Academic Appeals Procedure: UNM

This procedure is effective from 26 September 2016. Students whose case is already being considered under the previous version of the procedure will continue to have their case considered in accordance with the provisions of that procedure.

This Procedure should be read in conjunction with the Academic Appeals Policy set out in the Quality Manual. The Procedure set out below applies to students based at the Malaysia (Nottingham) campus.

Core considerations

Before initiating the Academic Appeals procedure, students must verify that that they have both the right to appeal and grounds for appeal, in accordance with the terms of the policy.

Before deciding whether to make an appeal, students should talk the matter through with an appropriate person in their School. It may be that following such discussions concerns about the result/decision might be clearer and more understandable (e.g. how a mark for an examination/piece of work was arrived at or how the classification has been calculated) and the matter can be resolved informally.

Timescales

Appeals will only be accepted if submitted within one calendar month of the student receiving notification of the decision against which they wish to appeal (or publication of results in the case of classification appeals).

The appeals procedure will usually be completed within 90 days of submission of appeal documentation. Where this aim is not achievable, students will be informed at the earliest possible opportunity and an adjusted deadline will be provided.

Submission of the appeal

Only written cases made using a fully completed Academic Appeal Form will be accepted.

The key issues of the appeal must be explained in a clear, coherent and concise manner. If the submission is unclear the student will be asked to resubmit the form in a manner that enables proper consideration of the appeal to take place. A timescale for resubmission will be set. Appeals exceeding the 1200 word limit will be rejected.

The appeal must be substantiated by evidence, including evidence of the attempt to resolve issues informally with the School. This may comprise one, or a series of the following types of evidence: a timeline of events, reference to relevant policies and/or regulations, letters, emails, independent medical evidence, witness statements, screenshots. Any evidence or appendices relevant to the appeal must be submitted at the same time as the form and clearly referenced and labelled. All documentation should be in English and the translation of any documents should be done by an accredited translator.

It is the responsibility of the student to make their case. An appeal will not be accepted for consideration if: the grounds for appeal are unclear, it is unnecessarily long, it is submitted without evidence or fails to include important dates, times and other details necessary for determining the eligibility of the appeal.

Consideration of the Appeal

1) Triage by Case Handler

The appeal case is considered by a case handler who will determine the eligibility of the appeal in accordance with the Academic Appeals policy.

If it is clear that the student has not completed the relevant sections of the Appeal form or not supplied any evidence, the case will be rejected immediately.

If it is clear that the circumstances claimed by the student should be addressed under a different policy the student will be informed, guided to the correct policy and the case closed. If it is clear the circumstances claimed by the student do not constitute grounds for an appeal, the case will rejected immediately.

2) School response

All eligible cases will be forwarded to the relevant School by the case handler and information will be gathered regarding the case. A response, on a School Response Form, will usually be submitted within 10 working days. Schools should address in full the points raised in the student's appeal form, referencing relevant policies and procedures, if applicable. The response should either:
(a) Make a revised recommendation. A written explanation and any relevant evidence should be provided; or
(b) Uphold the original decision. A written explanation and any relevant evidence should be provided.

3) The Academic Appeal Panel

Should the School issue a revised recommendation which is not satisfactory to the student, or uphold the original decision, the case will then be considered by an Academic Appeal Panel. The Academic Appeal Panel acts with the fully delegated authority of Senate.

The Academic Appeal Panel will comprise three members of the Academic Appeals Committee. No member of the Academic Appeals Panel will have had any prior involvement in the case.

A case handler, who is not a member, will be present throughout proceedings to provide guidance with respect to matters of policy and precedent.

The Academic Appeal Panel will base its decisions on the information and evidence submitted by the student and the response provided by the School. The Panel may request further evidence from the student and/or the School, if required. This is a paper-based consideration and neither the student nor School is entitled to attend.

The Academic Appeal Panel may:
(i) Reject the appeal and confirm the original decision;
(ii) Uphold the appeal and accept the revised recommendation submitted by School as part of process;
(iii) Uphold the appeal and refer the case back to the School to reconsider;
(iv) Uphold the appeal and substitute another decision, rejecting the revised recommendation submitted by School as part of process, if applicable;
(v) Refer the case to an Academic Appeals Hearing.

The Academic Appeal Panel cannot change marks or degree classifications.

The Academic Appeal Panel may attach conditions to these decisions, such as the requirement for the student to provide medical evidence. Clear instruction will be provided about the consequences of failing to comply with these conditions.

The decision of the Academic Appeals Panel, reasons for the decision and any findings of fact will be conveyed to the student within 5 working days of the meeting.

4) Thresholds for referral to an Academic Appeal Hearing

Grounds for referral to an Academic Appeal Hearing may include:

- **Where there is a compelling argument that the student's case would be adversely affected by not being able to present their argument in person, the case will be referred to an Academic Appeal Hearing.**

- **If an Academic Appeal Panel is unable to agree on a course of action as a result of a review, the case will be referred to an Academic Appeal Hearing, for example, where there is significant disparity between the factual cases stated by the student and School.**

- **Cases in which the student has already attended a panel or committee to address issues of professional competence e.g. Fitness to Practise or Practice Assessment Panel.**

5) Academic Appeal Hearing

Please read the Academic Appeal Hearing procedure.

The Academic Appeal Hearing acts with the full delegated authority of Senate. It has the power to require members of staff of the University to attend, give evidence, and answer questions.

The student will receive a written invitation to the Academic Appeals Hearing from a case handler at least 10 working days in advance of the hearing. He/she will be asked to confirm his/her intention to attend, or not, in writing.

The Academic Appeals Hearing is a Sub-Committee comprising three members, two of which will be academic staff members of the Academic Appeals Committee, one of whom shall act as Chair. The third will be a student delegate nominated by the Students' Union (or corresponding organisation at UNNC and UNM). If no student delegate is available, the Sub-Committee shall instead include a sabbatical officer from the Students' Union (or corresponding organisation at UNNC and UNM). Where no student delegate or sabbatical officer is available, a third staff member of the Academic Appeals Committee will be included.

For an appeal against the decision of a panel or committee convened to address issues of professional competence eg Fitness to Practise Committee or a Practice Assessment Panel, the Sub-Committee will include two additional staff members of the relevant Faculty. In the case of Fitness to Practise, one of the additional members must be a clinically active member of the same professional discipline as the appellant.

No member of the Academic Appeals Hearing Sub-Committee will have had any prior involvement in the case.

The student will be notified of the names of the members of the Sub-Committee and should notify the case handler immediately of any conflict of interest. The student should inform the case handler, at least 5 working days prior to the hearing, if they do not wish, or wish to insist, that a student delegate be included in the Sub-Committee.

The Hearing will be serviced by a case handler who is not a member, but will be present throughout proceedings. The case handler will provide guidance with respect to matters of policy and precedent. The case handler may also be supported by a note-taker.

The student is entitled to bring a supporter and is permitted to have this person speak on their behalf. The student must inform the case handler of the name and status of their supporter at least 5 working days prior to the Hearing. The supporter cannot be a solicitor or other legal representative.

The School will be requested to send a representative to attend the Hearing. The School Representative should have detailed knowledge of the case, of the student's academic career and of the arrangements for the student's course.

The Academic Appeals Hearing Sub-Committee, the student and the School Representative will all have access to the same documentary and verbal evidence.

The Sub-Committee will base its decisions on the information and evidence submitted. The Sub-Committee can:
(i) Reject the appeal and confirm the original decision;
(ii) Uphold the appeal and accept the revised recommendation submitted by School as part of process;
(iii) Uphold the appeal and refer the case back to the School to reconsider;
(iv) Uphold the appeal and substitute another decision, rejecting the revised recommendation submitted by School as part of process, if applicable.

The decision taken at the Academic Appeals Hearing, reasons for the decision and any findings of fact will be conveyed to the student within 5 working days of the meeting.

6) Further steps

If the student is dissatisfied with the outcome of the formal stage, he or she may be able to request a review, on the following grounds:

- **Procedural irregularity in the handling of the formal stage;**
- **A compelling argument that the decision was not reasonable in the circumstances. Claims of this nature must be supported by evidence and a clear rationale for the unreasonable nature of the decision. Claims that amount simply to an expression of dissatisfaction with the decision will not be considered.**

The request for review should be submitted to the Complaints and Conduct department at academic-appeals@nottingham.ac.uk. The request should be submitted within 10 working days of the student being notified of the outcome of their application to appeal. Review requests submitted after this period will only be considered in the most exceptional circumstances and where there is good reason, supported by evidence, for the late submission.

Only written cases made using a fully completed Academic Appeal Review Request Form, supported by evidence, will be accepted. The review will be conducted by the Director of Service Development, or nominee.

The review stage will not usually consider the issues afresh or involve further investigation. The reviewer can:
(i) Reject the claim of procedural irregularity in the application of the Academic Appeals Policy and issue the student with a Completion of Procedures letter.
(ii) Uphold the claim and, with the approval of a member of the Quality and Standards Committee (QSC), substitute a decision on behalf of the University.

New evidence

Students who have new evidence to make known may submit a revised appeal. The revised appeal should be submitted within 10 working days of the student being notified of the outcome of their appeal, using the same process as for the original appeal. The student must provide compelling evidence as to why this evidence was not previously available. The student must also clearly demonstrate the material relevance of the new evidence and its impact on the appeal.