

## COMPLAINTS AND APPEALS

### ACADEMIC APPEALS PROCEDURE - GUIDANCE FOR ASSESSMENT/PROGRESSION BOARD CHAIRS

#### Introduction

These notes are designed to assist Chairs of Assessment/Progression Boards at the conciliation stage of an appeal and to ensure that the process is conducted equitably across the university. The information contained here should be read in conjunction with the regulations governing appeals against Assessment Board decisions (Manual of General Regulations, Part 7) which can be accessed from: <https://www.uel.ac.uk/Discover/Governance/Policies-Regulations-Corporate-documents/Student-Policies/Manual-of-General-Regulations>

#### Preparing for conciliation meetings

A student should request a conciliation meeting with the relevant Chair within **ten working days of the publication of results**. You should therefore ensure that you are available to meet with students at certain points during the two or three weeks following an Assessment/Progression Board. Where this is not possible, please ensure that a suitable nominee is identified who will be available to meet with students.

In many cases, the student will wish to meet with you in the presence of an officer of the Students' Union. You are of course entitled to ask a member of staff from the school to accompany you, although you should have due regard to the confidentiality of the information that the student will present.

It is often helpful to identify the area of the student's concern prior to the meeting. This may enable you to do some preliminary research and will lead to a more informed conciliation meeting. However, where possible, the Complaints and Appeals Officer will make some basic, initial enquiries, regarding issues such as additional support arrangements or seek clarification of the events which took place on the day of an exam, for example, from the relevant departments. Any evidence which is gathered will be forwarded to you as soon as possible.

It is recommend that you ask one of the school administrators to take minutes at the conciliation meeting so that if the case were to go as far as the Office of the Independent Adjudicator (OIA), you would be able to provide minuted evidence of what you considered when making your final decision. The OIA may ask for the university to substantiate how an outcome decision was arrived at, especially regarding student progression. The minutes do not need to be verbatim, but should clearly set out what evidence you considered, what questions you asked the student and what responses you received back, so there is a record of the decision making process.

#### Appeals documentation

The student should bring with them to the conciliation meeting a notification of appeal form (this may be accessed from: <https://www.uel.ac.uk/Discover/Governance/Policies-Regulations-Corporate-documents/Student-Policies/Student-Appeals>) Following the meeting, this form should be signed by both yourself and the student, indicating the conclusion of your meeting and an outline of the reasons for your decision. You should not agree to conciliate any matter without the appropriate, completed documentation. You should also not make an decisions regarding extenuating circumstances. This issues are only to be considered by an Extenuating Circumstances Panel.

It is crucial that section one of the notification of appeal form is signed and the completed form is forwarded to the Complaints and Appeals Officers, regardless of the outcome. It is also advisable to retain a copy of the conciliation form for your own records, particularly where you have agreed to conciliate the matter with the student.

If you need to make any further enquiries, or are unsure if your decision breaches UEL's internal procedures, you can inform the student that you will delay your decision whilst you liaise with the relevant School or service department. Give the student an indication of when you will contact them again (i.e. within the next 5 working days).

### **Conciliation decisions**

Appeals against the decision of an assessment board are only permitted on the following grounds:

- a) If there had been a material and significant administrative error in the information received and considered by the Extenuating Circumstances Officer, the Assessment Board and/or the Board of Examiners.
- b) If the assessments had not been conducted in accordance with the approved regulations for the programme of study.
- c) If some other material irregularity had occurred in the procedures of the Extenuating Circumstances Officer, the Assessment Board and/or the Board of Examiners.
- d) If the student had been prevented from attending or submitting an assessment artefact by illness or other good cause that related to the student's personal circumstances, that she or he had been unable, for a sound and acceptable reason related to the circumstances themselves, to divulge before the deadline for extenuating circumstances.
- e) For a student with a disability or additional need, the initial needs assessment was not correctly carried out, or the support identified was not provided, or the agreed assessment procedures for that student were not implemented.

Please note that students who appeal citing ground **(d)** will be referred directly to the Extenuating Circumstances Panel, by the Complaints and Appeals Officer, for the case to be considered. You will not be expected to make a decision on appeals where a student has missed the extenuation deadline date.

Where there is **evidence** that any of the above has occurred, you should agree to UPHOLD the appeal and inform the Complaints and Appeals team of your decision. You should **not** attempt to resolve the matter by informal means.

Where there is no evidence that any of the above has occurred, you should DISMISS the appeal.

If you decide to change the original progression decision awarded at the Board, please ensure you fully complete section one of the appeal form, clearly stating the previous progression decision and what the new one should be. This form will act as your 'Chair's Action' and you will not be required to complete a separate proforma. The Complaints and Appeals Officer will notify the Assessment Unit of your decision.

Appeals on the grounds of disagreement with academic judgement are not permitted and should therefore be dismissed.

You should **not** agree to conciliate in relation to an appeal regarding the outcome of an extenuating circumstances claim. If you believe an extenuation claim should be reviewed, please request that the matter be referred back to the extenuation panel.

Students who do not accept the decision made at the conciliation meeting should be advised to submit their appeal to the Complaints and Appeals team **within five working days of the conciliation decision.**

### **Format of the conciliation meeting**

The conciliation meeting should follow the following format:

1. The Chair will detail the status of the meeting and the procedure to be followed.
2. The appellant and/or his/her representative will have the opportunity to explain the grounds of his/her appeal and to present any documentary evidence he/she has to support the appeal.
3. The Chair may ask questions to seek clarification of the appellant's case.
4. The appellant and/or his/her representative will have the opportunity to summarise his/her case.
5. Based on the evidence presented, the Chair will decide to (a) uphold the appeal or (b) dismiss the appeal. The Chair may decide that it is necessary to investigate the matter further (e.g. consult relevant members of staff) to establish the facts of the case before reaching a decision.
6. The Chair will explain his/her decision and the rationale for the decision.
7. The Chair will indicate his/her decision and the rationale for the decision on section one of the notification of appeal form and will sign the form.
8. Where the Chair is unable to reach a decision without further investigation he/she will notify the appellant of the decision within 5 working days and will complete and return section one of the notification of appeal form to the appellant.
9. The Chair will explain the procedure to be followed if the appellant does not accept his/her decision.

**If you require any further information, please contact the Student Complaints and Appeals Officer at [appeals@uel.ac.uk](mailto:appeals@uel.ac.uk) .**