



## Advice Service guide to

### ACADEMIC APPEALS

An Academic Appeal is a formal request to the University to review of a decision of a Board of Examiners. An Academic Appeal can be submitted on one or more of the following grounds:

- a) *That there is evidence that the assessment(s) may have been adversely affected by extenuating circumstances which the student was, for valid reasons, unable to make known to the Examiners or progress review beforehand.*
- b) *That there were procedural irregularities in the conduct of the assessment(s) and/or assessment procedures, which adversely affected the result achieved.*
- c) *That there is evidence of prejudice or bias on the part of one or more of the assessors, Examiners, or members of staff conducting a progress review.*
- d) *That there is evidence of inadequate assessment on the part of one or more of the assessors, Examiners, or members of staff conducting a progress review.*

#### **About this Guide**

This Guide is about Academic Appeals and challenging Board of Examiners decisions. This Guide is not about challenging Academic judgment (as this is not a valid basis for appeal).

The University has some very detailed guidance which you should also refer to, to ensure that you fully understand the process and what your responsibility is as a student when it comes to submitting an Academic Appeal.

[Senate Regulation 12](#) outlines the process for academic appeals for both undergraduate and postgraduate you.

Further useful information can be found in [Academic Appeals: A Guide for You](#).

The Advice Service Guide will help you put forward the best case possible and inform you of what is required. It is essential that you familiarise yourself with the process and then use the tips contained in our guide to make sure your appeal does your case justice.

#### **Before you start**

Before you start to draft your Appeal Form you must first consider whether an Appeal is the most appropriate avenue for addressing your concerns.

Other possibilities to consider could be:

- If you are still within 5 working days of the assessment deadline, Extenuating Circumstances may be a more suitable option. Please see our [Guide to Extenuating Circumstances](#) which can be found in the University Procedures section of our website.

- If the circumstances are ongoing and likely to continue you may want to consider taking some time out (Please see our [Change of Plan Guide](#) which can be found in the University Procedures section of our website.)
- Is it something that can be dealt with informally with a simple discussion?
- If you did not do so well in an assessment but do not have serious or significant circumstances, then you should seek feedback on the assessment in question to better understand where you went wrong.
- If you did not do so well in an assessment but do not have serious or significant circumstances, then have you asked whether your work was moderated and sent to an External Examiner?
- You could submit a Formal Complaint about the circumstances if the issues are concerning someone's behaviour or your student experience.

The Academic Appeals process has three main stages:

✓ **Informal Discussion for early resolution**

You should first raise the concerns informally with an appropriate member of staff (e.g. your Personal Tutor, Supervisor, or Course Director) at the point the concern arises, **normally within 5 working days after notification of your results.**

[A Record of Informal Discussion Form](#) will need to be completed by whoever you speak to within your department.

✓ **Stage One: Formal Appeal**

If your concerns have not been resolved then you must submit an [Academic Appeal Form](#) with supporting evidence as soon as possible after the informal discussion and within a **maximum of 10 working days of the notification of your results.**

The Stage One Appeal Form must be submitted electronically and with supporting evidence. The student must state if there is further evidence to follow, which should **normally be submitted within a further 5 working days.**

✓ **Stage Two: Dissatisfied with decision**

If after Stage One you are dissatisfied with the decision made then you should submit a Stage Two Appeal Form **within 10 working days of the date of the outcome letter.** Appeals received after this deadline will only be accepted at the discretion of the Head of Student Affairs & Casework.

The Stage Two Appeal Form must be submitted electronically and with supporting evidence. The student must state if there is further evidence to follow, which should normally be submitted within a further 5 working days.

**More detailed information can be found below.**

### **Grounds for an appeal**

There are **three** grounds on which you can challenge a decision of the Board of Examiners:

✓ **Extenuating circumstances:**

An extenuating circumstance is a serious or significant event that was unexpected in nature and that had an adverse impact on your academic performance and ability.

Normally you should submit **Extenuating Circumstances (ECs) within 5 working days** of the deadline affected by the Extenuating Circumstances; this may involve more than 1 module.

If you are appealing on the basis of Extenuating Circumstances and did not submit your Extenuating Circumstances during the Academic Year and at the time, then you will need to explain why. It is crucial to explain clearly and provide evidence to support your reasons for why you were not able to notify the University of the ECs sooner.

If you have submitted extenuating circumstances already and these were rejected, then it is essential that you refer to the reasons provided by your department for rejecting your extenuating circumstances claim.

If you have submitted extenuating circumstances already and these were accepted, then it is essential that you provide new and material evidence and fully explain why you were not able to submit them earlier. You will have the additional need to explain why (if applicable) the Extenuating circumstances outcome was not sufficient.

You do not have to have missed an assessment deadline or failed an assessment to submit Extenuating Circumstances. You may have met the deadline but believe your performance was affected. **Please refer to our ADVICE SERVICE guide on Extenuating circumstances.**

**Please be aware that the University routinely checks evidence. Falsifying documents is a serious offence and could have severe consequences.**

✓ **Procedural irregularities:**

Procedural irregularities can cover a varied spectrum but is often extremely difficult to evidence. We would always suggest you discuss this with us in the Advice Service before you appeal.

A procedural irregularity is exactly that, an error in process that has occurred or a regulation that may not have been followed that has a direct impact on you.

There are policies for everything, from a Supervision Policy, a late submission Policy to the University's [Senate Regulations](#).

A procedural irregularity can also involve errors in procedures in conducting examinations or assessing coursework.

Procedural irregularities can involve any assessment and/or process, but the Procedural irregularity must have an impact on the Board of Examiners outcome you are appealing.

For example: if you were told that you could take a textbook into the exam but on arrival are informed that they cannot, they would be disadvantaged by the misdirected preparation and revision. Similarly, if you had reasonable adjustments that were not adhered too (this is likely to be resolved informally).

As with any appeal, you will need to provide evidence of the procedural irregularity which is the tricky part.

In order to know if something has gone wrong, you need to know the process. For example: If you believe your work has not been marked properly, you need to know the process of marking in order to know that an error has occurred. Just believing your work was not marked properly is not a valid reason to appeal.

**Senate Regulation 4** sets out the marking process in detail but this will not help unless you know what has happened with your work: Was the work moderated or 2<sup>nd</sup> marked? Did your work get sent to an External Examiner? Always seek further clarification from your personal tutor and/or Adviser at the Advice Service.

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✓ **Evidence of prejudice, bias or inadequate assessment:**

**Evidence of prejudice, bias:**

This basis of Appeal is rare and it may be that your case may be more suited to a Formal Complaint, seek advice from the Advice Service if you are considering appealing on this basis.

This can involve one or more Examiners or members of staff conducting an assessment demonstrating prejudice or bias against you. For example, A Dissertation Supervisor offering progress appointments with other students but not offering/refusing/not making time for you.

As with any appeal, you will need to provide evidence of the bias or prejudice. Allegations of bias and prejudice may severely affect someone's professional career, your evidence must be strong and not vexatious in nature.

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✓ **Inadequate assessment:**

Do not get confused between an *Inadequate Assessment* and *Procedural Irregularity*, although they can interlink, they are different grounds for appeal. Inadequate Assessment can relate to a failure to adhere to marking practices, a failure to adhere to the examinations policy or include poor provision for a practical test, to name a few.

Inadequate Assessment can extend to placement settings, for example where a placement policy is not adhered to, or a risk of failure is not followed through properly.

You will need to provide evidence to show inadequate assessment has occurred. For example:

If you believe your work has not been marked properly and the feedback relating to your work does not make sense or is not applicable to your work, asking for verbal feedback is a good way to seek answers and possibly address your concerns. Feedback may also help you understand why you were graded the way that you were.

It would also help to look through the module outline to ensure you have met all of the learning outcomes and objectives for the assessment in question. These actions will help you make a better appeal if you take that route or help you better understand your assessment.

You are always welcome to discuss your appeal grounds with an Advice Service Adviser.

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### **Appeal Stages**

The Academic Appeals process has three main stages:

✓ **Informal Discussion for early resolution**

If you have concerns about your academic results then you should first raise the concerns informally with an appropriate member of staff (e.g. your Personal Tutor, Supervisor, or Course Director) at the point the concern arises, **normally within 5 working days after notification of your results.**

[A Record of Informal Discussion Form](#) should be completed with notes made by the staff member involved in the Informal Discussion. You should receive a copy of that record.

If you have been unable to have the informal discussion, then you will need a very good reason as to why. If you cannot demonstrate effort was made to discuss your concerns, then you will not normally be allowed to submit an Academic Appeal.

The informal discussion is your opportunity to explain the basis for an Appeal, should you need to submit one. The discussion is noted but is informal in nature so use the opportunity to be honest and forthcoming.

✓ **Stage One: Formal Appeal**

If your concerns have not been resolved through the informal discussion, then you can submit an Academic Appeal Form, stating your basis and explaining your situation with supporting evidence **within 10 working days of the notification of your results.**

Once your appeal is received by the Academic Appeals Team **an initial eligibility check will** be take place in order to determine whether your Appeal submission falls under the scope of the grounds for appeal.

✓ **Eligibility Check**

The Office for Student Complaints, Conduct and Appeals will undertake an eligibility check. An appeal may be dismissed at this stage in the following circumstances:

- *The appeal has not been submitted on the correct form, or the form is incomplete.*
- *The appeal, or further evidence, has been submitted out of time.*
- *The appeal has no independent third-party evidence of the extenuating circumstances, if relevant.*
- *The appeal contains no evidence that the ground(s) have been met.*
- *The appeal is frivolous or vexatious.*
- *The appeal falls outside the scope of this Senate Regulation and should be considered under another procedure.*

The Eligibility check determine either:

- **Your appeal does fall under the scope of the grounds available to appeal.**
- **Your appeal does NOT fall under the scope of the grounds available to appeal. Therefore, your appeal will be dismissed.**

If the decision is that your Appeal does fall under the scope of the grounds available to appeal, then you case will be investigated further by an Academic Investigator.

The Academic Investigator will complete an Academic Investigation Form and will refer the academic appeal to a Panel for a decision. In exceptional cases, an academic appeal hearing may be held and you will be require to attend.

The decision of the Investigators shall normally be communicated in writing, **within 30 working days of their receipt of the appeal.**

**Challenge the eligibility check decision:**

If an appeal is not considered eligible, then you can contest this decision, **but you are not able to submit additional evidence.**

A contestation must be submitted to the Manager of the Office for Student Complaints, Conduct and Appeals (OSCCA) within **5 working days of the date of the eligibility decision.**

The Manager will normally consider **the contestation within 5 days** consider whether the decision to reject the appeal was made in accordance with this Regulation.

- If the contestation is accepted, the appeal will be passed to the College for consideration.
- If the contestation is rejected, there are no further opportunities for the appeal to be considered by the University, and a Completion of Procedures letter will be issued.

✓ **Stage Two: Dissatisfied with decision**

If after Stage One you are dissatisfied with the decision made then you should submit a Stage Two Appeal Form within **10 working days of the date of the outcome letter**. Appeals received after this deadline will only be accepted at the discretion of the Head of Student Affairs & Casework.

The Stage Two Appeal Form must be submitted electronically and with supporting evidence. The student must state if there is further evidence to follow, which should **normally be submitted within a further 5 working days**.

A student may appeal on one or more of the following grounds only:

- a) That there is evidence that could not have been, or for good reason was not, made available at the time of the Stage One Appeal Form submission, and that sufficient evidence remains that the appeal warrants further consideration;*
- b) That there is evidence of a procedural irregularity on the part of the University in considering the Stage One Appeal, and that sufficient evidence remains that the appeal warrants further consideration;*
- c) That there is evidence of prejudice or bias on the part of the Investigators and/or the Academic Appeals Panel;*
- d) That, giving due consideration to the documentation previously provided, the decision of the Investigators and/or the Academic Appeals Panel was unreasonable.*

The Head of Student Affairs & Casework (or nominee) will determine whether the ground(s) for appeal have been met. Where they have, a Review Panel will be convened; otherwise, the appeal will be dismissed. **This decision will normally be communicated within 10 working days of receipt of the appeal.**

The Review Panel will consider whether there is sufficient reason to challenge the decision made at Stage One. If the Panel determine such reason is present, they can:

- Set aside the Stage One decision and replace it with one of its own,
- Refer the case back to the Investigators or the Academic Appeals Panel for fresh consideration with commentary.

If the Panel determines there is insufficient reason to challenge the decision made at Stage One, the appeal will be dismissed and the outcome of the Stage One Appeal will stand.

The decision of the Review Panel shall normally be communicated in writing by the Office for Student Complaints, Conduct and Appeals, **within 5 working days of its meeting.**

The decision of the Head of Student Affairs & Casework and any subsequent Review Panel is final.

There is no further right of appeal and no right to appeal against the decision of the Investigators or the Academic Appeals Panel if the case has been referred back for fresh consideration.

### **Appeal Contacts**

Your College can provide you with information on the Appeals Process. College contact for Academic Appeals:

[Appeals-CBASS@brunel.ac.uk](mailto:Appeals-CBASS@brunel.ac.uk) CBASS

[Appeals-CEDPS@brunel.ac.uk](mailto:Appeals-CEDPS@brunel.ac.uk) CEDPS

[Appeals-CHLS@brunel.ac.uk](mailto:Appeals-CHLS@brunel.ac.uk) CHLS

You need to submit your Academic Appeal to the University contact for Academic Appeals:

[academic-appeals@brunel.ac.uk](mailto:academic-appeals@brunel.ac.uk)

### **Making a start**

It is often difficult to know where to start in explaining a situation, whether it is personal or academic, explaining honestly what has happened, to people you do not know; it can be a daunting task. The most logical way of explaining it would be to follow a chronology of the academic year (September – August).

You need to remember:

- That **dates** are vital; if you are not clear about when things happened, your Appeal might take longer to be investigated or it may be rejected.
- It is also important that you are clear what **assessments have been affected**, and how the events that you have experienced affected those assessments.
- Think about whether you spoke to anyone in your department or college about the circumstances you mention, and what advice you were provided with. If you have not spoken to anyone, you need to explain why.
- Don't just describe the circumstances instead explain the impact on you specifically, physically, mentally etc. No one will want to assume the level of impact or severity of your circumstances. Everyone's sensitivity or resilience is different, so talk about how **you** were affected. Make a clear connection between the event/procedural error/etc and your academic performance

### **What should I put in my appeal form?**

Apart from answering standard questions (for example what your Student ID is etc.), there are few crucial points you have to explain:

- Whether the circumstances which have affected you could reasonably have been foreseen. This means whether it could have been expected or predicted using common sense.
- The duration and timing of the circumstance- especially whether the timeframe could have affected the assessment or revision period.
- The impact of the circumstance on your ability to undertake the assessment. In cases of medical circumstances, you will be expected to provide evidence from health professional, explaining not just the diagnosis but the potential effect of this diagnosis on your ability to study, revise, focus and perform well in assessment.
- Your desired outcome- this need to be realistic and achievable. You should discuss the best options with your personal tutor or senior tutor; they will know what is realistic.
- If you have an ADVICE SERVICE Advisor than please state their name on the Appeal Form to ensure you Advisor receives updates on your case.

Do not presume that the person making a judgment on your Appeal knows you (even if you have previously discussed the issues with them). You should ensure you provide all of the detail necessary, regardless of who will be making a decision on it.

When drafting your statement ensure that all of the information is there; your department will not read between the lines or make their own conclusions- if the information and evidence is not there then it will not be considered.

And finally- try to be orderly, concise and to the point- no one will want to wade through pages of information which is not strictly relevant to your case.

### **Evidence**

Evidence is an absolute necessity; it is important that you get some sort of evidence to back up what you have said.

You need to explain what the evidence shows and how it substantiates your claim. It should also show how your circumstances correlate with the timing of the affected assessment. Do not assume that such connections can be easily made by someone looking into your appeal.

If you are struggling to get hold of relevant evidence, then you need to think outside the box. Think about whom you've talked too or who has witnessed you struggling. Think about close friends and family; can they confirm in a statement that what you are saying is true? A personal statement or letter with a date, telephone number and signature may be adequate.

**If you have evidence in another language you will be required to get the documents translated which could take some time.**

Never delay submitting your Appeal if you are waiting for evidence. Instead write on the Form confirming the evidence will follow (and a rough date of when it will be available). Please note however that your Appeal may not be considered until the evidence is received.

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### **What can't I appeal against?**

- You cannot appeal because the result you have achieved is worse than you would have wished for, or worse than you feel you deserve.
- You cannot appeal "provisional" results- you must wait for formal results, confirmed by the Board of Examiners
- You cannot appeal because you disagree with academic judgment; a decision made by an examiner within their professional capacity and where no specified appeal grounds apply.
- You cannot use these appeal procedures to appeal a decision made by Residences (Halls), they have their own [procedures](#)
- You cannot use these appeal procedures to appeal an academic or non-academic disciplinary penalty. Please visit the [Disciplinary](#) section of our website
- You cannot appeal on the basis of a complaint.

### **International Student?**

if you intend to submit academic appeal against a decision to withdraw you from your course, you need to email [immigration@brunel.ac.uk](mailto:immigration@brunel.ac.uk) to inform them that you are going to submit an appeal and seek advice on what this may mean for you and your student visa responsibilities.

You may be required to return to your home country whilst your Appeal is considered.

### **What are the potential outcomes?**

If your Appeal is upheld (i.e., successful), the Appeals Panel will explain what would be your next step; you may be offered an uncapped re-assessment, or may be allowed to return to your course if you have been withdrawn; the range of options is very wide and will be tailored individually to your circumstances.

### **What advice and help can I expect to receive from the Advice Service?**

We are able to assist with the following:

- Helping you to decide if appealing is the best course of action for you.
- Explaining how the process works.
- Helping you to define your appeal grounds.
- Helping you think of evidence to provide.
- Advising you on how to structure your appeal form.
- Advising you on next steps if necessary.