# APPEALS REGULATIONS AND PROCEDURES

Issued by the Standards and Enhancement,
2021-22 Edition

Approved by Senate March 2018

Technical updates of this document is undertaken on an annual basis to reflect changes to the University's organisational and management structures and to incorporate earlier, approved amendments to related policies, procedures and regulations

This document relates to the current year. If you become aware of any previous versions that are available on line please notify SEO@bolton.ac.uk so that action can be taken to remove the document(s).

# REGULATIONS FOR THE REVIEW OF DECISIONS OF ASSESSMENT BOARDS (ACADEMIC APPEALS)

## 1. Scope and definition

1.1 These regulations apply to taught and research programmes delivered at the University, distance learning programmes and programmes delivered through collaborative arrangements. These procedures should not be used to challenge a decision pertaining to cases of academic misconduct in taught programmes or research degrees, procedures for which are published separately.

1.2 This Procedure may be used by students who wish to appeal against a final decision of an Assessment Board or equivalent body (such as the Board of Studies for Research Degrees) which affects a student's academic status or progress in the University. This includes the following:

a) the mark awarded for any unit of assessment;
b) the overall outcome of a module or programme of study;
c) failure at any stage of a programme of study;
d) a requirement that the student interrupt his or her studies on grounds of unsatisfactory progress or failure to meet academic or professional requirements;
e) a decision that the student be expelled from the University or be withdrawn from his or her programme of study on the grounds of unsatisfactory progress or failure to meet academic or professional requirements, or arising from poor attendance;
f) a decision not to allow a student to progress from Masters level to a Doctoral degree;
g) a decision not to allow resubmission of a thesis for a Research Degree;
h) the outcomes of the implementation of the *Policy and Procedures for Investigating and Resolving Allegations of Misconduct in Research* (*Postgraduate Research Degree Regulations* Annex 7).

1.3 Throughout this regulation, use of the term 'Assessment Board' shall be interpreted as any body constituted by the University and/or a partner institution which is empowered to make decisions about student progress and awards.

## 2. Grounds for submitting an Academic Appeal

2.1 Students or recent graduates may submit an Academic Appeal on the following grounds:

a) that circumstances affected the appellant's performance of which, for good reason, the Assessment Board or equivalent body (including assessors at the viva voce examination) may not have been made aware when the decision was taken and which might have had a material effect on the decision [*Note:* if students wish to appeal on such grounds, they must give credible and compelling reasons with

supporting documentation why this information was not made available prior to the decision being made.];

b) that there was a material administrative error or procedural irregularity in the assessment process or in putting into effect the regulations for the programme of study of such a nature as to cause significant doubt whether the decision might have been different if the error or irregularity had not occurred;

c) that there is evidence of prejudice or bias or lack of proper assessment on the part of one or more of the examiners;

Additionally, for Research Degree candidates;

d) the supervision or training of the appellant in respect of research for a thesis or equivalent work was unsatisfactory to the point that his or her performance was seriously affected [*Note*: if students wish to appeal on such grounds but the supervisory concerns arose significantly before the assessment result against which they are appealing, and without it having been raised under 'Cause for Concern Procedures' (paragraph 11.17) of the *Code of Practice for Research Students and Supervisors* before the appeal, the student must provide credible and compelling reasons for only raising these concerns at appeal];

2.2 An appeal which questions the academic or professional judgement of those charged with the responsibility for assessing a student's academic performance or professional competence will not be accepted.

## 3. Submitting an Academic Appeal

3.1 Students should submit Academic Appeals on the template forms provided by the University and by the deadline for Academic Appeals advertised by the University. Academic Appeals that are submitted after the published deadline will not normally be considered. It should be noted that the deadlines advertised by the University are for decisions taken at the most recent set of Assessment Boards; aspects of an appeal submitted about previous Assessment Board decisions will not normally be considered. It is recognised that research degree candidates do not work to the same fixed academic calendar and so for those candidates, the deadline for submitting an appeal is 14 working days after the event giving the grounds for appeal. A 14 working day deadline will also apply to students who are appealing against a decision taken to withdraw them for non-attendance.

3.2 Students should submit documentary evidence in support of their Academic Appeal. This should normally be submitted with their Academic Appeal submission. However, where this is not possible due to circumstances outside of the student's control, the Academic Appeal should be submitted prior to the published deadline together with a clear statement that evidence has been requested by the student.

3.3 Appeals should be submitted by email to the Standards and Enhancement Office with all supporting official evidence which corresponds to the dates of the assessments

(e.g. a letter from a 'medical professional, a legal professional, or your employer, a medical or death certificate, an official report). As well as evidence of circumstances, students MUST provide evidence of your assessment deadline (e.g. copies of assessment briefs, module guides, Moodle screenshots, examination timetable or email communication from your Module Tutor/s).

3.4 The Head of Standards and Enhancement (Taught Provision), or a nominee will normally acknowledge receipt of the Academic Appeal within five working days.

3.5 Students should note that submission of an appeal on the basis of degree classification prior to graduation may mean that their graduation will be delayed whilst the appeal is investigated and resolved. This may mean that they are unable to attend their originally scheduled graduation ceremony.

## 4. Consideration of an Academic Appeal

4.1 On receipt of the Academic Appeal, the Head of Standards and Enhancement (Taught Provision), or a nominee will assess the appeal submission, its timeliness, the grounds and evidence supplied ("the sift"). If the appeal is not submitted within the published deadline and there are no associated extenuating circumstances, then the student will be informed that the appeal is out of time, normally within ten working days of the appeal receipt. The sift may also identify the need for further evidence, in which case the student will be notified of a deadline for submission of this.

4.2 Appeals submissions which are both in time and are supported by evidence, will then be further considered by the Head of Standards and Enhancement (Taught Provision), or nominee. If it is determined that the appeal is straightforward and does not require further investigation, it may be submitted directly to an Appeals Panel, together with a recommendation as to whether it should be upheld or not upheld and what adjustments should be made to the appellant's profile.

4.3 If the Academic Appeal is considered to warrant further investigation, then an Investigating Officer from an academic area will be appointed. The student will be informed of the identity of the Investigating Officer. Where possible, an Investigating Officer will not have been involved in the appeal prior to their appointment. Following the investigation, the Investigating Officer will submit their findings to an Appeals Panel, together with a recommendation as to whether it should be upheld or not upheld and what adjustments should be made to the appellant's profile.

4.4 The Investigating Officer will be drawn from a list of Investigating Officers kept by the Head of Standards and Enhancement (Taught Provision).

## 5. Appeals Panel

### 5.1 Taught programmes

5.1.1 An Appeals Panel will meet normally within thirty calendar days of the published deadline for the receipt of appeals (see section 3.1) to consider a student appeal and the recommendation of the Investigating Officer. An Appeals Panel will consist of:

- At least two members of academic staff drawn from a list kept by the Head of Standards and Enhancement (Taught Provision;
- The Head and Enhancement (Taught Provision), or nominee to advise on regulatory and procedural matters.

5.1.2 The members of academic staff appointed to the Appeals Panel will not normally have been involved in the student's appeal. Two members of academic staff will need to attend in order for the meeting to be quorate.

5.1.3 Students will not normally be expected to attend the Appeals Panel, but their attendance may be requested by the Appeals Panel, should the Appeals Panel deem it necessary. If a student is unable or unwilling to attend, the appeal will still be considered in their absence and non-attendance on the part of the student will not normally be a valid reason for requesting a review of the Appeals Panel's decision (see below, section 6).

5.1.4 The Appeals Panel will consider the appeal and the Investigating Officer's or sifter's recommendation in reaching its decision. The Panel may make one of the following decisions:

a. Upheld/Partially upheld
The appeal will be upheld in whole or in part. The Appeals Panel will provide details of which aspects have been upheld and proposed actions to be taken consequent to its decision.

b. Not upheld
The appeal will not be upheld. The existing decisions of the Assessment Board in relation to the student will stand.

c. Decision deferred
There is not sufficient information available for the Appeals Panel to make a decision. A decision will be deferred until the next Appeals Panel whilst the additional information is acquired.

### 5.2 Research Degrees

5.2.1 Where an appeal from a research degree candidate is upheld and the proposed action is that the thesis or equivalent should be re-examined, the following procedures shall be followed:

a. The Board of Studies for Research Degrees shall appoint new examiners not fewer in number than those appointed for the original examination and, normally, not fewer than 2 external examiners;
b. The examiners shall be informed that they are to be, or have been, appointed to conduct a re-examination on appeal but shall not be given and information about the previous examination;
c. The examiners shall prepare independent reports on the thesis or equivalent before the candidate undertakes a viva voce examination and a joint report following the viva;
d. On completion of the re-examination the reports of the examiners appointed for the original examination and for the re-examination shall be submitted to the Board of Studies for Research Degrees and where there is disagreement it is the agreed recommendation of the examiners who conducted the re-examination that would be expected to prevail.

5.2.2 The Head of Standards and Enhancement (Taught Provision), or a nominee will notify the student of the Appeals Panel's decision. If the outcome of the Appeals Panel was as detailed in 5.4c, the student will be notified of the revised timeframe for consideration of their appeal. One further Appeals Panel will be held to consider the appeal and reach a final decision.

5.2.3 The decision of the Appeals Panel will be reported to the Chair of the relevant Assessment Board (or equivalent body) for ratification.

5.2.4 Where a decision on a student appeal cannot be reached within thirty calendar days of the deadline for the receipt of appeals, either due to the need for further evidence to be submitted or the complexity of the case and the need to fully investigate the case, the appeal will be submitted to a subsequent meeting of the Appeals Panel. The student will be notified of the delay.

## 6. Review of Appeals Panel decision

6.1 The student may request a review of the decision of the Appeals Panel within a month of the date that the decision of the Appeals Panel was issued to them. A review may be requested on the following grounds:

a) There was a procedural irregularity in the conduct of the Appeals Panel or the investigation that may render the original decision unsafe;
b) New material evidence is available which the student was unable, for valid reasons, to provide earlier in the process and which may have resulted in a different outcome;
c) Consideration of whether the outcome was reasonable and appropriate in the circumstances.

6.2 The review process will not reconsider the issues raised in the appeal, nor will it normally result in a further investigation of the issues. The review will not normally

consider any new issues raised by the student which are not related to those raised in the original appeal.

6.3 The request for a review should be submitted by email to the Standards and Enhancement Office. The Head of Standards and Enhancement (Taught Provision), or nominee will normally acknowledge receipt of the request for a review within five working days.

6.4 The Head of Standards and Enhancement (Taught Provision), or a nominee will appoint a Review Officer from a list drawn from Senate members kept by the Secretary to Senate. The student will be informed of the Review Officer's identity.

6.5 The student may request that the Review Officer meet with an elected officer or staff member of the Students' Union when reviewing the decision of an Appeals Panel. In such cases, the Review Officer may meet with the representative from the Students' Union, but the Review Officer's decision will be final.

6.6 The Review Officer will decide whether the request for a review fulfils one of the requirements set out in section 6.1. If the request is judged not to meet the requirements, the Review Officer will inform the Head of Standards and Enhancement (Taught Provision), who will write to the student to inform them of the Review Officer's finding.

6.7 If the Review Officer judges that the request does meet the requirements set out in section 6.1, they will consider the request and decide if and/or how the Appeals Panel decision should be amended. Exceptionally, the Review Officer may determine that further investigation is required before a final decision can be made. Details of the Review Officer's decision will be communicated to the Head of Standards and Enhancement (Taught Provison) who will then inform the student of the outcome. Should any amendment to the student's recorded assessment outcomes be required, the Chair of the relevant Assessment Board will also be informed.

6.8 The review stage completes the University's process. Following consideration of their request for a review, students will be provided with a Completion of Procedures letter which will inform them of how to take their appeal to the relevant public body.

## 7. Representation

7.1 Students are not always invited to attend meetings with Investigating Officers or the Appeals Panel. However, when they are invited to do so, they may wish to bring a friend. The friend may be a fellow student or a member of staff from the Students' Union, or, if the student has a disability, a support worker, but may not otherwise be external to the University. It should be noted that the friend is there to support the student, not to answer questions or put forward a case in their stead.

## 8. Adjustments to a student profile following a successful or partially upheld appeal

8.1 Successful appeals will not normally result in the award of additional marks for an assessment unless the Appeals Panel determines that the work submitted should be re-marked, in which case the mark may go up or down, depending upon the academic judgement of the assessors. Re-marking will follow standard University procedures and regulations.

8.2 In rare cases where a student has successfully appealed an assessment that they passed, the student will normally be given the choice to retain their original mark or undertake re-assessment. If re-assessment is undertaken, the mark for the re-assessed work shall stand, even if it is worse than the mark originally achieved.

| APPEALS REGULATIONS AND PROCEDURES | |
|---|---|
| Policy ref: SEO/App1 | |
| Version number | 4.0 |
| Version date | 19 December 2016 |
| Name of Developer/Reviewer | Andrew T Graham, Richard Gill, Lisa Cove |
| Policy Owner (Group/Centre/Unit) | SEO |
| Person responsible for implementation (postholder) | Investigating Officers, Secretary to Senate |
| Approving committee/board | Senate |
| Date approved | 20 February 2017 |
| Effective from | September 2017 |
| Dissemination method e.g. website | Website |
| Review frequency | Annually |
| Reviewing committee | Senate |
| Consultation history (individuals/group consulted and dates) | Drafts of the regulation have been considered by:<br>Education Committee<br>Senate<br>Heads of School<br>Academic Group Co-ordinators<br>Standards and Enhancement Officers |
| Document history (e.g. rationale for and dates of previous amendments) | This was major re-write of the old appeals regulations, partly in response to an OIA consultation document.<br>Feb 2017 – incorporated research degrees and the outcome of a pilot for an enhanced sift that had been run in the 2015-16 and 2016-17 academic years.<br>July 2020 - technical updates incorporated |

# ACADEMIC APPEAL APPLICATION FORM

Before completing this form, please refer to the University's Appeals Regulations and Procedures:
https://www.bolton.ac.uk/assets/Uploads/Academic-Appeals-Regulations-and-Procedures-2020-22.pdf

## SECTION 1: PERSONAL INFORMATION

| | |
|---|---|
| TITLE (e.g., Mr, Mrs, Ms, Miss): | |
| FAMILY NAME(S): | |
| GIVEN NAME(S): | |
| STUDENT NUMBER: (as shown on University of Bolton student card) | |
| PROGRAMME OF STUDY: | |
| PLACE OF STUDY: (University of Bolton or Partner Institution) | |
| NAME OF PROGRAMME LEADER: | |
| NAME OF PERSONAL TUTOR: | |
| CORRESPONDENCE ADDRESS: (The outcome letter will be sent to this address, which must correspond with a postal address held on the University's student record system.) | |
| CORRESPONDENCE EMAIL ADDRESS: (To be used to acknowledge your appeal and, if applicable, request further information. Your University email will also be used.) | |

## SECTION 2: ASSESSMENT INFORMATION Assessments to which the appeal relates:

| Module code | Module Name | Assessment No. and Type | Assessment Deadline Date* |
|---|---|---|---|
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* Please include evidence of submission deadlines with your appeal.

SECTION 3: GROUNDS FOR APPEAL.

You should read the following permissible grounds for appeal carefully. You are not permitted to appeal on any other grounds. In particular, appeals will not be accepted simply because you are dissatisfied with an assessment mark or grade.

STATEMENT: I wish to appeal against the decision of the Assessment Board on the grounds that:

(*Tick one or more of the relevant boxes below*):

☐ 1. Circumstances affected my performance which, for good reason, the Assessment Board may not have been made aware of when making assessment decisions.

If you are appealing on this basis, please explain below why you did not/or could not inform the University prior to the assessment board of your circumstances via the Mitigating Circumstances process.

| |
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☐ 2. There was a material administrative error or procedural irregularity in the assessment process or application of the regulations for the programme of study.

☐ 3. There is evidence of prejudice or bias or lack of proper assessment on the part of one or more of the tutors/assessors.

☐ 4. Research Degree candidates only: My supervision or training in respect of research for a thesis or equivalent work was unsatisfactory to the point that your performance was seriously affected.

| SECTION 4: CIRCUMSTANCES AFFECTING ASSESSMENT OUTCOMES<br>*Please provide details of the circumstances affecting your performance in the assessments specified under section 2 here or in a separate statement. Please refer to relevant evidence.* |
|---|
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| SECTION 5: COMMUNICATION<br>Please outline whether you communicated your circumstances to the University prior to the submission of the appeal and any advice and support given. |
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SECTION 6: DECLARATIONS. All applicants MUST complete this section.

If you have included information as part of this appeal about an illness, physical or learning disability or mental health condition, which may be classed as a disability (e.g., lasting more than twelve months) and have not already disclosed this to the University, it may be in your best interests to do so (irrespective of the outcome of your appeal). Disability Services may then be able to offer you advice and guidance and potentially longer term adjustments to the way you are taught and/or assessed. If you do not wish us to share this information with the Disability Service and for them to contact you, then please tick the box below.

☐ I do NOT wish to have any details disclosed on this form shared with the University's Disability Services,

I declare that the information I have provided on this form is a true statement of the facts to the best of my knowledge and belief. I also declare that the attached documentary evidence (if any) is a true reflection of my circumstances/bona fide evidence from an approved third party.

| Signed (Candidate): | | Date: | |
|---|---|---|---|

SECTION 7: SUPPORTING EVIDENCE

As well as evidence of your circumstances, you MUST provide evidence of your assessment deadlines (for example, copies of assessment briefs, module guides, Moodle screenshots, your examination timetable or email communication from your Module Tutor/s)

Please note that you are responsible for gathering and submitting the evidence that supports your appeal: the University will not gather evidence on your behalf.

SECTION 8: DOCUMENTARY EVIDENCE CHECKLIST

To allow your circumstances to be considered fully, it is essential that you submit the required evidence.

| Evidence | Notes | Included? (✓) |
|---|---|---|
| **Academic Appeal Application Form** | You have FULLY completed all sections of the Academic Appeal Application Form. | |
| **Documentary evidence** | You have provided **official evidence** which **corresponds to the dates of the assessments** (e.g. a letter from a medical professional, a legal professional, or your employer, a medical or death certificate, an official report) | |
| **Additional supporting evidence** (optional) | You have included a **letter of support** from your Personal Tutor, Programme Leader, or a Student Liaison Officer (or equivalent if based at a partner institution). | |
| **Evidence of the deadline/s of assessments** | You have included documentary **evidence of the deadlines** of the assessments affected by the circumstances. | |

## SECTION 9: ENQUIRIES

Enquires should be directed to the Standards and Enhancement office on +44(0)1204 903859 or appeals@bolton.ac.uk. You can also obtain help and guidance from your Personal Tutor, your Programme Leader, a Student Liaison Officer SLO@bolton.ac.uk, Student Advisors in the Student Centre studentadvisors@bolton.ac.uk and/or the Students' Unioninfo@boltonsu.com .

Please note that failure to correctly or fully complete the appeal application form will result in delays to the appeals process or the rejection of your appeal.

Please send your completed appeal form and evidence via your **University email address** to appeals@bolton.ac.uk