Outside of the Faculty.

*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 Disputes Officer shall 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 Student Disputes Officer, 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 Student Disputes Officer will designate an alternative member of staff who does not give rise to such a concern.
30. The Student Disputes Officer will record and monitor all recommendations made to Examination Committees and will ensure they are acted upon by the relevant staff members. Each year, the Student Disputes Officer 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 AESC 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.

For further information about these regulations, please contact the Associate Director, Directorate of Academic and Student Affairs.

Approved by: Board of Governors, 26 November 2014

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