ACADEMIC APPEALS

FOR ALL TAUGHT AND RESEARCH PROGRAMMES OF STUDY

Academic Appeals Procedure

This procedure is not meant to be used to consider student complaints. Students are directed to the University's <u>Complaints Procedures</u>. Candidates wishing to request a check on individual marks are referred to the <u>Accuracy of Published Marks Procedure</u>.

These procedures are relevant to students wishing to appeal against a decision taken by an Examination Board.

If you feel you are eligible, have grounds for appeal and are within time then you will need to complete the <u>Appeal Form 2022</u>.

Completed request for appeal forms need to be submitted with all relevant supporting evidence by e-mail to studentcases@swansea.ac.uk.

As staff are currently working remotely, we cannot accept appeal forms or any documents/correspondence by post.

Students are also advised to read the revised <u>Academic Appeals FAQ</u> which provide more information about key deadlines for submitting appeals and about how appeals will be determined.

Should you have any questions on the procedure or regulations, please contact the **Student Cases Team**, who will be happy to answer any queries you might have, via email at: studentcases@swansea.ac.uk.

In addition, the Student's Union Advice Centre is available to assist and advise students, in confidence, regarding Appeals and operates as a free service for students. You can contact the Advice Centre via e-mail at: advice@swansea-union.co.uk.

Special Consideration dates.

Whilst students have **three months** to submit an appeal following publication of the August supplementary assessment results on the intranet, if you are an MBBCh student wish to submit an appeal related to the continuation of your studies (for example if you have been withdrawn from the University and wish to appeal to be permitted the opportunity to repeat the level of study) during the 22/23 Academic Session you will need to submit your appeal to Academic Services by the dates set out below,

1. Introduction

An academic appeal is defined as a request for a review of a decision of an academic body charged with making decisions on student progression, assessment and awards. Appeals may be made by individuals only; they may not be lodged by a representative, a parent or any other third party (unless it can be shown that there are good grounds why the student cannot make the appeal themselves).

Where an academic appeal also contains within it a complaint and vice versa, Academic Services may reclassify the appeal or complaint (at whatever stage they may have reached) and process it under the most relevant regulation or procedure if this is likely to lead to a more appropriate outcome for

the person(s) appealing or complaining. Candidates will be notified in writing (via email) by Academic Services of any reclassification.

The University expects all parties to act reasonably and fairly towards each other, and with respect. If an appeal is not upheld, the reasons for the decision will be communicated to the candidate.

2. Eligibility

These procedures are available to candidates who are enrolled within the University, whether studying or domiciled overseas, involved with placements or work-based learning, and candidates who have interrupted their studies on a temporary basis. These procedures also apply to former candidates of Swansea University who have withdrawn from their programme or have completed their programme as long as the appeal is submitted within 3 months of notification of the Examination Board decision being appealed.

These appeals procedures are relevant for candidates wishing to appeal against a decision taken by an Examination Board in the following instances:

- Candidates who are prevented from continuing with their studies part-way through a level of study or part of a programme.
- Candidates who fail to qualify to proceed to the next stage of their programme at the end of a level, end of a part or end of a year.
- Where the implications of the progression decision taken by the Examination Board may have a significant impact on the student's overall results (e.g. capping of marks).
- Candidates who have completed their programme but who wish to appeal against the result or candidates who are dissatisfied with the award of an exit qualification of the University.

2.1 Grounds for Appeal

2.2

The experience and knowledge of a student, the student's performance and whether they have reached the required academic standard, and an awareness of best practice in higher education are combined to allow an examiner to make an academic judgement on the ability of a student. Academic judgement is the decision made by academic staff on the quality of academic work or the criteria being applied to mark work (rather than the administrative marking process). Academic appeals which question this academic judgement shall not be considered.

2.3

Appeals against decisions taken by Faculty/School Special Circumstances Committees (or appropriate Committee) or the University's Academic Regulations and Cases Board (or nominee) in relation to extenuating circumstances shall not normally be considered.

2.4

The University shall only consider academic appeals which are based on one or more of the following grounds:

2.4.1

The Examination Board failed to take into account all work submissible and properly submitted for assessment.

2.4.2

There was evidence of a computational or administrative error in arriving at the end of level/part decision.

2.4.3

Evidence of prejudice or of bias or of inadequate assessment, not of an academic nature, on the part of one or more of the examiners.

2.4.4

Defects or irregularities in the conduct of the examination or in written instructions or in advice relating thereto which are of such a nature as to cause reasonable doubt as to whether the examiners would have reached the same decision had they not occurred. Candidates must provide a compelling reason for not bringing to the attention of their Faculty/School the defects or irregularities when they occurred.

2.4.5

The examiners were aware of, but did not fully consider, defects or irregularities in the conduct of the examination or in written instructions or in advice relating thereto, when such defects or irregularities or advice might, in the candidate's opinion, have had an adverse effect on his/her performance.

2.4.6

Extenuating circumstances (as defined within the Policy on <u>Extenuating Circumstances</u> Affecting Assessment) which the Examiners were not aware of and which had an adverse effect on the candidate's academic performance. Candidates must provide an explanation, supported by evidence to show that:

- (i) The candidate had extenuating circumstances at the time of their affected assessment(s); and
- (ii) The extenuating circumstances had an adverse effect on the candidate's academic performance in the affected assessment; and
- (iii) The candidate:
- (a) had been unable to determine whether or not they were fit to undertake the assessment; and/or
- (b) had a good reason for not notifying the Faculty/School of their circumstances at the relevant time (see Sections 2.5 and 2.6).

2.5

In accordance with the University's regulations, candidates shall be expected to submit to their Faculty/School an application with evidence of any personal circumstances which might have had an adverse affect on their studies, in accordance with the Policy on Extenuating Circumstances Affecting Assessment. In the case of examinations, such application must be submitted in accordance with the Faculty/School policy on submission and by the deadline prescribed by the Faculty/School. Normally, any academic appeal based on "new extenuating"

<u>circumstances</u>", which has not been submitted to the Faculty/School in accordance with the <u>Faculty/School policy on submission and by the deadline prescribed by the Faculty/School, will not be considered.</u>

Candidates studying on the following programmes shall be expected to submit extenuating circumstances applications to their Faculty/School in accordance with the procedures and time-limits outlined in their Faculty/School Handbook - which take precedence over the University's Policy on Extenuating Circumstances Affecting Assessment for these programmes:

- MBBCh Medicine;
- Legal Practice Course;
- LLM Flexible Taught Masters.

In the case of research students, candidates are expected to make their supervisor(s) aware of circumstances which might affect their studies as and when they occur in order that appropriate consideration and/or action can be taken. Where the candidate attends a (research) viva examination, they are expected to make the Examining Board aware of any extenuating circumstances which could have an effect on their examination. Academic appeals based on extenuating circumstances which could have been brought to the attention of the Examining Board prior to oral examination shall not be considered.

2.6

It shall be presumed that the candidate would have been unable to determine whether or not they were fit to undertake the assessment and/or had a good reason for not notifying the Faculty/School of their circumstances at the relevant time where a candidate provides appropriate written evidence that:

- (a) They had experienced any of the following extenuating circumstances:
 - Severe depression.
 - Severe mental health issues.
 - Psychiatric admission.
 - Death of a close relation (defined as a parent/step-parent/primary carer of the candidate, sibling/step-sibling, partner/spouse, son or daughter/step son/step daughter.)
 - Serious sexual assault; and
- (b) That the above circumstance/s had occurred no earlier than one calendar month before the submission deadline-examination date of the affected assessment.

The above does not preclude a candidate from submitting an appeal based upon any type of extenuating circumstance and circumstances which occurred earlier than one month before the submission deadline/examination date of the affected assessment provided that the criteria within Section 2.4.6 are met.

2.7

Candidates who have been granted supplementary examinations shall not normally be permitted to submit an appeal against that decision.

3. Submission of an Academic Appeal and Time Limits

For candidates studying under collaborative arrangements, appeals against academic decisions shall be through the partner institution's appeals procedure in the first instance with a review through the Swansea University Final Review Procedures, if the student is still not satisfied.

Details of the institution's appeals procedures shall be made available to candidates during their study in the institution concerned.

3.1

All appeals against academic decisions must be submitted to Academic Appeals by e-mail to studentcases@swansea.ac.uk. Further information about, or clarification of, these procedures is also available from Academic Services.

3.2

Candidates who wish to appeal against a decision taken by an end of Level/ Part Examination Board must submit the appeal within 3 months of notification of this relevant Examination Board decision (i.e. the date on which the academic result is published on the intranet or made available to the candidate by the Faculty/School). This means for example that candidates cannot wait until they have received an award/ exit qualification to appeal against the decision reached by an Examination Board during an earlier Level/Part. By way of specific example:

- An Undergraduate candidate who wishes to appeal against their Year 2 marks would need to submit an appeal within 3 months of notification of the Year 2 Examination Board decision;
- A Postgraduate Taught Masters candidate who wishes to appeal against their taught module marks would need to submit an appeal within 3 months of notification of the Examination Board decision confirming these marks and progression decision.

The University shall not normally consider academic appeals submitted more than 3 months after notification of the relevant Examination Board decision, unless the candidate shows there to be a compelling reason why the appeal has been submitted late.

3.3

If an appeal is not received within the time limit stipulated, the appeal will normally be treated as **not eligible** for consideration on the basis it is 'out of time', unless the candidate shows there to be a compelling reason for not having submitted the appeal within the time limit. Where it is decided that an appeal is not eligible for consideration, the candidate will be advised of this outcome by email, and will be informed of their right to request a final review of the outcome under the <u>Final</u> <u>Review Regulations</u>.

3.4

All appeals must be made in writing using the University's 'Request for <u>Academic Appeal</u> Form AR1RD-1-B'.

The appeal submission must include the following:

• The grounds on which the appeal is based. See Section 2.

- The desired outcome from the point of view of the candidate (for example, a specific request to be permitted to sit supplementary examinations). The desired outcome must be permissible within the current regulations.
- Details as to the element(s) of study that were affected (e.g. module code, assignment, examination and date of assessment) and details of the impact of the circumstances on the particular elements of study.
- Full documentation to substantiate any exceptional circumstances or claims (for example: medical/health certificate, death certificate, letter of support from a support service in the University). Such evidence provided must be dated, must indicate how the circumstances affected the academic performance, must be relevant to the affected assessment and must demonstrate that the candidate was unable to determine whether or not they were fit to undertake the assessment and/or had a good reason for not notifying the Faculty/School of their circumstances at the relevant time.

The University recognises, however, that it may be difficult for students to obtain evidence in the current climate, noting the current pressures on the health and other services, and will make every effort to consider applications sympathetically. We may ask you to provide more evidence if required.

4. Confirmation of Procedural Regularity

4.1

Prior to the consideration of any appeal, the Director of Academic Services' nominee (thereafter referred to as the nominee) shall establish that the Examination Board was both properly constituted and that its business was conducted in the proper manner (i.e. in accordance with the Academic Regulations). Where meetings have not been properly conducted, the nominee shall make arrangements for the reconsideration of all decisions which may have been affected.

5. Initial Filtering of Appeals

5.1

Academic Services shall acknowledge, in writing, receipt of an appeal within 5 working days. The acknowledgement shall be sent by e-mail to the candidate and include a general overview of the appeals procedure and provide a time-estimate for the determination of the appeal.

5.2

Once acknowledged, all appeals shall be initially considered by appropriately trained and experienced staff members of Academic Services, referred to as the Filtering Committee.

5.3

The Filtering Committee may contact the relevant Faculty/School, Disability Office, or Wellbeing Services, as appropriate, for further information if it is considered necessary to enable the submission to be initially considered.

5.4

Appeals which are not based on the grounds listed in Section 2.4 or where there is no evidence to support the appeal may be rejected by the Filtering Committee.

The following shall not be considered to satisfy the grounds for appeal:

- Questioning the academic or professional judgement of the examiners.
- A candidate's disappointment with a result where marks have been accurately recorded, assessment regulations correctly followed and where no evidence of material irregularity exists.
- Where extenuating circumstances were made known to the Faculty/School, University
 Progression and Awards Board or appropriate committee and such circumstances were fully
 considered.
- Where the student failed to submit evidence of their <u>extenuating circumstances</u> to the Faculty/School in accordance with the Policy on Extenuating Circumstances Affecting Assessment.
- Where the evidence presented in relation to an appeal based upon <u>extenuating</u> <u>circumstances</u> does not support the notion that the candidate had extenuating circumstances at the relevant time.
- Where the evidence presented in relation to an appeal based upon does not support the
 notion that the candidate was unable to determine whether or not they were fit to
 undertake the assessment and/or had a good reason for not notifying the Faculty/School of
 their circumstances at the relevant time.
- Where the evidence presented in relation to an appeal based upon <u>extenuating</u> <u>circumstances</u> does not support the notion that the candidate had extenuating circumstances which fall within section 2.6.

5.6

Candidates whose appeal has been rejected following the initial consideration shall, where practicable, be notified in writing by the Filtering Committee within 30 working days of the date of the receipt of the appeal or receipt of any evidence in support of the appeal that may have been requested. Where this timescale is not practicable, the candidate will be provided with a revised time-estimate for the consideration and notification of their appeal. The notification of rejection will include a brief summary of the reasons for the decision taken. If it is not practicable to provide the summary of the reasons for the rejection at the same time of the notification of the decision taken, the reasons will be provided as soon as practicable thereafter. Any failure to provide a rejection within the relevant timescale will not for the avoidance of doubt constitute acceptance that valid appeal under these regulations has been made by the candidate.

5.7

Where the Filtering Committee decides that the appeal is based upon the grounds listed in 2.4 and that there is compelling evidence to support the appeal, at the discretion of the Filtering Committee:

(a) the appeal shall be referred to the next scheduled Academic Appeal Board for consideration; or (b) the Filtering Committee shall proceed to consider and determine the appeal in place of the Academic Appeal Board and in accordance with Section 8. Where this applies, all references within Section 8 to the Academic Appeal Board shall include the Filtering Committee.

5.8

The Filtering Committee may request information/further information from the relevant Faculty(ies)/School(s) and/or Chair of Examination Board. Faculties/Schools and/or the Chair of the Examination Board shall be responsible for providing details of any additional factors which may have a bearing on a case, such as internal rules/regulations; action taken by the Faculty/School; the requirements of and constraints imposed by professional bodies.

6. Academic Appeal Board

6.1

The nominee shall serve as Secretary to the Academic Appeal Board.

6.2

Each Academic Appeal Board shall consist of a minimum of three members which shall be selected by the Board's Secretary from the following: the Pro-Vice-Chancellors, members of University level Committees/Boards with relevant experience/expertise and senior members of academic teaching staff (i.e. Senior Lecturer or above). In addition, in the interest of externality, members of staff from other Higher Education institutions may be co-opted as necessary

6.3

If necessary, one member of each Academic Appeal Board shall be appointed by the Board's Secretary to act as Chair.

6.4

An Academic Appeal Board may be convened to consider more than one case, even if such cases are referred to it by more than one Examination Board. However, members shall not participate in the discussion of cases from students who have studied in the same Faculty/School in which the member is employed. In unavoidable cases where an appeal is submitted by a candidate from the same Faculty/School as a member of the Appeal Board, the member shall abstain from participating in the discussion and agreeing an outcome.

6.5

Where the Academic Appeal Board is considering appeals submitted by research candidates, one member of the Board shall be a senior member of staff with experience in supervising research students or a Director of Postgraduate Research. Where this is not possible, the Academic Regulations and Cases Board shall be consulted on the appeal.

7. Procedures for the Consideration of Cases by Appeal Boards

7.1

All documentation relevant to the case, including the appeal submission, supporting documentation and comments from the Faculty(ies)/School(s) and/or Chair of the Examination Board(s), and a copy of the relevant student record shall be copied to members of the Academic Appeal Board within a reasonable timescale.

7.2

A copy of all relevant documentation shall also be provided to the candidate submitting the appeal for information, normally accompanying the outcome of the appeal.

7.3

The views of the candidates shall be made known to the Academic Appeal Board through the information supplied on the appeals pro forma and any supporting documentation.

7.4

In exceptional circumstances and with the permission of the Chair of the Academic Regulations and Cases Board or their nominee, candidates may be permitted to make representation directly to the Academic Appeal Board.

8. Powers of the Academic Appeal Board

8.1

The Academic Appeal Board shall consider:

- Whether all work submissible and properly submitted for assessment was taken into account by the Examination Board;
- Whether there is evidence of an administrative or computational error of such a nature to cause reasonable doubt as to whether the Examination Board would have reached the same conclusion if that error had not been made;
- Whether there is evidence of defects or irregularities in the conduct of the examination or in written instructions, or in advice relating thereto to cause reasonable doubt as to whether the Examination Board would have reached the same conclusion if that defect or irregularity had not been made and the candidate has provided a compelling reason for not bringing to the attention of the Faculty/School these defects or irregularities;
- Whether details of relevant <u>extenuating circumstances</u> affecting the candidate's conduct or performance were submitted to the Faculty/School in accordance with the Policy on Extenuating Circumstances Affecting Assessment;
- Whether appropriate action was taken in relation to the extenuating circumstances;
- Whether evidence provided by the candidate supports the notion that they were unable to
 determine whether or not they were fit to undertake the assessment and/or had a good
 reason for not notifying the Faculty/School of their circumstances at the relevant time;
- Whether evidence provided by the candidate supports the notion that the candidate had extenuating circumstances which fall within section 2.6;
- Whether the relevant extenuating circumstances have any bearing on the case (i.e. had an adverse effect on the candidate's academic performance in the affected assessment);
- Whether there is evidence of prejudice or of bias or of inadequate assessment on the part of one or more of the examiners;
- Whether the decision of the Examination Board was such that no body of reasonable people could have arrived at that decision.

If the Academic Appeal Board is satisfied on the above issues, it may take one of the following courses of action:

- In light of the circumstances, and with due consideration to the wishes of Faculty(ies)/School(s) and/or Chair of the Examination Board concerned, uphold the appeal and amend the decision of the Examination Board.
- In light of the circumstances, uphold the appeal and recommend that the case be reconsidered by the original Examination Board with a strong guidance on a possible outcome.
- In light of the circumstances, uphold the appeal and recommend that an entirely new Examination Board should reconsider the decision of the previous Board.
- In light of the circumstances, uphold the appeal and give the candidate permission to rewrite the thesis and to resubmit for re-examination by the original Examination Board within a specified time limit (particularly for postgraduate degrees).
- In light of the circumstances, uphold the appeal and give the candidate permission to rewrite the thesis and to resubmit for re-examination by an entirely new Examination Board within a specified time limit (particularly for postgraduate degrees).
- If it is found that all the circumstances of a candidate's case were known and appropriate action had been taken or that such extenuating circumstances were not relevant to the case, the Academic Appeal Board may reject the appeal and therefore confirm the decision of the Examination Board.
- If it is found that the evidence does not support the notion that the candidate was unable to
 determine whether or not he/she was fit to undertake the assessment and/or had a good
 reason for not notifying the Faculty/School of their circumstances at the relevant time, and
 thereby does not constitute a compelling reason for not disclosing the circumstances at the
 appropriate time, the Academic Appeal Board may reject the appeal and therefore confirm
 the decision of the Examination Board.
- In appropriate cases the Academic Appeal Board could require candidates to suspend studies where it is deemed that advising the candidate to withdraw is inappropriate.
- If the panel requires further information before it can determine an outcome, the Chair may adjourn consideration of the case pending receipt of the additional information.
- It is be noted that the Academic Appeal Board does not have the ability to change a candidate's module marks and/or degree classification on the basis of extenuating circumstances. The object of any assessment is to measure achievement and not potential. Marks awarded are an accurate reflection of performance and so will not be altered subsequently on the basis of extenuating circumstances. If an appeal is upheld on the basis of extenuating circumstances, the candidate may be given a further opportunity to undertake the affected assessment(s), potentially as an uncapped opportunity.
- Other courses of action may be taken as appropriate.

8.3

In making its decision, the Academic Appeal Board must be mindful of any constraints imposed by external agencies such as professional bodies.

8.4

- International candidates who need a visa to study in the University should be aware that
 their continued study at the University is dependent upon them meeting the conditions of
 their visa and the time-limits set by UK Visas and Immigration (UKVI). For more information
 please refer to https://www.gov.uk/browse/visas-immigration/student-visas.
- Decisions taken by the Academic Appeal Board shall be made in accordance with the
 University's academic regulations and shall not be informed or influenced by visa restrictions
 and time-limits set by the UKVI. In the case of international candidates sponsored by the
 University, further/continued study based upon any academic decision taken by an
 Academic Appeal Board or Examination Board is conditional upon the candidate meeting the
 University's requirements and holding a valid visa.

Candidates who have any concerns or queries regarding their visa should contact International.

8.5

Following any re-examination of a thesis under paragraph 8.2 point 4 and 5 above, it shall be within the discretion of the Examination Board to recommend that the candidate be allowed one further opportunity to resubmit the thesis either at the full or reduced fee.

8.6

When a re-examination of a thesis is undertaken as a result of point 5 under paragraph 8.2 above, new external examiner(s) shall be appointed. The external examiner(s) shall not be provided with any information about the previous examination other than they are conducting a re-examination of the candidate's submission on appeal.

8.7

The Appeal Board may set as a condition of any outcome, the requirement that a candidate be required to provide evidence to the University to demonstrate their fitness or otherwise to continue with or return to their studies.

9. Notification of the Academic Appeal Board's decision.

9.1

A nominee from Academic Services shall inform the candidate, in writing, of the result of the appeal as soon as practically possible following the determination of the appeal. The letter from the nominee (which will be e-mailed to the candidate) shall confirm the decision reached by the Academic Appeal Board/Filtering Committee, and give a brief summary of the reasons for the decisions reached. If it is not practicable to provide the summary of the reasons for the decision at the same time of the notification of the decision taken, the reasons will be provided as soon as practicable thereafter. A copy of the letter shall be sent to the relevant Faculty/School/Chair of Examination Board, and the candidate's record shall be amended accordingly.

9.2

The University shall notify the relevant authorities (sponsors, Local Education Authorities and/or the UK Visas and Immigration) of the outcome of the appeal where appropriate.

10. Status of a Candidate During an Appeal

10.1

A candidate who submits an appeal part way through the level, year or part, may continue provisionally until such time as a decision has been reached. This is to ensure that a candidate whose appeal may subsequently be upheld is not academically disadvantaged. Attendance on clinical placements shall be at the discretion of the Faculty/School.

10.2

A candidate who submits an appeal at the end of a level, year or part of study shall not be permitted to progress to the next level, year or part until such time as a decision has been reached. However, at the discretion of the Faculty/School, a candidate may be permitted to informally attend teaching at the next level or part while an appeal is pending. Such candidates shall not be regarded as enrolled on the next level or part and the University will not be liable for any expenses incurred during this informal attendance. Decisions taken by the Filtering Committee/Academic Appeal Board will be made in the best academic interests of the candidate irrespective of any periods of informal attendance.

10.3

Candidates who continue with their studies shall be informed that, pending the outcome of any appeal, he/she may be required to withdraw from the programme or the University.

10.4

A candidate who is deemed to be eligible for an award and who subsequently submits an appeal shall be permitted to graduate. However, an award will not be issued until the outcome of the Appeal is known.

11. Options Available to the Candidate Following the Decision of the Filtering Committee or Academic Appeal Board.

11.1

A candidate may request a final review of the outcome of the appeal in accordance with the University's Final Review Regulations.

11.2

In cases where the decision of the Examination Board has been amended in their favour, candidates may not normally request a final review against that decision. Candidates may, however, request that the original decision be confirmed if they so wish.

12. Reimbursement of Expenses

12.1

Regardless of the outcome, the candidate shall not be reimbursed for any expenses incurred in requesting an appeal.

13. Reporting, Monitoring, Evaluation and Review

13.1

The Filtering Committee/Academic Appeal Board shall refer any point of general principle or concern which arises during the hearing of a particular case to the Academic Regulations and Cases Board. Relevant Faculties/Schools shall also be informed of the outcome of all appeal hearings.

13.2

Academic Services shall maintain a database of academic appeals made during each academic session and shall report to the Academic Regulations and Cases Board statistical information relating to appeals on an annual basis. It shall be the responsibility of the Academic Regulations and Cases Board to monitor the data and make recommendations as appropriate.

13.3

It shall be the responsibility of the Academic Regulations and Cases Board to review the Regulations for Academic Appeals and their effectiveness and make recommendations for changes, where appropriate, to be considered by Senate.