



**Academic Appeals: Professional
Certificates and Taught Awards**
Principles and Procedure

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1. INTRODUCTION

- 1.1 The arrangements governing academic appeals at The University of Gibraltar are informed by the expectations of the UK QAA Quality Code for Higher Education, in particular chapter B9 *Academic Appeals and Student Complaints*¹. This documentation has also been scoped with reference to a number of UK Higher Education Institutions².
- 1.2 This document describes the arrangements for appeal on non-credit bearing professional certificates and taught awards (i.e., undergraduate degrees and taught masters).
- 1.3 These procedures cover appeals against decisions made by the Examinations Board and include appeals in relation to examination results or other assessment outcomes such as academic continuation and progression.
- 1.4 Appeals may be made by anyone who is, or was, enrolled as a student of the University and, in accordance with the QAA expectations, appeals may be made by individual students or, where appropriate, collectively by groups of students represented by a lead appellant.
- 1.5 Enrolled students includes those who are on placement, engaged in work-based learning, or on an approved leave of absence.
- 1.6 All students, including those who have left/graduated from the University, have a right of appeal **within 20 working days** of results publication³.
- 1.7 Academic appeals are managed through the office of the Director of Academic Programmes and Research and by the Assessment and Appeals Committee. The Assessment and Appeals Committee is a sub-committee of Academic Board and has the power to investigate and adjudicate on appeals.

2. PRINCIPLES

- 2.1 The processes described here are underpinned by the principles of objectivity and respect and are intended to safeguard, as far as possible, the interests and well-being of students making an appeal and the staff who may be named or otherwise involved.
 - 2.1.1 Wherever possible all appeals will be resolved locally at the earliest opportunity.
 - 2.1.2 Appeals will only be considered where they are made directly by the student concerned, or the authorised student representative of a group of students. Appeals made by third parties on behalf of a student/students will not be considered.

¹ <http://www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code/quality-code-part-b>

² University of Bath, University of Bath Spa, University of Brighton, University of Cambridge, University of Gloucestershire, University of Kingston, University of London/UCL, University of Warwick

³ Results publication is the date on which unratified results are formally made available by the University to the students

- 2.1.3 Appeals will be dealt with confidentially by all parties involved, except where it is necessary to disclose information to conduct a fair investigation and/or where a breach of confidentiality is deemed necessary to meet professional body expectations concerning safeguarding vulnerable individuals (e.g., this might arise on Counselling, Education, Health and Social Care/Work courses). Where it emerges that confidentiality has been breached unnecessarily disciplinary action and/or sanction may follow.
- 2.1.4 All parties involved in an appeal are required to act reasonably and fairly towards each other and to respect the University's procedures.
- 2.1.5 All appeals will be dealt with promptly, and any time-critical factors set out in the Academic Appeal form will be taken into account.
- 2.1.6 Time limits should be met by all parties and may only be extended by the relevant decision-maker where it is necessary to do so to ensure a fair outcome.
- 2.1.7 No one investigating an appeal should have any conflict of interest in the matter. Where conflicts of interest are apparent or arise the office of the Director of Academic Programmes and Research will appoint substitute reviewers.
- 2.1.8 Anyone involved in an appeal may be accompanied by or represented at any stage of the procedure by a member of the University community (eg: another enrolled student or a member of staff⁴).
- 2.1.9 Neither party in an appeal – the University or the appellant – shall have recourse to legal representation.
- 2.1.10 Neither party will digitally record the proceedings of an Academic Appeals Review Panel.
- 2.1.11 The University will not process appeals about matters which have already been, or are currently under consideration by a court or tribunal.
- 2.1.12 The University will not process appeals that are deemed to be malicious, frivolous or vexatious in that they are obsessive, harassing or repetitive, abusive in tone or language, insistent on pursuing unrealistic or unreasonable outcomes, designed to cause disruption or annoyance, or demanding disproportionate redress. The University reserves the right to terminate the appeals process at any time where an appeal is judged malicious, frivolous or vexatious.
- 2.1.13 Where an appeal is deemed to be malicious, frivolous or vexatious in that it is obsessive, harassing or repetitive, abusive in tone or language, insistent on pursuing unrealistic or unreasonable outcomes, designed to cause disruption or annoyance, or demanding disproportionate redress the appellant may be subject to disciplinary action and/or sanction.
- 2.1.14 The process and outcome of the appeals procedure should not have a more general detrimental effect on the student's experience at the University, and students are entitled to continue to pursue their studies whilst the appeal is under investigation.

⁴ For example, preferably the student welfare officer

2.2 Once the appeals process is concluded the University will issue a Completion of Appeal Procedure letter⁵.

3. GROUNDS for APPEAL

3.1 An appeal can only be made on the following grounds, where there is evidence that:

- there has been a significant procedural irregularity in the assessment process (eg: it has not be conducted in accordance with the regulations of the programme);
- the Examinations Board was not aware of a significant factor relating to the assessment of one or more students (e.g., where for understandable reasons mitigating circumstances could not be presented to the Board when it made its original decision); there has been a material and significant procedural error.

3.2 There is no right of appeal:

- against academic judgement;
- against marginal failure to attain a higher class of degree and/or taught award;
- on the basis of retrospective submission of mitigating circumstances which could have reasonably been expected to be presented to the Examinations Board before they made a decision;
- where the matter has already been considered and rejected unless additional evidence in support of the appeal is provided and there is a valid reason (supported by evidence) why additional evidence was not submitted originally.

3.3 Where an appeal is deemed to be inadmissible, as detailed above, the student will be sent a formal letter advising the same.

3.4 It is recognised that students may raise multiple issues which do not fall neatly into the category of academic appeal and that may be better investigated as a complaint⁶. Where this is the case the Registrar and the Chair of the Assessment and Appeals Committee (or nominee) will determine whether an academic appeal or student complaint should be reclassified (at whatever stage of the process has been reached). The appellant/complainant will be consulted and advised as the appropriate procedure is progressed.

4. SUBMITTING an APPEAL

4.1 Before making a formal appeal, students are asked to explore their concerns with either the relevant module tutor, the Programme Coordinator and/or the Director of Academic Programmes and Research (taught awards) or the Director of Professional Development and Commercial services (professional certificates).

⁵ This is in accordance with best practice as promoted by the UK Office of the Independent Adjudicator <http://www.oiahe.org.uk/providers-and-good-practice/completion-of-procedures-letter.aspx>

⁶ The UK Office of the Independent Adjudicator defines a complaint as “an expression of dissatisfaction by one or more students about a university’s action or lack of action, or about the standard of service provided by or on behalf of the university.” OIA *The Good Practice Framework for Handling Complaints and Academic Appeals* <http://oiahe.org.uk/media/96361/oia-good-practice-framework.pdf>). Please see the accompanying Complaints Procedures

- 4.2 Where the matter raised by the student cannot be informally resolved at a local level the student can submit an Academic Appeal Form (Appendix 1). This should be submitted to the Registrar⁷ **within 20 working days** of the date of notification of the decision against which the candidate wishes to appeal.
- 4.3 Only in very exceptional circumstances will the Chair of the Assessment and Appeals Committee, or their nominee, agree to an extension on the time limit in which to make an appeal.⁸
- 4.4 The appeal must state the grounds on which the candidate wishes to make an appeal and include all relevant evidence pertaining to the appeal, including a statement as to why the issue(s) of concern could not be resolved satisfactorily at a local level.
- 4.5 Appeals on the grounds of illness must be accompanied by supporting documented medical evidence (i.e., medical certificates), and an explanation of the reasons why the evidence was not originally presented at the time of assessment.
- 4.6 Appeals on the grounds of procedural error must be accompanied by documentary evidence that is appropriate to support the appeal.
- 4.7 The Chair of the Assessment and Appeals Committee, or nominee, has the right to call for additional written evidence from the candidate and/or University of Gibraltar staff and to include any such additional evidence thought conducive to a better informed judgement.

5. INVESTIGATING an APPEAL

- 5.1 The Chair of the Assessment and Appeals Committee (or nominee) will acknowledge the formal notice of appeal normally **within 5 working days** of receipt.
- 5.2 The Chair of the Assessment and Appeals Committee (or nominee) will investigate all appeals and may consult with others as appropriate to the case.
- 5.3 Students submitting invalid appeals will be written to explaining why their appeal was not considered by the Academic Appeals Review Panel. Appeals will be dismissed as invalid where, for example:
 - the criteria for grounds for an academic appeal are not satisfied;
 - there is no evidence provided to support the appeal, or that such evidence is either not accurate or not timely;
 - there is no reason provided nor evidence submitted as to why the circumstances cited in the appeal were not raised originally.
- 5.4 Where the Chair, or nominee, determines that the appeal is valid the student will be advised of the same and they will be invited to attend an Academic Appeals Review Panel where the appeal will be reviewed.

⁷ The Registrar will administer all of the paperwork on behalf of the Chair of the Assessment and Appeals Committee

⁸ Exceptional circumstances may arise where the appellant has – for example - an ongoing illness/debilitating condition/personal domestic circumstances (victim of abusive violent crime, deathbed responsibilities) that precludes them making an appeal in a timely manner

- 5.5 An Academic Appeals Review Panel meets, normally **within 30 working days** of the date of receipt of the notice of appeal.
- 5.6 The membership of an Academic Appeals Review Panel will usually comprise:
- a member of the Assessment and Appeals Committee acting as Chair of the Review Panel;
 - another member of the Assessment and Appeals Committee;
 - an academic member of the University (including from Associate Campuses) who is independent of the appellant.
- 5.7 The University of Gibraltar reserves the right to involve such other individuals as it thinks appropriate to the review of the case.
- 5.8 All members of the Academic Appeals Review Panel will be asked to declare any significant connection with the appeal, and where a conflict of interest arises a member(s) of the Panel may be asked to withdraw.
- 5.9 The Registrar will act as Review Secretary to advise participants of the time and place of the meeting, and to formally record and disseminate the findings of the Academic Appeals Review Panel.
- 5.10 If an appellant withdraws an appeal the Chair of the Assessment and Appeals Committee in consultation with the Chair of the Review Panel may decide to nonetheless pursue the investigation where it is thought appropriate and fair to do so.
- 5.11 An Academic Appeals Review Panel convenes to consider:
- The candidate's written appeal and supporting evidence;
 - the oral submission of the appellant or a friend in support of the case;
 - evidence provided by the Director of Academic Programmes and Research or Professional Development, including the outcomes of the informal resolution meeting;
 - a written explanation from the Chair of the Examinations Board, or nominee, as to why the original assessment decision was taken.
- 5.12 The review concludes with a final statement by the appellant or a friend in support of the case, and a final statement by the respective Director.
- 5.13 All parties have the right to be present during the presentation of the case, and all have the right to ask questions during the course of the review, except that none has the right to question the final statements.
- 5.14 If the appellant does not appear at the hearing, the Review Panel may proceed to deal with the appeal, provided it is satisfied that the Review Secretary has properly notified the appellant of the hearing.
- 5.15 The time between completion of the review and formal written notification to the appellant of the Panel's decision is normally **within 10 working days**
- 5.16 The Registrar, acting as Review Secretary, will notify the outcome of the appeal to the Examinations Board, the appellant and any other relevant party in the University. If appropriate, the appellant is informed by means of a Completion of Appeal Procedure letter.

6. REVIEW OUTCOMES

- 6.1 The Review Panel sits in private and decides whether or not the appeal can be upheld.
- 6.2 The Review Panel, having heard the appeal, may, if satisfied, take the following actions.
- *In the case of procedural error or irregularity*
Advise the Chair of the Examinations Board to reconsider its decision pertaining to the student in the light of the findings of the Panel.
 - *In the case of illness or other factors*
Advise the Chair of the Examinations Board to reconsider its decision pertaining to the student in the light of the findings of the Panel.
 - *In the case of no grounds or grounds of insufficient weight*
Dismiss the appeal, if it is satisfied that the appellant has failed to establish the grounds of the appeal.
- 6.3 If the Chair of the Examinations (in consultation with colleagues) is not prepared to reconsider the original decision, a formal written statement with reasons for not doing so, must be submitted to the Chair of the Academic Appeals Review Panel for further consideration.
- 6.4 In the first instance, where there is a difference of opinion between the findings of the Review Panel and the Chair of the Examinations Board, the respective Chairs have the authority to consult together and, based on the available evidence, negotiate a reasonable resolution to the difference between their respective findings.
- 6.5 Where the Chairs of the Examinations Board and the Academic Appeals Review Panel cannot agree a course of action the Chair of the Assessment and Appeals Committee is called upon to consult and mediate a decision.

7. FURTHER RIGHT of APPEAL

- 7.1 The only ground for appeal against a decision of an Academic Appeals Review Panel is that the appeals procedures set out in these procedures were not followed.
- 7.2 There are no grounds for appeal on the basis of the following:
- new evidence not disclosed at the hearing;
 - disputing the academic judgement of the Review Panel;
 - disputing the competence of panel members.
- 7.3 An appellant may submit a further appeal to the Vice-Chancellor if either:
- an appeal has not been upheld by an Academic Appeals Review Panel and there is evidence that the procedures for considering the appeal were not followed;
 - OR
 - an appeal has been upheld by an Academic Appeals Review Panel and referred to the Chair of the Examinations Board for reconsideration but the original decision has not been modified.
- 7.4 Any further appeal must be submitted by the appellant to the Vice-Chancellor for receipt **within 10 working days** of notification of the Committee's decision.

- 7.5 The further appeal must specify in writing ***precisely*** what aspect(s) of the procedure was not followed.
- 7.6 The Vice-Chancellor may convene an *ad hoc* panel (including, where appropriate, a member of Board of Governors) none of whom will have previously been involved with the particular case.
- 7.7 The *ad hoc* panel will constrain themselves purely to establishing whether the appellant's claims regarding a procedural error can be upheld or not. Where there is no ground for a procedural claim the Vice-Chancellor's decision, as advised by the panel, will be final.
- 7.8 If the appellant's claim is dismissed, the Vice Chancellor informs the Registrar who issues and sends to the appellant a Completion of Appeals Procedure letter.
- 7.9 If the appellant's claim is upheld, the Assessment and Appeals Committee will be required to reconvene an Academic Appeals Review Panel, constituted with a new membership and drawing on external members if necessary. This Panel then proceeds per Section 5.

Appendix 1

Academic Appeal Form – Professional Certificates and Taught Awards



Before completing this form, please read carefully the appeals procedures published by the University. If you are sure of your right to make an appeal, please complete this form, include relevant evidence, sign and return to the Academic Frameworks Lead.

Please include a copy of your results to which this appeal relates.

Name	
Student Number	
University Email	
Address	
Telephone Contact Number(s)	
Programme of Study	
Year of Study (1 st , 2 nd , 3 rd)	
Institute/Faculty	
Please indicate the grounds on which this appeal is submitted:	
➤ there has been a significant irregularity in the assessment process	<input type="checkbox"/>
➤ the Examinations/Awards Board was not aware of a significant factor relating to the assessment and mitigating circumstances could not be presented to the Board when it made its original decision	<input type="checkbox"/>
➤ there has been a material and significant procedural error	<input type="checkbox"/>
Module(s)/course assessment on which the appeal is based:	

Supporting Statement:

Please give details below of the circumstances of your appeal (ie: why you believe you have grounds for appeal, why you disagree with the assessment decision that has been made) and attach relevant supporting documents. You may continue on a separate sheet if necessary

Proposed Resolution:

Please indicate the remedy you are seeking as a resolution to your appeal

I confirm that this submission is truthful and relevant to my appeal

Name:

Signature:

Date:

Process and Procedure Time-Line(s)

