

PROCEDURES FOR CONSIDERING APPEALS AGAINST DECISIONS ON ACADEMIC PROGRESS (2009/10)

Note: Unless otherwise stated, references to Boards of Examiners or Board(s) should be read as including Progress and Award Boards for students enrolled on Combined Honours degrees.

1 APPEALS AGAINST DECISIONS OF FACULTY BOARDS/BOARD OF EXAMINERS

- 1.1 The board of a faculty may decide on the advice of a Course/Subject Committee that a student be required to discontinue studies on the grounds of unsatisfactory progress. The student may appeal against the decision:
 - (a) on the basis of evidence of extenuating circumstances relevant to his/her progress which in his/her view was not in the possession of the board of the faculty when it received the advice of the Course/Subject Committee; or
 - (b) on the basis of procedural or other irregularities associated with the decision.
- 1.2 Boards of Examiners determine on behalf of Senate the academic progress of students on the basis of their performance in examinations and other forms of assessment.

A student may appeal against a decision of the Board:

- (a) on the basis of evidence of extenuating circumstances, relevant to his/her examination performance which, in his/her view, was not in the possession of the Board at the time of the Board's initial decision about his/her academic progress; or
- (b) on the basis of procedural or other irregularities in the conduct of the examinations, or in other forms of assessment, or in the decision making process.

NB The academic judgement of the examiners is not open to appeal. A student may not, therefore, appeal against the marks awarded. Complaints about the management or delivery of a course after students have presented themselves for examination are also excluded.

- 1.3 Provided a student submits to the Examinations Office, by a specified date following the decision of the Board, a written appeal, stating the grounds on which it is made, the decision will be reviewed in accordance with the following procedures.

2 APPEALS ON THE BASIS OF EXTENUATING CIRCUMSTANCES

- 2.1 Appeals on the basis of extenuating circumstances from all students except those enrolled on Combined Honours degrees shall be considered by a Faculty Appeals Panel chaired by a Dean/Associate Dean, or Head/Associate Head of School not associated with the course. Appeals from students enrolled on Combined Honours courses shall be considered by the Appeals Panel for the Campus Progress and Award Board chaired by the Dean appointed by the Pro-Vice Chancellor (Teaching and Learning).

- 2.2 Students are normally entitled to be heard in person and to be accompanied by a member of the University. However, panels have discretion not to interview students where the written evidence is sufficient to uphold the appeal.
- 2.3 The Dean shall prescribe dates on which appeals shall be heard. The Dean responsible for chairing the Campus Progress and Award Board shall, in consultation with the campus Director of Combined Studies, prescribe dates on which appeals shall be heard for Combined Honours degrees. Once agreed, dates should be strictly adhered to.
- 2.4 The timetable for submission and consideration of appeals for 2009/10 is attached (Appendix A). A late appeal may be accepted where, due to exceptional circumstances, a student could not reasonably have been expected to submit by the deadline. In order for the late appeal to be considered the student must complete and submit a Late Appeal proforma along with their appeal.
- 2.5 The Faculty Board/Board of Examiners for integrated courses including Single Honours degrees shall:
- (a) agree that the chairperson (as set out at 2.1 above) accompanied by the Head of School and Course Director shall comprise the Appeals Panel or, **exceptionally**, nominate members of the Board in their place;
 - (b) agree with external examiners their involvement in the process.

The Campus Progress and Award Board shall:

- (a) agree that the chairperson accompanied by the Director of Combined Studies and Subject Directors as required shall comprise the Appeals Panel or, **exceptionally**, nominate substitutes in their place;
- (b) agree with the Chief External Examiner his/her involvement in the process.

NB Boards of Examiners may not, in considering evidence of extenuating circumstances, deem a candidate to have passed an assessment and to recommend a (classified) award or higher class of award. The options available to Boards and Appeals Panels, in considering evidence of extenuating circumstances, are either:

- (a) deem the candidate to have passed and recommend an Aegrotat award; or
- (b) permit the candidate to complete, take or repeat the assessment.

- 2.6 Students will be advised by the Examinations Office that those who wish to appeal should obtain form SA1 from the appropriate campus Examinations Office (Student Services Centre, Belfast) or from the student portal at portal.ulster.ac.uk, My Studies tab. Students should complete and return the form to the appropriate campus Examinations Office/Student Services Centre by the dates specified in Appendix A.
- 2.7 Each form is checked by Examinations Office/Student Services Centre staff and the student asked to complete any sections overlooked.

- 2.8 A written acknowledgement of receipt is given to the student by the Examinations Office/Student Services Centre. This acknowledgement will indicate the date and place (but not the time) where the student's appeal will be heard. The Examinations Office will maintain a record of each form received.
- 2.9 The Examinations Office keeps a copy of section A of the form and forwards the original to the Chairperson of the Board.
- 2.10 Deans or members of academic staff who receive appeals directly from students should refer them to the Examinations Office on their campus or the Student Services Centre at Belfast campus.
- 2.11 For all students, except those enrolled on Combined Honours degrees, faculties will draw up a schedule of interviews and will notify each student of the date, time and place of the proposed interview. Directors of Combined Studies will assume these responsibilities for students on Combined Honours degrees. Where possible, students who wish to attend for interview should have the opportunity to do so at their campus of study if they so wish.
- 2.12 The Appeals Panel considers the appeal and subject to 2.2 above interviews the student, if the student has indicated that he/she so wishes.
- 2.13 The Course Director/Director of Combined Studies or nominee is required to provide for the meeting a copy of the course regulations together with a record of the student's marks/grades for the current year and for previous years where appropriate.
- 2.14 Consideration of appeals shall be in accordance with Sections 36 and 42 of the Regulations Governing Examinations in Programmes of Study (see Appendix B).
- 2.15 If the Chairperson decides:
- (a) that no new information has been submitted, or that the student has not provided a satisfactory explanation for his/her failure to supply the information by the dates prescribed in the Regulations, the initial decision of the Board is confirmed;
 - (b) that new information has been submitted and that the student has provided a satisfactory explanation for his/her failure to supply the information by the dates prescribed in the Regulations, he/she amends or confirms the initial decision of the Board (acting under delegated authority from Senate).
- 2.16 The Chairperson completes Section B and returns the completed form to the Examinations Office. The decision is then communicated to the student through the Examinations Office by recorded delivery, normally within 5 working days. Where a decision of the Board has been amended a Communication of Progress Decision/Communication of Results form is sent to the student with a copy to the Course Director or the Director of Combined Studies as appropriate.

- 2.17 Any other correspondence, together with the original form, is also sent to the Course Director or Director of Combined Studies, as appropriate, to be placed on the student's file.
- 2.18 The Examinations Office retains a copy of each completed form.
- 2.19 The Examinations Office prepares for the Information and Student Services Committee an annual summary of the number of appeals received, and initial decisions amended.
- 2.20 Chairpersons of Boards may bring to the attention of the Information and Student Services Committee any matters of concern relating to the implementation of these procedures.

3 APPEALS ON THE BASIS OF PROCEDURAL OR OTHER IRREGULARITIES

Note: References to 'the Dean' include the Dean appointed by the Pro-Vice-Chancellor (Teaching and Learning) to chair the Campus Progress and Award Board, where appeals from Combined Honours students are being considered. The Senior Officer refers to a Pro-Vice-Chancellor, Provost or Dean not associated with the original decision.

- 3.1 Students will be advised by the Examinations Office that those who wish to appeal should obtain form SA2 from the appropriate Examinations Office (Student Services Centre, Belfast) or from the Student Portal at portal.ulster.ac.uk, My Studies tab. Students complete and return the form to the appropriate campus Examinations Office/Student Services Centre by the dates specified.
- 3.2 Each form is checked by Examinations Office/Student Services Centre staff and the student asked to complete any sections overlooked.
- 3.3 A written acknowledgement of receipt is given to the student by the Examinations Office/Student Services Centre which will maintain a record of each form received.
- 3.4 The Examinations Office keeps a copy of Section A of the form and forwards the original to the Dean.
- 3.5 The Dean completes Section B and forwards the form immediately to the Senior Officer identified on the form.
- 3.6 If the Senior Officer decides that a prima facie case does not exist he/she completes Section C and returns the form to the Examinations Office which advises the Dean and the student of the decision, normally within 5 working days. The letter to the student is sent by recorded delivery.
- 3.7 If the Senior Officer and the Dean agree that a prima facie case does exist and both parties are agreed on the amendment to be made to the original decision, it will not be necessary to convene a panel. The form should be returned to the Dean for completion of Section D. The decision is communicated to the student through the Examinations Office by recorded delivery, normally within 5 working days.

- 3.8 If the Senior Officer decides that a prima facie case does exist, which requires investigation, he/she convenes an Appeals Panel to investigate the alleged procedural or other irregularities. The composition of Appeals Panels and the procedures to be followed by Panels are set out at Appendix C.
- 3.9 If the Panel decides not to uphold the appeal the Examinations Office advises the Dean and the student, normally within 5 working days, that the decision of the Board of Examiners stands. The letter to the student is sent by recorded delivery.
- 3.10 If the Panel decides to uphold the appeal the Board of Examiners is required, in the light of the Panel's findings, to set aside its decision on the student's academic progress and arrive at a new decision. In doing so the Board will take into account the requirements set down in the relevant course regulations. Where these requirements have not been met it may not be possible to arrive at a different decision, in which case the new decision of the Board would be the same as the original decision. If the Board finds difficulty with the findings and decision of the Panel the Dean is required to refer the matter to the Pro-Vice-Chancellor (Information and Student Services) who will convene a meeting of key staff for further discussion.* Unresolved disputes should be referred to Senate whose decision is final.

NB The response of the Appeals Panel to the Board should normally be made within two weeks of the receipt of the appeal and the response of the Board should normally be made within one week of receiving the response from the Appeals Panel.

- 3.11 The Dean completes Section D of the form. The decision is then communicated to the student through the Examinations Office by recorded delivery, normally within 5 working days. Where a decision has been amended a Communication of Progress Decision/Communication of Results form is sent to the student with a copy to the Course Director or Director of Combined Studies as appropriate.
- 3.12 Any other correspondence, together with the original form, is also sent to the Course Director or Director of Combined Studies as appropriate to be placed on the student's file.
- 3.13 The Examinations Office retains a copy of each completed SA2 form.
- 3.14 The Examinations Office prepares for the Information and Student Services Committee an annual summary of the number of appeals received, and initial decisions amended.
- 3.15 Deans may bring to the attention of the Pro-Vice-Chancellor (Information and Student Services) any matters of concern relating to the implementation of these procedures.

*** In the event of a conflict of interest this will be referred to another PVC.**

APPENDIX A

Timetable for Submission and Consideration of Appeals 2009/10

Semester One

Last date for receipt of appeals	Thursday 18 February 2010
Last date for consideration of appeals	Thursday 25 February 2010
Last date for return of completed SA1 forms to Examinations Office	Friday 26 February 2010

Semester Two

Last date for receipt of appeals	Within seven working days of the publication date of the Board of Examiner's decision on the Web
Last date for consideration of appeals	Tuesday 29 June 2010
Last date for return of completed SA1 forms to Examinations Office	Wednesday 30 June 2010

Supplementary Examinations

Last date for receipt of appeals	Thursday 9 September 2010
Last date for consideration of appeals	Thursday 16 September 2010
Last date for return of completed SA1 forms to Examinations Office	Friday 17 September 2010

Semester Three

Last date for receipt of appeals	Thursday 30 September 2010
Last date for consideration of appeals	Thursday 7 October 2010
Last date for return of completed SA1 forms to Examinations Office	Friday 8 October 2010

APPENDIX B

Extract from Regulations Governing Examinations in Programmes of Study:

PRESENTATION OF EVIDENCE OF EXTENUATING CIRCUMSTANCES

- 36 (a) Save in exceptional circumstances:
- (i) written medical evidence, or evidence of compassionate circumstances, relevant to the performance of a candidate in an examination must be presented to the Course/Subject Director not later than five working days following the examination;
 - (ii) written medical evidence, or evidence of compassionate circumstances, relevant to the performance of a candidate in coursework must be presented to the Course/Subject Director by the date on which the work was due to be submitted.
- (b) Evidence of ill-health must be authenticated by the candidate's medical advisor. Medical certificates should be forwarded directly to the Course/Subject Director. Self-certification will not be accepted.

The term 'exceptional circumstances' will be given a restrictive interpretation. The Senate, through the relevant committee, shall determine exceptional circumstances which allow alternative forms of authentication of ill-health in respect of clause (b). Such circumstances may include an epidemic or pandemic. A candidate claiming exceptional circumstances in relation to the late submission of evidence under clause (a) must do so in writing in accordance with clause 42.

APPEALS

- 42 A candidate may appeal against a decision on academic progress:
- (a) on the basis of evidence of extenuating circumstances, relevant to his/her examination performance which, in his/her view, was not in the possession of the Board of Examiners at the time of the Board's initial decision about his/her academic progress; or
 - (b) on the basis of procedural or other irregularities in the conduct of the examinations or in the decision making process.

APPENDIX C

PROCEDURES FOR APPEALS PANELS (SA2)

1. An Appeals Panel shall be convened by the Senior Officer considering the appeal where a student has submitted an appeal on grounds of procedural or other irregularities (SA2) and the Senior Officer has decided that there is a prima facie case which requires investigation.
2. The Panel comprises the Senior Officer, who chairs the Panel, together with a Dean and Head of School not associated with the original decision of the Board of Examiners. Exceptionally an Associate Dean or Head/Associate Head of School may be substituted where a Dean is not available. An Associate Head of School may also be substituted for a Head of School.
3. The Panel meets to consider the evidence submitted in the SA2 form and any other relevant documentation or evidence. The role of the Panel is to investigate all allegations of procedural or other irregularities with a view to determining whether evidence has been presented which would warrant reconsideration of the decision of the Board of Examiners.
4. In considering the appeal the Panel is required to interview the student if an interview has been requested on the appeals form. The Panel may also question any member of staff in connection with the appeal in order to establish all relevant facts.
5. On conclusion of its deliberations the Panel is required to decide that either:
 - (a) the appeal is not upheld, in which case the decision of the Board of Examiners stands; or
 - (b) the appeal is upheld, in which case the decision of the Board is set aside and the Board is required to arrive at a new decision.
6. The chairperson of the Panel completes Section C 14 of the SA2 form to indicate the Panel's decision and also provides a statement setting out the reasons for the decision (see Annex). The statement is then included with the form. Where the appeal is not upheld the form is returned immediately to the Examinations Office. Where the appeal is upheld the form is returned immediately to the Dean.
7. Chairpersons of Appeals Panels may bring to the attention of the Pro-Vice-Chancellor (Information and Student Services) any matters of concern relating to the operation of these procedures.

ANNEX

STATEMENT BY APPEALS PANEL ON REASONS FOR DECISION

Date of Appeals Panel

Name of StudentCalled for Interview Yes No

MembershipSenior Officer (Chair)

.....Dean/Associate Dean

.....Head of School/Associate Head of School

Appeal is not upheld

Appeal is upheld

Reason(s) for Decision (Please append any relevant reports)

Signature

Senior Officer