

Academic Appeals Procedure

1 Introduction

- 1.1 An academic appeal is an appeal against a decision about grades, progression or awards, which has been made by an examination committee, as set out in [section 6.17.1](#) of the University Regulations for Study. The Academic Appeals Procedure described here sets out the formal processes that must be followed where a student - or group of students - wishes to make an application under this regulation. It applies to all students enrolled for any Oxford Brookes award (other than a research degree - see below) including awards where teaching takes place at a partner organisation. The procedure also applies to these students after their enrolment has ended, for two months after the publication of their final grades.
- 1.2 Further guidance for students wishing to make an appeal can be found on the [Academic Appeals webpages](#)
- 1.3 Separate procedures apply to appeals made by research degree students, which are managed by the Research Degrees Team - please see [section 6.17.2](#) of the Regulations for Study.
- 1.4 Repeated use of the Academic Appeals Procedure

The University has a responsibility to monitor the progress of students throughout their studies and intervene where progress is not being made at the expected rate. Where a student is not moving through the levels of their studies at the expected rate because their circumstances are causing them to make multiple academic appeals, the University may contact the student to identify any underlying issues or additional support needs. In certain circumstances, it may be appropriate for the University to commence the Fitness to Study procedure, which can be found on the [Student Welfare](#) webpages.

2 Submission of an academic appeal

- 2.1 Students may only request an academic appeal against a decision about a grade or an outcome which has been formally agreed by an Examination Committee, and if they can demonstrate one or more of the following grounds:
 - (a) there was an administrative error or procedural irregularity in the assessment process, which significantly impacted the assessment decision;
 - (b) the process of assessment was affected by bias;

- (c) the student's performance in the assessment was affected by relevant exceptional circumstances, but for valid reasons the student did not make an exceptional circumstances application before the final deadline prior to the examination committee

2.2 The following categories of appeal will not be considered:

- (a) appeals against informal results which have not yet been ratified by an Examination Committee;
- (b) appeals which are submitted more than two months after the publication of the Examination Committee decision that is being appealed, except where the student has provided evidence to demonstrate that they were unable to appeal at an earlier stage for good reasons beyond their control;
- (c) appeals which amount to disagreement with academic judgment, which means a judgment made about a matter where only the opinion of an academic will suffice, for example, in respect of the assessment criteria applied and marks awarded for a piece of work.
- (d) appeals which are not substantiated by evidence, where no valid reason has been provided for this;
- (e) appeals against a result which has previously been the subject of an appeal, where the content of the appeal is substantially similar;
- (g) appeals which would be more appropriately considered under one of the University's other procedures, e.g. concerns that a student's performance was adversely affected by the quality of teaching, advice or guidance should be referred to the [Student Complaints Procedure](#)
- (h) appeals based on the student being unaware of any of the University's available procedures, such as the [Exceptional Circumstances Procedure](#)
- (i) appeals which are frivolous or vexatious - e.g. any appeal/complaint made with the intention of causing annoyance or distress, or where a student is being rude or unreasonable is considered to fall below the standards of behaviour expected at Oxford Brookes; and a student acting in this manner may be subject to disciplinary action under the [Student Conduct Procedure](#)

2.3 To submit an academic appeal, a student should complete a Complaints and Appeals Form and submit it in accordance with the instructions on the form. It is the responsibility of the student to ensure that, at the point of submission, they raise all relevant issues and provide all relevant information and documentation that they wish to be considered. Evidence submitted later will not normally be considered, unless the student can demonstrate they were unable to provide it earlier. It should be noted that the Student Investigation and Resolution Team are not responsible for obtaining information on behalf of the student.

2.4 Academic Appeals should normally be submitted directly by the student themselves, and not by someone acting on their behalf. However, if, for example, the student has a disability, which makes it difficult for them to engage in the procedure, then they may apply to appoint a representative. They should do this by contacting the Student Investigation and Resolution Team (via sirt@brookes.ac.uk) with the following information:

- the reasons why they need a representative,
 - the name and contact details of who will represent them, and
 - giving permission for the University to discuss all confidential matters with the representative.
- 2.5 If there is a representative handling the appeal on behalf of the student, the Student Investigation and Resolution Team will normally correspond only with the representative about the academic appeal. They will usually accept information only via the representative and not from the student directly.
- 2.6 The University will make reasonable adjustments to these procedures where possible, when it is reasonable to do so to prevent any student from suffering a substantial disadvantage as a result of a disability. Those requiring reasonable adjustments are expected to inform the Student Investigation and Resolution Team and adjustments will be considered and agreed where possible.
- 2.7 The University will aim to complete each stage of the process within the timescales stated above, and complete an entire academic appeal (i.e. application to end of Level 1) within 90 days. Due to the potential length of an investigation, it is normally better for students to submit an application as early as possible. The timing of the outcome may affect upon potential outcomes.
- 2.8 The University will endeavour to respond to any academic appeal as rapidly as possible and within the stated timescales set out. However, every academic appeal will need to be fully investigated - if an academic appeal is particularly complex or extensive, or is submitted at a time when key staff are away from the University, this may mean that a response cannot be given within the timescales indicated. If this is the case, the Student Investigation and Resolution Team will keep students updated about the progress of their academic appeal.

3 Initial evaluation - is the appeal eligible?

- 3.1 Upon receipt of the academic appeal, the student will receive an acknowledgement within five working days. A member of the Student Investigation and Resolution Team will undertake an initial evaluation to check that the appeal is eligible for consideration, i.e. that it:
- (a) has been submitted under the correct procedures,
 - (b) falls within the grounds upon which an appeal can be made, in line with paragraph 2.1,
 - (c) does not fall into one of the categories listed in paragraph 2.2, which will not be considered.
- 3.2 If the criteria listed in paragraph 3.1 are met, then the appeal is eligible to proceed to a Level 1 investigation.
- 3.3 The student will be informed whether the appeal is eligible or not, normally within 10 working days of submission of the Complaints and Appeals Form.

- 3.4. If the student is dissatisfied with a decision that all or part of their appeal is not eligible, they may request a review within 10 working days of the date the decision was issued to them. When requesting a review of the eligibility decision, students must state:
- why they feel the decision was not made in accordance with these procedures, and
 - why, if there is new evidence, they were not able to provide this with the original appeal submission.

Late requests will be considered only if evidence is provided to demonstrate that it could not have been made earlier.

- 3.5 The review will be carried out by a member of the Student Investigation and Resolution Team, and the reviewer will not have been involved with the initial decision. They will consider the reasons that the student has given about why they feel the eligibility decision is incorrect. They will normally send an outcome letter within 20 working days of the review request. If they uphold the original decision, they will issue a Completion of Procedures letter. If they reverse the initial decision, the academic appeal will proceed to Level 1.

4 Level 1 investigation

- 4.1 The investigator will not normally meet with the student, instead making a decision based on the evidence that has been provided to them. They may also ask the student to submit further information, and set a deadline for this information to be provided. At the investigator's discretion, they may talk to key staff, the student and/or the student's academic department may be asked to comment on the academic appeal. Students can request that the investigator does not liaise with particular staff, but it may limit the scope of the investigation. If a student meets with the investigator, they are entitled to have someone else in attendance as support.
- 4.2 Evidence requirements will be proportionate to the nature of the appeal, and will therefore vary depending on the circumstances. However, it must be:
- (a) Relevant to the case - where an appeal is made on the grounds of exceptional circumstances (2.1(c)), it should provide independent confirmation about the nature of the exceptional circumstances, the timeframe over which the circumstances impacted on the student concerned, and, where possible, be specific about how the student was affected;
 - (b) Comprehensible - in a form that can be easily understood by the members of the Student Investigation and Resolution Team who will consider the case.
- 4.3 Outcomes of the consideration of academic appeals, and the reasons for them will be communicated in the outcome letter sent to the student. The Level 1 outcome will normally be sent to the student within 20 working days from the referral to Level 1. If any aspect of the academic appeal has been found justified, then the outcome letter should explain what the University will do to put things right, and when this will be done. Most appeals are found to be either Justified (accepted) or Not Justified (declined). However, where an appeal has multiple elements, a conclusion of Partly Justified may be applied - in that case, the outcome letter will clearly state which elements of the appeal have been accepted and which have not.

- 4.4 If the student is dissatisfied with the Level 1 academic appeal outcome, they can request a Level 2 review of this decision, on one (or more) of the following grounds:
- (a) that the procedures were not properly followed during the Level 1 investigation;
 - (b) that the outcome was one that no fair and reasonable person could have made on the basis of the evidence;
 - (c) that there is new, relevant evidence, which the student can demonstrate they were unable to provide earlier for, reasons beyond their control.
- 4.5 A Level 2 review request should be submitted in writing, within 10 working days of the issue of the Level 1 outcome, unless there is evidence to demonstrate why it could not reasonably have been submitted earlier. In their request for a Level 2 review, the student should:
- clearly state the grounds for review of the Level 1 decision,
 - provide any evidence to support this,
 - explain what remedy they are seeking.

5 Level 2 investigation (review of Level 1 outcome)

- 5.1 Normally, two reviewers from the Student Investigation and Resolution Team, who have not previously been involved in considering the case, will be appointed to consider the academic appeal at Level 2. Both reviewers need to agree on the outcome. If the reviewers cannot agree then a third member of staff will be consulted, and the majority decision will determine the outcome.
- 5.2 As this is a review, the reviewers will not normally consider the issues afresh or conduct a further investigation into the specific issues raised. If it is decided that one or more of the grounds for a Level 2 academic appeal have been met, then the reviewers have the authority to amend the Level 1 outcome.
- 5.3 The Level 2 outcome will normally be sent to the student within 20 working days of the request to proceed to level 2. If any aspect of the academic appeal has been found justified, the outcome letter should explain what the University will do to put things right, and when this will be done.
- 5.4 If the Level 2 academic appeal has been found Not Justified, then a Completion of Procedures letter (see 6.2 below) will be issued to the student.

6 Potential Outcomes

- 6.1 Marks cannot be changed based on speculation that a student would have performed differently if circumstances had been different. Marks and pass grades cannot be awarded unless it has been demonstrated that a student has met the required academic standard. Therefore, possible outcomes from justified academic appeals are:
- correcting an administrative mistake which has been made,
 - providing an uncapped further opportunity to take the assessment, (in these

- circumstances, the student will not receive a mark for the original assessment)
- arranging for an alternative marker,
- issuing an apology.

6.2 The Investigator will make recommendations to the examination committee, but it may not always be possible to implement them, e.g. if the student has otherwise failed the course and potential resits would not alter this, or if there is an ongoing fitness to practice concern.

In these circumstances, the examination committee will let the student know why it has not been possible to implement the recommendations.

The timing of the outcome may affect upon potential outcomes, so it is normally better for students to make an academic appeal as early as possible.

7 Completion of Procedures

7.1 The [OIA](#) is an independent review body set up to review student complaints about higher education providers in England and Wales when students are dissatisfied with the outcome of an internal investigation. If a student has completed the University's internal procedure for consideration of their academic appeal and they are still dissatisfied with the outcome, they may be able to refer their case to the OIA, providing that the complaint is eligible under the [OIA's rules](#).

7.2 A Completion of Procedures letter, confirming that there is no further avenue for the case internally and providing information about how they can take their case to the OIA, will be automatically issued within 28 days in the following circumstances:

- (a) If the student's academic appeal was found ineligible and a review did not overturn that decision;
- (b) If the student is dissatisfied with the Level 1 outcome and has notified the University that they do not meet the grounds for a Level 2 academic appeal;
- (c) If the student's academic appeal was found to be Not Justified at Level 2;
- (d) If the student's academic appeal was considered at Level 2 and was justified or partly justified, but the student has stated that they are dissatisfied with all or parts of the outcome.

7.3 Normally, a student will not be able to take their case to the OIA without a Completion of Procedures letter; and the time limit for taking a case to the OIA is 12 months from the date of the Completion of Procedures letter.

Updated May 2023 - general updates/clarifications.