

# Procedure for Academic Appeals and Review of Assessment-Related Matters



# Contents

About this procedure	3
Introduction and Context	3
Grounds for Academic Appeal	3
Remedies	5
Stages of the Procedure	5
Timescales and communication of decisions	9
Office of the Independent Adjudicator	9
Recording and Monitoring	9
Additional Information	10
Support and Guidance	11
Version Control Statement	12



## About this procedure

The Procedure for Academic Appeals sets out the grounds and procedures through which students can appeal Assessment Board decisions, along with the remedies for upheld appeals.

### Introduction and Context

**1.1** The University's Assessment Boards are, as committees of the **Academic Board**, responsible to the Academic Board for the assessment of students. Except as provided for in this Procedure, no decision of a properly convened, constituted and conducted University Assessment Board, acting within the University's regulations, may be modified by any authority within the University. In the context of appeals from postgraduate researchers, the term 'Assessment Board' in this procedure should be taken to mean the body making a decision on the registration (RD1), transfer (RD2), annual review (RDAR) and examination stage.

**1.2** In reaching a final decision on a student's assessment, an Assessment Board may take into account such other factors as it deems appropriate. It is in the interest of students to ensure that the relevant Assessment Board is aware of any **mitigating circumstances** which may have adversely affected their performance in assessment.

**1.3** This Procedure applies to:

- i) the final stage of all undergraduate and taught postgraduate programmes where the recommendation concerning an award is made by an Assessment

Board of the University (and thus a Committee of the Academic Board);

- ii) all intermediate stages of programmes where student progress is at the discretion of the University.

- iii) all assessment points within the postgraduate researcher journey, i.e., registration (RD1), transfer (RD2), annual review (RDAR) and examination stage

**1.4** This Procedure provides for:

- i) early resolution of students' assessment-related issues and concerns through results surgeries;

- ii) early review of assessment-related matters through consideration by the Student Case Management Team.

- iii) formal consideration of academic appeals through University Appeals Panels;

- iv) the review of decisions of University Appeals Panels, on limited grounds.

### Grounds for Academic Appeal

**2.1** A student may use this Procedure where s/he considers that the following grounds apply:

a material error had occurred in the conduct of their assessment, or that the examinations or assessments or the

proceedings of the Assessment Board or other relevant body were not conducted in accordance with the relevant regulations or that some other material irregularity in the conduct of their assessment had occurred and that the error, conduct or irregularity was of such a nature as to cause reasonable doubt as to whether their result might have been different had it not occurred.

In addition, in all cases that are considered through the formal and the review stages of this Procedure, consideration will always be given to whether there is evidence of bias or perception of bias, and whether the outcome is reasonable and proportionate in the circumstances.

**2.2** A student may also appeal against an academic misconduct penalty decision, on one or more of the following grounds:

- i) that there was mitigation for their actions that they did not submit at the Investigation or Assessment Disciplinary Panel stages;
- ii) that the proceedings of the Investigation or Assessment Disciplinary Panel were not conducted in accordance with the relevant regulations or that some other material irregularity had occurred and that the conduct or irregularity was of such a nature as to cause reasonable doubt as to whether the decision might have been different had it not occurred.
- iii) That there is new material evidence that they were not, for valid reasons, able to submit at an earlier stage of the process.
- iv) That the penalty imposed was disproportionate, or not permitted under the procedure.

**2.3** A student may also appeal against the decision on an Assessment Mitigation claim on either or both of the following grounds:

i) that the decision on their Assessment Mitigation claim was not reasonable (including any decision that their claim or supporting evidence was submitted too late to be considered)

ii) that the correct procedures were not followed in the consideration of their claim

If students wish to submit additional evidence to support an Assessment Mitigation claim they should submit this through the Assessment Mitigation process.

**2.4** The Procedure may not be used:

i) to challenge the academic judgment of Assessment Boards in reaching a decision on progression or on the final level of award, based on the marks, grades and other information relating to a student's performance. Any such cases will be rejected;

ii) to express dissatisfaction with results where a case cannot be made under section 2.1 above;

iii) to pursue allegations that poor teaching, supervision or guidance affected performance. These matters should normally be progressed through the **Student Complaints Procedure**.

**2.5** Students should be encouraged to disclose any disability they feel may be relevant to their case. University staff should ensure that in managing the operation of this Procedure for such students, any reasonable adjustments are made to ensure the students are adequately supported. However, students cannot use this Procedure to request alternative assessment methods that have not been previously identified in a **Personal Learning Plan**. A disability does not exempt a student from demonstrating achievement in the learning outcomes required for their course, although an alternative means of assessment may be

specified in a **Personal Learning Plan**.

**2.7** This procedure does not cover complaints which have already or are currently being considered by the Office of the Independent Adjudicator for Higher Education (OIA), a court or tribunal.

## Remedies

**3.1** Where an appeal is upheld a standard remedy appropriate to the circumstances will be applied. Panels must not amend marks, other than to correct an error of calculation.

**3.2** Where a University Appeals Panel upholds a claim but there are complex circumstances, for which a standard remedy might not be appropriate, the Panel Chair will consult with the Chair of the Assessment Board to ensure that the remedy is academically and/or professionally practicable.

**3.3** Where an appeal from a postgraduate researcher is upheld, the normal remedy is a further opportunity to take the examination, with or without a further period of supervision. The Panel may also sanction the appointment of new examiners through the normal appointments process, if, following invitation, the original ones signify that they are no longer available. The Panel has the authority to implement such remedies, but shall report them to the Academic Board Research Degrees Committee. Exceptionally, the Panel may recommend that the decision of the original examiners should be annulled and that new examiners shall be appointed. On receipt of a clear statement of reasons, the Committee shall approve or dismiss this recommendation. They shall provide an explanation for any dismissal, but there shall be no right of appeal against this decision.

## Stages of the Procedure

**4.1** The Procedure comprises the stages that are set out below. Students will be required to submit all academic appeals and requests for review of assessment-related matters on a standard form, which will be used as the basis for the

### Early resolution through results surgeries

**4.2** Results surgeries will be held at departmental or faculty level, after students have been notified of their results. The surgeries will give students an opportunity to seek clarification of their results and/or to discuss concerns with a member of staff. Each faculty and collaborative partner institution will determine how and by whom results surgeries will be conducted. Students will be strongly encouraged to make use of a results surgery before they make a decision about whether to take a matter forward to the next stage.

### Early resolution through results surgeries

**4.3** Where students do decide to pursue a matter relating to the outcome of their assessment, initial review will be undertaken by the Student Case Management team. Where there appears to be an irregularity or error the Student Case Management team can recommend to the student's Head of Department, Chair of the relevant assessment board, or Programme Leader that this is addressed. If a change to assessment status is approved the student will be informed of the change and that their appeal will not proceed to the University Appeals Panel unless they request this.

**4.4** Where a recommendation of the Student Appeals and Complaints Manager is not approved the case will automatically proceed to the formal stage of the appeals procedure. The University Appeals Panel will not be told about the recommendation or the refusal.



**4.5** The Student Case Management team may refer all or part of any appeal for consideration through another procedure such as the complaints or Assessment Mitigation procedures.

**4.6** The Student Case Management team may invite the student to provide further evidence or information before making a decision on their case.

**4.7** Where, following initial investigation, an appeal appears to fall outside the permitted grounds for appeal, and it is not directed to another procedure, the appeal will not automatically proceed to the formal stage. In such cases an email and letter will be sent to the student explaining why the appeal falls outside the permitted grounds. Students will have 14 calendar days to request consideration at the formal stage. No further action will be taken on the case unless a request for formal consideration is received.

**4.8** Where the Student Case Management team do not identify a clear irregularity the case will proceed to the formal stage of the appeals procedure.

#### **The formal stage of the academic appeals procedure**

**4.9** The formal stage of the academic appeals procedure will be undertaken by University Appeals Panels, which will be convened and chaired by a senior officer nominated by the Registrar and will also include:

i) two academic appeal assessors, who will be senior members of academic staff of the University with appropriate experience and no prior involvement in the cases that are under consideration;

ii) an elected Sabbatical Officer or other student representative of the Students' Union

**4.10** Only those cases that are considered by University Appeals Panels will be formally recorded as academic appeals.

**4.11** As part of the investigation that is undertaken of every appeal, University Appeals Panels will consider whether there is evidence of bias or perception of bias, and whether the outcome is reasonable and proportionate in the circumstances.

**4.12** Where the facts and evidence of a case are complex or contentious, the Chair of a University Appeals Panel may invite the student and a representative of the Assessment Board to attend the Panel meeting in order to explain their position. Students will have the right to be accompanied when attending a meeting of a University Appeals Panel.

#### **The review stage of the academic appeals procedure**

**4.13** Students who are dissatisfied with the outcome of the formal stage will be able to request a review on the following grounds only:

i) that the correct procedures were not followed in the consideration of their case through the earlier stages of the Procedure;

ii) that the outcome of the formal stage of the academic appeals procedure was not reasonable;

iii) that there is new material evidence that for good reason was not available at the earlier stages of the Procedure.

**4.14** The reviewer will be an academic Head of Department who had no previous involvement in the particular case s/he is reviewing. Reviewers will be supported by the Student Case Management Team. In all cases, reviewers will also be asked to consider whether there is evidence of bias or perception of bias.

**4.15** New or additional grounds for appeal cannot be raised at the review stage.

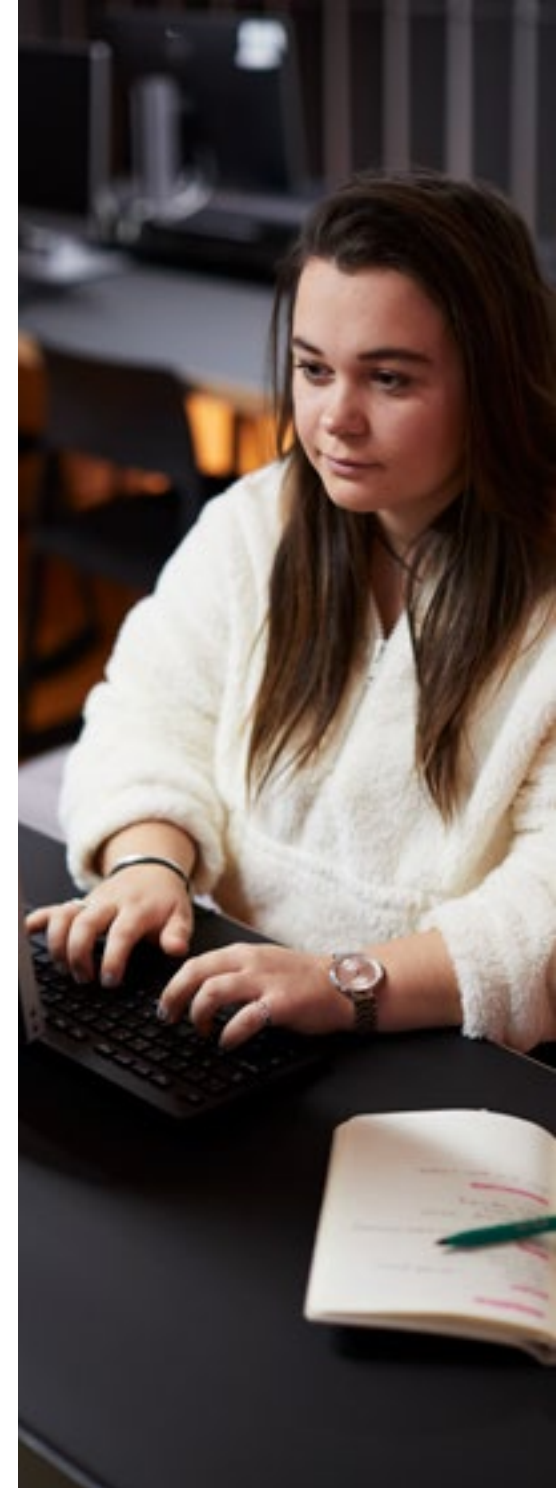
**4.16** The University may, in exceptional circumstances, terminate an appeal at any stage where a student's behaviour

in relation to the appeal is deemed unacceptable or disruptive. In such cases, the University may also invoke the disciplinary procedures in the Student Code of Conduct.

Examples of unacceptable or disruptive behaviour could be (but are not limited to):

- Audio/visual recording of meetings without written permission from the Student Case Management team;
- Threatening, intimidating or abusive behaviour towards any member of staff connected with the appeal process;
- Any attempt to interfere with the consideration of the appeal;
- Sending excessive communications, via any medium, to the Student Case Management team;
- Providing false or manufactured evidence or information as part of the appeal process.

**4.17** If the student has not provided adequate information to consider the appeal, and they fail to engage with the Student Case Management team to address this, then an investigation may be terminated. Students will be given 14 days notice of the potential termination, with a final chance to respond.





## Timescales and communication of decisions

**5.1** The closing date for the submission of a request for the review of an assessment-related matter will be 14 calendar days after the publication of the relevant assessment result. Where a request is received later than this and the University Appeals Panel does not consider there are reasonable grounds for the delay the student will be informed that their case has not been considered. Students can request a review of this decision on the grounds listed in 4.14.

**5.2** The formal and review stages of this Procedure will be completed within 90 calendar days. The 90 day period will begin when a case proceeds to the formal stage.

**5.3** Summary decisions of University Appeals Panels, giving the outcome of the appeal with brief details, will normally be sent to students within 7 calendar days of the meeting of the Panel. A report will normally then be sent within 28 calendar days of the summary decision. This will identify the evidence used, the findings of fact, the regulations applied, the reasons for the Panel's decisions, any remedy that has been identified, and instructions on what to do next.

**5.4** The student will be given 14 calendar days in which to request a review. If the student does not request a review within that time, the decision of the Panel will be confirmed as the final outcome. In these circumstances students can request a CoP letter.

**5.5** Outcomes of reviews will normally be sent to students within 28 calendar days of the central Student Case Management Team receiving their request for a review. If the appeal is still not upheld the students will receive a CoP letter. If the appeal is upheld students can request a CoP letter.

**5.6** In any case where an outcome cannot be communicated within the normal

timeframes that are set out above, the student will be notified of the reason(s) for this and given a revised timeframe.

## Office of the Independent Adjudicator

**6.1** Once all stages of this Procedure have been exhausted, students have the right to refer the case to the **Office of the Independent Adjudicator (OIA) for Higher Education** for further review. An application to the OIA must be made within 12 months of the issue of a Completion of Procedures letter.

**6.2** In considering academic appeals, the OIA will assess whether MMU procedures were properly followed, whether these procedures were reasonable, and whether the final decision was reasonable in all the circumstances.

**6.3** Full details regarding the OIA's rules and guidelines are available via [www.oiahe.org.uk](http://www.oiahe.org.uk).

## Recording and Monitoring

**7.1** A record of all appeals considered by University Appeals Panels will be maintained by the Student Case Management Team.

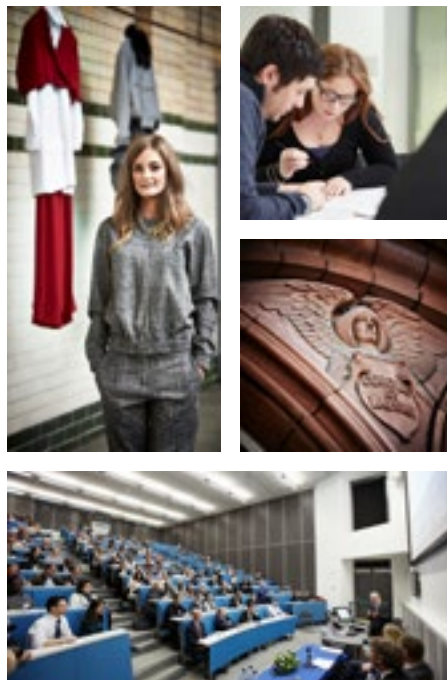
**7.2** Appeals shall be monitored to identify trends, areas of good practice and where improvements could be made.

**7.3** The Student Case Management Team will prepare an annual report on academic appeals for the University's Education Committee. Recommendations from this report shall be used to enhance the quality of the student experience by informing the future development of University practices, procedures and activities.

# Additional Information

This Procedure forms part of the University's regulatory framework. Other institutional Policies and Procedures that relate to Assessment include:

- **Undergraduate Assessment Regulations**
- **Taught Postgraduate Assessment Regulations**
- **Procedure for Addressing Academic Misconduct**
- **Assessment Mitigation Procedure**
- **Student Complaints Procedure**
- **Assessment Arrangements for Disabled Students**
- **Procedure for the Suspension and Expulsion of Students on the Grounds of Professional Unsuitability**



# Support and Guidance

Further support and guidance in relation to these Assessment Regulations is available from the following locations:

Assessment Regulations website  
[www.mmu.ac.uk/assessment-regulations](http://www.mmu.ac.uk/assessment-regulations)

Student Hubs  
[www.mmu.ac.uk/students/hubs](http://www.mmu.ac.uk/students/hubs)

Students' Union Advice Centre  
[www.theunionmmu.org/your-advice-centre](http://www.theunionmmu.org/your-advice-centre)

Telephone: **0161 247 6533**  
Email: [s.u.advice@mmu.ac.uk](mailto:s.u.advice@mmu.ac.uk)



# Version Control Statement

Version:	1.5		
Document Title:	Procedure for Academic Appeals and Review of Assessment-Related Matters		
Author Name:	Student Case Management Team		
Approved:	17 June 2015		
Approved By:	Academic Board		
Review Date:	17 June 2023		
Amendments since Approval	Detail of Revision:	Date of Revision:	Approved by:
	- Amendment to 1.1, 1.3, 3.3, 4.8 to include PGR students within the scope of this policy. - Minor amendment to 4.3, 4.4, 4.7, 5.3 to clarify timescales and responsibilities.	8 June 2016	Academic Board
	Amendment to 1.4, 2.1, 2.3, 3.1, 3.2, 4.1, 4.3, 4.4, 4.5, 4.6, 4.14 & 5.1 to reflect changes to Exceptional Factors procedures and discontinuation of FEFAR Panels	30 June 2017	Academic Board
	Amendments to 2.2, 3.1, 4.3, 4.6, 4.8, 4.9, 4.10, 5.2, 5.5, 7.3	30 July 2019	Education Committee
	Amendment to 4.9 ii	15 June 2022	Education Committee
	Amendment to 2.2, addition of 4.15, 4.16, 4.17	21 June 2023	Education Committee