

APPEALS REGULATIONS AND PROCEDURES

2009/2010

REGULATIONS AND PROCEDURES FOR THE REVIEW OF DECISIONS OF ASSESSMENT BOARDS

(These regulations apply to taught programmes delivered at the University, distance learning programmes and programmes delivered through collaborative arrangements only. Regulations on appeals against decisions relating to research degree programmes are published separately. Complaints which are not 'appeals' are dealt with through the Student Complaints Procedure).

Candidates should note that in lodging an appeal they will not be disadvantaged in any way in terms of their assessments or their course.

The information provided by candidates will remain confidential and will be divulged only to those parties relevant to the appeals procedure in order to progress the appeal. If it is necessary to disclose information to others not directly involved in the appeal e.g. members of a Review Committee, candidates will be asked, in advance of the disclosure, if they object.

Whilst every effort is made to remain within the time limits specified within these regulations, candidates should note that this might not be strictly possible occasionally, as a result of the time of year and availability of staff. If this is the case, candidates will be notified of any delay either by the Secretary to Senate or by the Office of the Chairperson of Senate.

The University endeavours to carry out these procedures fairly, consistently and impartially and in accordance with the Equal Opportunities Policy of the University.

Candidates wishing to appeal against a decision of an assessment board may obtain advice and guidance, prior to lodging their written appeal, from the following:

- (i) Module Tutor
- (ii) Personal Tutor
- (iii) Programme Leader
- (iv) Head of School or Subject
- (v) President of the Students' Union
- (vi) Head of Student Services or Student Information Services Staff
- (vii) Head of Quality Assurance and Enhancement
- (viii) Secretary to Senate.

Appeals should be forwarded, signed by hand, to the Secretary to Senate, Quality Assurance and Enhancement Unit. Should candidates have any difficulty in understanding the processes involved in these Regulations, they should contact the Secretary to Senate or the Head of Quality Assurance and Enhancement (both of whom are within the Quality Assurance and Enhancement Unit).

Claims for incidental expenses in relation to candidate attendance at Review Committee meetings will be considered by the Vice Chancellor or nominee.

Notification by Candidates to Assessment Boards of Mitigating Circumstances during Examinations or Assessments

If a candidate is aware of factors, such as illness, personal circumstances, etc adversely affecting performance during examinations/assessments, supporting documentary evidence should be provided by the candidate to the Chairperson of the Assessment Board in the Mitigating Circumstances Envelope (obtainable from the Student Programme Office) within five days of the last relevant assessment.

i. GROUNDS FOR REVIEWING DECISIONS OF ASSESSMENT BOARDS

- a. A candidate may request a review of a decision of an Assessment Board on the grounds that performance in the examination/assessment was adversely affected by illness or some other factor which the Assessment Board was unaware of because the candidate was unable or for valid reasons unwilling to divulge before the Assessment Board reached its decision. The candidate's request must be supported by medical certificates or other relevant documentary evidence.
- b. A candidate or any other person may request a review of the Assessment Board decision on the grounds that there has been a material administrative error, or that the examinations/assessments were not conducted in accordance with the current regulations for the course, or that some other material irregularity has occurred.
- c. A candidate may request a review either of the Assessment Board's decision about the student's use of unfair means or on the grounds that the consequential academic action is unreasonably severe within the context of the Assessment Board and/or Validating Body's examination and assessment regulations.
- d. A review of a decision of an Assessment Board will be concerned solely with the conduct of the examinations/assessments or with the personal circumstances of the candidate or with the use of unfair means and any academic action or recommendation on expulsion from the University. It will not be concerned with questioning the academic judgement of an Assessment Board. Candidates who submit a request for a review simply because they are dissatisfied with the outcome of their assessment shall have the request rejected on the basis of ii) (see below).
- e. A Review Committee shall automatically be convened within fourteen days, if feasible, by the Secretary to Senate to consider an Assessment Board recommendation that a student be expelled from the University for academic reasons (see section iii 'THE REVIEW COMMITTEE').

ii. REQUEST FOR A REVIEW

If one of the situations in i a, b or c applies then an appeal proforma, signed by hand, must be sent to the Secretary to Senate, giving the reasons and where relevant including supporting evidence, within fourteen days of the publication of Assessment Board results.

The timescales in the following procedures may be adjusted slightly to accommodate the needs of overseas distance learning students.

Stage I for Grounds for Review ia and ib (see above)

- a. Within seven days of receipt of the request, or as soon as possible thereafter, the Secretary will inform the candidate (or other person) in writing of one of the following decisions:
 - i. that the request provides sufficient prima facie evidence to meet the grounds for review and it has been forwarded to the Chairperson of the Assessment Board (see paragraph b below);
 - ii. that the request does not meet the required grounds for review and it will not be acted upon (together with information on the right of appeal under these procedures) (see Stage II, for Grounds for Review ia and ib below);
 - iii. that the request contains insufficient evidence to support it and further information should be provided within seven days, prior to a decision being made.
- b. Where the matter has been referred, the Chairperson of the Assessment Board shall seek to resolve the matter informally within fourteen days, in accordance with the regulations and with the approval of internal and external examiners, where relevant. The Chairperson shall report the outcome to the Secretary straightaway.
- c. The Secretary shall consider the findings of the Chairperson and shall convey in writing to the student one of the following decisions:
 - i. that the matter has been resolved to the apparent satisfaction of the candidate (or other person);
 - ii. that the matter has been investigated and found that there are no grounds for reviewing the decision of the Assessment Board (see Stage II for Grounds for Review ia and ib below);
 - iii. that the matter has been referred to a properly constituted Assessment Board (or approved sub-committee of an Assessment Board with the necessary delegated authority defined in the individual course/programme examination and assessment regulations) and after reconsideration the result will

be notified to the candidate (or other person), to which there remains a right to request a review on valid grounds;

- iv. that the matter has not been resolved (that is, in the Secretary's view there remains a clear conflict of evidence between the Assessment Board and the candidate) and the grounds for review appear to remain valid. With the agreement of the candidate (or other person) it will be referred to a meeting of the Review Committee (see paragraph iii below).

Stage II for Grounds for Review ia and ib

- d. If the candidate (or other person) is not satisfied with either the original or the subsequent decision of the Secretary in respect of the grounds for review then an appeal may be made, within seven days, to the Chairperson of Senate, stating the reasons and providing further information, where relevant.
 - i. The Chairperson of Senate, shall make such enquiries as appropriate and shall make his/her decision known in writing, within twenty one days, to the candidate and the Secretary. If the Chairperson of Senate does not uphold the appeal, this decision shall be final.
 - ii. If the Chairperson of Senate upholds the appeal against the Secretary's decision on the grounds for review, then the request for review shall be referred to the Chairperson of the Assessment Board, as provided for in iib (see Stage 1 for Grounds for Review ia and ib).
 - iii. If the Chairperson of Senate upholds the appeal against the Secretary's decision on the findings of the Chairperson of the Assessment Board then the request for review shall be submitted to a meeting of the Review Committee, as provided for in iiciv (see Stage 1 for Grounds for Review ia and ib).

Stage I for Grounds for Review ic (see page 63)

- a. Within seven days of receipt of a request relating to the use of unfair means, or as soon as possible thereafter, the Secretary shall decide whether the request should be referred to a meeting of the Review Committee or, if the matter remains unresolved shall, with the agreement of the candidate, refer the request to a meeting of the Review Committee. If there are insufficient grounds for review the Secretary shall inform the candidate in writing (together with information on the right of appeal under these procedures - see Stage II below).

Stage II for Grounds for Review ic

- b. If the candidate is not satisfied with the decision of the Secretary in respect of the grounds for review, then an appeal may be made in writing, within seven days, to the Chairperson of Senate, stating the reasons and providing further information, where relevant.
 - i. The Chairperson of Senate shall make such enquiries as appropriate and shall make his/her decision known in writing, within twenty one days, to the candidate and the Secretary. If the Chairperson of Senate does not uphold the appeal, this decision shall be final.
 - ii. If the Chairperson of Senate upholds the appeal against the Secretary's decision on the grounds for review then the request for review shall, with the agreement of the candidate, be referred to a meeting of the Review Committee (see iii below).

The timetable set out in this section allows for requests for review of Assessment Board decisions which are published in May and June to be referred for consideration by the Review Committee by 1 September of that year. For Assessment Board decisions published at other times, a similar timetable for the procedures will be followed. The Secretary to Senate shall have overview of the conduct of the procedures and ensure that the timescales set out are maintained as closely as possible.

iii. **THE REVIEW COMMITTEE**

- a. The applicant shall be given at least seven days notice in writing (twenty one days if at home in an overseas country) of the date of the review.
- b. For overseas distance learning candidates involved in a Review Committee meeting and unable to attend, the process may be modified slightly to ensure that all relevant evidence is considered e.g. timescales. Any deviation from the formal procedure shall be notified to Senate at the same time as the outcome.
- c. The Review Committee shall be chaired by the Chairperson or Vice-Chairperson of Senate and shall consist of:
 - i. Two members of staff appointed by the Secretary to Senate and drawn from a panel of twelve staff members of Senate. These members shall not be from the School responsible for the course or have been associated in any way with its teaching or assessment.
 - ii. Two students appointed by the Secretary to Senate in conjunction with the President of the Students' Union. These members shall not be associated with the candidate by course, household or friendship.

An Assessment Board representative, nominated by the Chairperson of the Assessment Board, who has detailed knowledge of the candidate and his/her work, and was present at the original Assessment Board meeting, shall be in attendance but shall not be present at the private meetings of the Review Committee.

- d. The Quorum for all Review Committee meetings shall be two members plus the Chairperson. Proceedings shall not be invalidated by absence of staff or student members or by any defect in the appointment of members of the Review Committee. The names of the members shall not be disclosed until the Review Committee meeting, to retain impartiality. Should it happen that a member of the Review Committee is known to the candidate or vice-versa, the Review Committee shall decide whether the member should remain on the Review Committee.
- e. The Secretary to Senate shall act in attendance to the Review Committee.
- f.
 - i. The Review shall be based only on the grounds notified under paragraphs i a, b or c (section on Grounds for Reviewing Decisions of Assessment Boards) and all evidence submitted and considered must relate solely to the candidate's personal circumstances or the conduct of the examinations/assessments or the decision on the use of unfair means and any academic

action or recommendation on expulsion which follows. Where there has been an automatic referral to a Review Committee, as a result of a recommendation from an Assessment Board for expulsion from the University, the candidate shall be asked in writing if he/she wishes to submit any written evidence and whether he/she will be attending, be accompanied by a friend or adviser or whether a proxy will be attending.

- ii. The case for review shall be presented by the candidate, by or with a friend or adviser, by a proxy or in writing. In any event, the Committee shall have sight of the candidate's original letter of appeal (and appendices), as well as any other supporting evidence as submitted to the Secretary to Senate. Other University documentation, as decided by the Secretary to Senate, may be made available to the Review Committee and candidate. When the candidate is asked if he/she wishes to submit any further relevant evidence (as outlined in section f(i)), a deadline of ten working days shall be given for receipt by the Secretary to Senate, beyond which no further documentation will be accepted. All documentation shall remain confidential to the Review Committee. Witnesses shall be required to provide their evidence in person at the Review Committee and written witness statements will not be taken or presented, save in exceptional circumstances where any such written witness statement may be required to be sworn in front of a solicitor.
- iii. The candidate, friend, adviser or proxy shall not be allowed to tape record the Review Committee meeting. Minutes will be taken by the Secretary to Senate and a copy will be made available to the candidate in due course.
- iv. The candidate shall inform the Secretary to Senate, no later than five working days prior to the meeting, if a friend or adviser will be accompanying him/her to the Review Committee and the name of the friend/adviser, including his/her status/attendance capacity. The same conditions apply to a proxy. The Review Committee is not a legal proceeding and the University has the authority not to allow a legal representative as a friend/adviser/proxy.
- v. Where a candidate chooses not to be present and not to have a proxy at the Review Committee meeting or the candidate does not respond to the correspondence from the Secretary to Senate, the Review Committee meeting will proceed in his or her absence. The candidate will be notified of the outcome.
- vi. The Committee may ask the candidate or proxy and/or the Assessment Board representative questions and the Committee and/or the candidate or proxy may summon other persons considered to be material witnesses, who may be questioned by

all parties. The candidate shall be responsible for requesting the presence of his/her witness(es) and the name(s) of the witness(es) will have to be declared to the Secretary to Senate no later than five working days prior to the meeting.

- vii. The candidate, friend/adviser, proxy and witness(es) will all be present together at the Review Committee meeting, unless the Review Committee decides differently at the meeting.
- viii. The Committee should have access to all relevant information except the candidate's marks, grades or assessments.
- h. The candidate, friend/adviser or proxy, Assessment Board representative and witness(es) will withdraw while the Committee considers its decision which shall be one of the following:
 - i. there is no case for review and the Assessment Board's decision is confirmed.
 - ii. to recall the Assessment Board to review its decision in the light of new evidence. The Review Committee may offer guidance to the Assessment Board.
 - iii. that the student be expelled from the University for a number of years or permanently together with any decision on the withholding of any Interim award or on the rescinding of any Stage award.
 - iv. in certain circumstances to annul the Assessment Board's decision.
- i. Annulment of the decision of an Assessment Board shall be taken in the following circumstances:
 - i. it is not possible to reconvene the Assessment Board.
 - ii. the nature of a procedural error makes it inappropriate to recall the same Board.
 - iii. after a request to reconsider its decision, an Assessment Board fails to take proper account of the evidence put before it concerning a material irregularity.

If the Assessment Board's decision is annulled, the Committee may not make a recommendation for an award but an alternative properly constituted Assessment Board would need to be convened (including external examiners), which would receive any guidance from the Review Committee.

iv. **AFTER REVIEW**

- a. If the Review Committee has so requested, the Assessment Board, including external examiners, will reconsider its decision in the light of additional evidence and may decide to confirm, amend or substitute its original decision. In relation to unfair means, the assessment board may substitute its original decision with any of the academic actions listed in section 7.3 of the Regulations Regarding Candidates' Use of Unfair Means in Assessment. In all cases, its decision shall be final and not subject to further review.
- b. The candidate shall be informed in writing within seven days of the decision of the Review Committee and any reconvened Assessment Board (and the reasons for the decision), together with, where applicable, the consequences thereof concerning a candidate's future attendance on the course.
- c. The decision of the Review Committee shall be **final** and reported to the next meeting of Senate.

v. **COMPLAINTS**

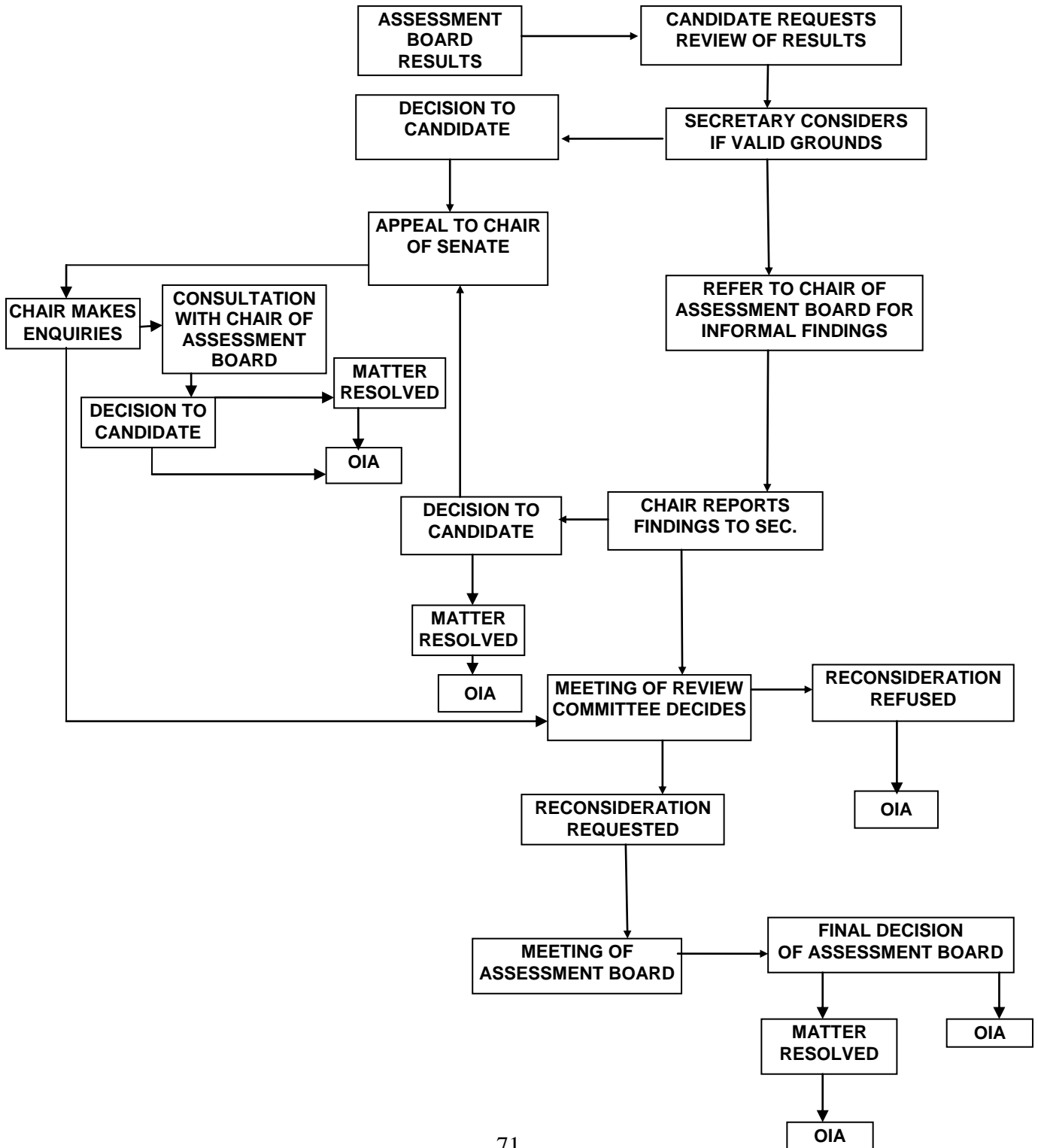
Office of the Independent Adjudicator for Higher Education (OIA)

- a. Where a student has exhausted the University's procedures for the review of decisions of Assessment Boards, the University will issue a Completion of Procedures letter to the student.
- b. A complaint will not be considered by the OIA unless it is received within three months from the date of issue of the Completion of Procedures letter.
- c. The formal decision of and recommendations of the OIA Reviewer will be considered by the Vice Chancellor. The Vice Chancellor may:
 - i. accept the recommendations in full or in part
 - ii. not accept the recommendations in full or in part.

Where the Vice Chancellor does not accept the recommendations, the OIA Reviewer will be informed as soon as is reasonably practicable, giving the reasons for non-acceptance.

REVIEW OF ASSESSMENT BOARD DECISIONS

Flow Chart for Requesting the Review of Decisions of Assessment Boards



APPEAL FORM

Before you consider making a formal appeal you should always have made serious attempts to resolve the matter informally through the relevant member(s) of staff. Note that appeals can only be made against the published decisions of **final awards or progression boards** of the University and not against any provisional marks, grades, results or other feedback made available to you, by your tutors or by any other means, for individual assessments, examinations, or modules. All such outcomes are provisional until confirmed by a final awards or progression board (a module results board is not a final board).

Before completing the attached Appeal Form you should read the following permissible grounds for appeal very carefully. **Note that 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.**

The full procedures for the review of decisions of assessment boards are available from the University's Quality Assurance and Enhancement Unit and at: <http://www.bolton.ac.uk/Quality/QAECContents/APPR/Home.aspx>, or from Student Services, School Offices and the Students' Union. You are strongly advised to read the procedures before making an appeal and to seek appropriate advice as indicated therein.

- a. *A candidate may request a review of a decision of an Assessment Board on the grounds that performance in the examination/assessment was adversely affected by illness or some other factor which the Assessment Board was unaware of because the candidate was unable or for valid reasons unwilling to divulge before the Assessment Board reached its decision. The candidate's request must be supported by medical certificates or other relevant documentary evidence.*
- b. *A candidate or any other person may request a review of the Assessment Board decision on the grounds that there has been a material administrative error, or that the examinations/assessments were not conducted in accordance with the current regulations for the course, or that some other material irregularity has occurred.*
- c. *A candidate may request a review either of the Assessment Board's decision about the student's use of unfair means or on the grounds that the consequential academic action is unreasonably severe within the context of the Assessment Board and/or Validating Body's examination and assessment regulations.*
- d. *A review of a decision of an Assessment Board will be concerned solely with the conduct of the examinations/assessments or with the personal circumstances of the candidate or with the use of unfair means and any academic action or recommendation on expulsion from the University. It will not be concerned with questioning the academic judgement of an Assessment Board. Candidates who submit a request for a review simply because they are dissatisfied with the outcome of their assessment shall have the request rejected.*

Appeals will not be accepted for any other reason **and have to arrive no later than fourteen days from the date your results are published.**

This Appeal Form should be completed typed or in black ink (signed by hand) and the original sent by post, facsimile, or delivered in person to:

**Secretary to Senate, Quality Assurance and Enhancement Unit
University of Bolton, Deane Road, Bolton BL3 5AB, Tel. 01204 903052
Fax. 01204 903050**

APPEAL FORM

This Appeal Form should be completed typed or in black ink (signed by hand) and the original sent by post, facsimile, or delivered in person to:

Secretary to Senate
Quality Assurance and Enhancement Unit
University of Bolton
Deane Road Bolton BL3 5AB
Tel. 01204 903052
Fax. 01204 903050

Any independent corroborative evidence must be attached to this Form.

Full Name	
Student Number	
Course	
Modules (please list the modules involved in your appeal)	
Year of Study	
Full-time or part-time (please specify)	
Address to which correspondence should be sent	(this must correspond with one of the addresses held on the University's student record system*)

I wish to appeal against the decision of the Assessment Board on the grounds that (tick one or more relevant boxes):

- My performance in the examinations and/or other assessments was adversely affected by illness or some other factor **which the Assessment Board was unaware of** because I was unable or for valid reasons unwilling to divulge such before the Assessment Board reached its decision **(please complete Section 1 below)**.
- There has been a material¹ administrative error, or the examinations or assessments were not conducted in accordance with the current regulations for the course, or some other material irregularity has occurred **(please complete Section 2 below)**.
- The Assessment Board's decision about my use of unfair means is incorrect or the consequential academic action is unreasonably severe within the context of the Assessment Board and/or Validating Body's examination and assessment regulations **(please complete Section 3 below)**.

*Students are reminded that it is their responsibility to ensure that their contact details are correct; they may be amended by logging into 'My Details' on the 'Current Students' web page.

¹ 'Material' means directly relevant and significant to the outcome of the examination or assessment i.e. it can be shown to have had an effect.

All candidates must complete Section 4

SECTION 1

Did you report any illness or other factor, using the University's Mitigating Circumstances Procedures, before the meeting of the Assessment Board?
(please tick the appropriate box)

- Yes Please complete section 1.1
- No Please complete sections 1.2, 1.3 and 1.4

1.1 Please specify to whom the circumstances were reported and provide full details of the illness or other factor you have reported previously. If there are any additional circumstances that have not been previously reported please complete sections 1.2, 1.3 and 1.4.

1.2 Please provide details of the illness or other factor you did not report previously. Appeals on medical grounds will not be considered without written evidence, from a medical practitioner or other health professional, which should be attached to this form.

1.3 Please state why you did not report the circumstances detailed in 1.2 above, using the University's Mitigating Circumstances Procedures, before the meeting of the Assessment Board.

1.4 Please state why you believe the circumstances detailed in 1.2 above had an adverse effect on your performance.

SECTION 2

2.1 Please state why you believe there has been a material administrative error, or why you believe the examinations/assessments were not conducted in accordance with the current regulations for the course, or why some other material irregularity has occurred.

2.2 Please state why you believe the administrative error, regulatory or other irregularity has had an adverse effect on your performance.

SECTION 3

Please state why you believe the Assessment Board's decision about your use of unfair means is incorrect or the consequential academic action is unreasonably severe within the context of the Assessment Board and/or Validating Body's examination and assessment regulations.

SECTION 4

Please state what attempts you have made to resolve the above issues informally i.e. who have you communicated with about them, when, and what was the outcome?

No further submission will be considered.

I declare that I have read the Regulations and Procedures for the Review of Decisions of Assessment Boards and that the information given 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.

.....
Signed (Candidate)

.....
Date