

## ACADEMIC APPEALS POLICY AND PROCEDURE

### Introduction

- 1 In this document, 'we', 'our' and 'us' refer to Sheffield Hallam University. 'You' and 'your' refer to all students of Sheffield Hallam University who are studying for a Sheffield Hallam academic award either at the university or a partner organisation. Any variation from this policy and procedure for students studying at a partner organisation will be stated in your course documentation.
- 2 There are two types of academic appeal:

Appeals against decision-making bodies.	See point 3 below for a list of relevant decision-making bodies
Appeals reporting extenuating circumstances after publication of results	These appeals are in accordance with Section 28 of the <a href="#">Extenuating Circumstances Policy and Procedure</a> which states: <i>RRAAs (Request to Repeat an Assessment Attempt) submitted after publication of your results will not be considered in any circumstances.</i>

- 3 You can appeal decisions of the following decision-making bodies

Departmental Assessment Boards	You can appeal against a result decision which impacts on the application of the pass, progression, award, or classification regulations, where you believe there has been an error in the calculation or recording of your marks and/or degree classification.
Extenuating Circumstances Panels	You can appeal against a decision of an Extenuating Circumstances Panel to decline a Request to Repeat an Assessment Attempt (RRAA) taken in accordance with the <a href="#">Extenuating Circumstances Policy and Procedure</a> .
Academic Conduct Panel or Cheating Allegation Panel	You can appeal against a decision of an Academic Conduct Panel or Cheating Allegation Panel to impose sanctions in accordance with the <a href="#">Academic Conduct Regulation</a>
University Research Degrees Committee	You can appeal against a decision of the University Research Degrees Committee regarding applications for Confirmation of Doctorate in accordance with the <a href="#">Research Degree Regulations</a>
Research Degree Examiner Panel	You can appeal against a decision of a Research Degree Examiner Panel for examination decisions in respect of a research degree award.

Fitness to Practise Panel	You can appeal against a decision of a Fitness to Practise Panel taken in accordance with the <a href="#">Fitness to Practise Regulations</a>
Capacity to Study Panel	You can appeal against a decision of a Capacity to Study Panel in accordance with the <a href="#">Withdrawal Due to Incapacity to Study Regulation</a>
Withdrawal for non-engagement	You can appeal against a decision to withdraw you for non-engagement taken in accordance with the <a href="#">Standard Assessment Regulations</a> (Regulation 10)

- 4 This policy and procedure does not cover appeals about admissions or disciplinary decisions - these are dealt with by the [Appeals and Complaints Procedure for Applicants](#) and by the [Disciplinary Regulations for Students](#) respectively.
- 5 This policy and procedure should not be used to report dissatisfaction about course delivery or service-related provision, including concerns about marks which you feel have been affected by teaching, supervision, or assessment. These issues should be dealt with under the [Student Complaints Policy and Procedure](#). If you are unsure which policy to use, please contact-your Student Support Adviser or Hallam Help.
- 6 If we consider that you have used the incorrect procedure, we will direct it to the correct one and advise you accordingly. If you submit an appeal form and a complaint form, we will decide about the most appropriate way to take them forward, for example by considering all issues raised under one procedure or putting the appeal on hold pending the outcome of the complaint. Again, we will let you know how we are going to proceed.
- 7 The outcome of an appeal cannot be made the subject of a complaint.

### Advice

- 8 It is important you read this policy and procedure carefully if you are considering making an appeal. If you are unsure how to make an appeal or have queries about this procedure, you should contact Hallam Help. If you wish to seek independent advice about your concerns, we recommend the Student Union Advice Centre as being the appropriate source of informed and independent support. We recommend that you do this as soon as possible and well before any meetings or hearings.
- 9 You are strongly advised to speak with relevant members of staff as early as possible if you require clarification or do not fully understand the impact of a decision or sanction or require clarification of a mark awarded for your work.

### The Appeals Procedure

- 10 The procedure has two distinct stages:

Stage 1: Investigation and Findings (see points 11-28 below)

Stage 2: Review of Stage 1 (see points 29-42 below)

### ***Stage 1: Investigation and Findings***

#### Grounds for appeal

- 11 The grounds for appeal are dependent on the type of appeal you are making:

Type of appeal	Grounds
Appeals against decision-making bodies.	There has been an irregularity in the application of the published regulation, policy or procedure which has had an impact on the decision.  or/and  There is relevant new evidence or information that you did not provide, and you have a valid reason why you did not submit it at the time.
Appeals reporting extenuating circumstances after publication of results	There is relevant new evidence or information that you did not provide, <b>and</b> you have a valid reason why you did not submit it at the time.

- 12 Disagreement with academic judgement does not constitute grounds for appeal. The definition of academic judgement by the Office of the Independent Adjudicator is <sup>1</sup> "a judgement that is made about a matter where only the opinion of an academic expert will suffice". This means that you cannot question judgement made by an academic about the quality of your work or the assessment criteria being applied to mark your work.

### Timescales

- 13 To submit an appeal you must complete the Appeal Form (AA1) which is available at <https://students.shu.ac.uk/regulations/>. This form and any supporting evidence should be sent via e-mail to [appealsandcomplaints@shu.ac.uk](mailto:appealsandcomplaints@shu.ac.uk) within 10 working days<sup>2</sup> of the decision being made available to you. This means:

Appeals against decision-making bodies.	No later than 10 working days from the date we issue the decision being appealed. This includes the date your results are confirmed on My Student Record (for appeals against Departmental Assessment Board decisions)
Appeals reporting extenuating circumstances after publication of results	No later than 10 working days from the date the confirmed results for the module(s) affected by extenuating circumstances are published on My Student Record.

- 14 We will acknowledge receipt of your Appeal Form (AA1) within 3 working days.
- 15 Appeals submitted beyond the timescales above will not be considered unless you provide an acceptable explanation as to why you were unable to submit on time. You are asked to provide this on the Appeal Form (AA1). The type of explanation we would normally accept is where you were incapable of submitting on time due to serious health or personal reasons, provided that the explanation is supported by independent and authoritative evidence from a third party to confirm the circumstances that have delayed you submitting the appeal. If you feel you need a longer period to submit the appeal whilst you attempt to better understand the decision behind the appeal or are seeking advice on how to appeal you should contact the Student Policy and Compliance Team via the e-mail [appealsandcomplaints@shu.ac.uk](mailto:appealsandcomplaints@shu.ac.uk).

<sup>1</sup> <http://www.oiahe.org.uk/glossary.aspx>

<sup>2</sup> We define working days as all days other than weekends, public holidays and the University closure periods.

## Eligibility

- 16 We will undertake an initial review of your submission to determine whether it is eligible for consideration as an appeal. The reasons why it may not be eligible include:
- You have submitted it beyond the 10-working day deadline without an acceptable reason (see point 14 above).
  - Your submission does not relate to any of the grounds for appeal set out in section 11. For example, where you are disagreeing with academic judgement only.
  - The issues you have raised should be considered (or already have been considered) under a different procedure, for example the Student Complaints Policy and Procedure.
- 17 Where we decide that your submission is not eligible to be considered as an appeal (and cannot be referred to any other University procedure), the Chair of the Appeal Panel will write to you explaining the decision. This decision will be final, and you will be issued with a Completion of Procedures letter (see points 43-44 below for an explanation of what this is).

## Investigation

- 18 If your appeal is eligible to be considered, we will do so as quickly as possible whilst ensuring the issues raised are appropriately investigated. Normally, we will investigate appeals in the order they arrive although we may give priority at certain times of the year to cases where the decision being appealed impacts on the student's ability to remain on their course, progress to the next level of study, or graduate.
- 19 We aim to respond your appeal within 30 working days of receiving your Appeal Form (AA1) and supporting evidence. You will be contacted every 15 working days to keep you informed of progress. We will let you know if there is likely to be a delay.
- 20 The investigation will be conducted by a member of staff from the Student Policy and Compliance team, which sits within the University's Student and Academic Services directorate. The scope of the investigation will depend on the issues raised in the appeal but will generally involve scrutiny of:
- The information and evidence you provide with the appeal.
  - University records and documents relating to the decision being appealed.
  - Relevant University regulations, policies, and procedures.
  - Information provided by members of staff.
- 21 The findings of the investigation will be presented to the Appeal Panel within an Appeal Investigation Report.

## Findings

- 22 The Appeal Panel will be chaired by the Head of Student Policy and Compliance, or nominee. The Panel will normally comprise one other member of senior academic or professional services staff. The Panel will not include any member of staff from your college or academic department, or anyone else who has had any relevant prior involvement in the decision against which you are appealing.
- 23 The Appeal Panel will consider the evidence and decide whether to accept or to decline your appeal. If the Appeal Panel cannot agree on a decision, then a third member will be asked to consider the case and a majority decision will be taken.

- 24 The Chair of the Appeal Panel will write to you explaining its decision. This letter will include a copy of the Appeal Investigation Report.

If your appeal is accepted.

- 25 It is not within the remit of the Appeal Panel to adjust marks, grades, or degree classifications because of an appeal being accepted. Instead, the Appeal Panel will refer the appeal back to the original decision-making for further consideration (save for point 27 below).
- 26 The decision-making body will be asked to consider the Appeal Panel's findings and any relevant new information or evidence, and to decide whether to revise or uphold its original decision. This review will take place as soon as possible and the Chair of the original decision-making body will write to you with the outcome of the review. This will conclude the university's consideration of the issues raised in your appeal. This decision will be final, and you will be issued with a Completion of Procedures letter.
- 27 The exceptions to the approach described above are:
- I. If your appeal against an ECP decision is accepted, the Appeal Panel will apply its own decision rather than referring your appeal back to the ECP. This is to ensure that you receive the outcome of your Request to Repeat an Assessment Attempt (RRAA) as soon as possible.
  - II. If your appeal reporting extenuating circumstances after publication of results is accepted, the Appeal Panel will apply the actions that would have been taken with an accepted RRAA.
  - III. In cases where the conduct of research examiners is brought into question, a sub-panel of the University Research Degrees Committee will undertake the review instead of the Research Degree Examiner Panel.
  - IV. Exceptionally, the Chair of the Panel may decide that the issues raised in the appeal require broader action than can be achieved within the remit of the relevant decision-making body. In such cases, the Panel will apply its own decision after consultation with academic and professional leads in the relevant area.

If your appeal is declined

- 28 You may challenge this decision at the second stage of the appeals procedure but only on the grounds specified in point 29 below.

## ***Stage 2: Review of Stage 1***

### Grounds

- 29 You can challenge a decision of the Stage 1 Appeal Panel, and request that it is reviewed, on the following grounds:
- There has been an irregularity in the application of the Appeals Policy and Procedure at Stage 1 which has impacted on the decision.
  - There is relevant new evidence or information that you did not provide to the Stage 1 Appeal Panel, and you have a valid reason why you did not submit it at the time.

Please note that Stage 2 is not a re-hearing of the original appeal. Nor can you introduce new issues at this stage.

## Timescales

- 30 To challenge an Appeal Panel decision, you must complete Appeal Form (AA2) available at <https://students.shu.ac.uk/regulations/>. This form and any supporting evidence should be sent via email to [appealsandcomplaints@shu.ac.uk](mailto:appealsandcomplaints@shu.ac.uk) within 10 working days of the date we email you the decision of the Appeal Panel. Please note that your challenge will be considered on the evidence you submit. You should ensure that all relevant evidence that you wish to be considered is submitted with your Appeal Form (AA2). We will acknowledge receipt of your Appeal Form (AA2) within 3 working days.
- 31 Challenges submitted beyond the timescales above will not be considered unless you provide an acceptable explanation as to why you were unable to submit on time. You are asked to provide this on the Appeal Form (AA2). As at Stage 1, the type of explanation we would normally accept is where you were incapable of submitting ~~to~~ on time due to serious health or personal reasons, provided that the explanation is supported by independent and authoritative evidence from a third party to confirm the circumstances that have delayed you submitting the appeal. If you feel you need a longer period to submit the challenge whilst you attempt to better understand the decision to decline the appeal or are seeking advice on how to make the challenge you should contact the Student Policy and Compliance Team via email at [appealsandcomplaints@shu.ac.uk](mailto:appealsandcomplaints@shu.ac.uk).

## Eligibility

- 32 We will undertake an initial review of the challenge to determine whether it is eligible for consideration. The reasons why it may not be eligible include:
- You have submitted it beyond the 10-working day deadline without an acceptable reason (see point 31).
  - You have not clearly explained the basis of your challenge in relation to the grounds specified in point 29, for example you have simply re-stated your original appeal.
- 33 Where we decide that your challenge is not eligible to be considered, the Director of Academic Services (or nominee) will write to you explaining the decision. This decision will be final, and you will be issued with a Completion of Procedures letter.

## Consideration

- 34 If your challenge is eligible to be considered, we will do so as quickly as possible whilst recognising the need for thorough review. We aim to respond within 30 working days of receiving your Appeal Form (AA2). You will be contacted every 15 working days to keep you informed of progress. We will let you know if there is likely to be a delay.
- 35 Your challenge will be considered by the Review Panel based on:
- The information considered at Stage 1 by the Appeal Panel.
  - The rationale given by the Stage 1 Appeal Panel for its decision in its decision letter and in any further discussions with the Review Panel.
  - Your challenge to that decision as set out on Appeal Form (AA2), any supporting evidence you provide, and any points made at a meeting with the Review Panel.
  - Any further investigation deemed appropriate by the Review Panel.

You will receive a copy of all the information considered by the Review Panel.

- 36 The Review Panel will consist of the Dean of Students (Chair), or nominee, and one senior member of academic/professional services staff. The Panel will not include any member of staff

from your college or academic department, or anyone else who has had any relevant prior involvement in the decision against which you are appealing. The Chair of the Review Panel may also ask a representative from the Appeal Panel to attend a meeting to explain the rationale for the Appeal Panel's decision to decline the appeal.

- 37 You can meet with the Review Panel to discuss your challenge. You should indicate on your Appeal Form (AA2) if you wish to attend a meeting. Meetings will follow these principles:
- We will confirm the date and time of meeting normally 5 working days before the meeting
  - You should make attendance at the meeting a priority. We will normally re-arrange a meeting on one occasion only if you are unable to attend the initial date.
  - You can bring someone with you to support you during the meeting. This may be a friend, family member, a support worker, or a member of staff from the Students' Union Advice Centre.
  - If you choose not to request a meeting or do not attend a meeting you have requested, the Review Panel will consider your case based on the information you have provided on your Appeal Form (AA2).
- 38 This process does not seek to imitate the legal justice system. It is an internal University process and, as such, it is our position that professional legal representation at the Review Panel meeting is not necessary for either party. Therefore, you are not permitted to have a member of the legal profession representing you at the Review Panel meeting. However, if you believe that your case is exceptionally complex and you would like the person accompanying you to the meeting to be a member of the legal profession, you can submit a request to allow this via email to [appealsandcomplaints@shu.ac.uk](mailto:appealsandcomplaints@shu.ac.uk) at least 5 working days before the meeting. The request must outline the grounds on which you believe this is necessary. The request will be considered by the Director of Student and Academic Services (or nominee), who will take account of the complexity and possible consequences of your appeal. We will email our response to your request within 2 working days of receipt of the request. If we agree to you being accompanied by a member of the legal profession, you should note the following:
- They may support and assist you in presenting your case but cannot be your spokesperson. We expect you to present your appeal and respond to the Review Panel yourself.
  - You are responsible for their payment.
  - We may choose to have a member of the legal profession at the meeting ourselves. You will be notified of this no less than 2 working days before the meeting.
- 39 The Review Panel will either:
- I. Uphold your challenge and apply its own decision on your appeal, or
  - II. Not uphold your challenge and endorse the decision of the Appeal Panel at Stage 1.
- 40 You will be notified of the decision of the Review Panel normally within 5 working days of the meeting and given a copy of the record of the meeting taken by the Panel Secretary. We will inform you if there is a delay to this due to any further investigation that needs to take place.
- 41 If your challenge is upheld and the Review Panel applies its own decision to accept the initial appeal, the procedures set out in points 25-27 above will apply.
- 42 If your challenge is not upheld, this represents the University's final decision on the issues raised in the appeal. There is no further right of appeal, and a Completion of Procedures letter will be issued to you.

## Completion of Procedures and the Office of the Independent Adjudicator for Higher Education (OIA)

- 43 Under the Higher Education Act 2004 the University subscribes to the independent scheme for the review of student complaints (the term 'complaints' encompasses the Academic Appeals Policy and Procedure and the Student Complaints Policy and Procedure). If you are dissatisfied with our final decision on your appeal, you may be able to take your case to the OIA provided that it is eligible under its rules. You should consider the OIA rules and timescales for contacting the OIA on their website at <http://www.oiahe.org.uk/>.
- 44 Once we have issued our final decision regarding your appeal, we will send you a Completion of Procedures letter. You will need this letter to take your case to the OIA. The letter will explain that you have exhausted our internal appeal procedures and give details about the OIA and the timescales in which you can take your case to the OIA. Final decisions may be issued at the following points of the process:

On receipt at Stage 1	Where the final decision is that the appeal is not eligible for consideration (see points 16-17 above).
At the conclusion of Stage 1	Where the appeal has been accepted, the decision-making body has reviewed the case considering the Appeal Panel's findings and has issued its final decision (see points 26-27 above).
On receipt at Stage 2	Where the final decision is that the challenge is not eligible for consideration (see points 32-33 above).
At the conclusion of Stage 2	Where the final decision is to uphold or not uphold your challenge (see points 41-42 above).

### Studying whilst an appeal is being considered

- 45 We appreciate that waiting for the outcome of an appeal may be stressful, but we do expect you to continue to attend as normal and to submit coursework and attend examinations on time. Once we have made the final decision on your appeal, your status at the University will be updated accordingly.
- 46 We are aware that you may be appealing against a decision which prevents you from progressing from one academic year to the next or to or continue your course. In such circumstances you may be allowed to attend teaching and attempt assessment pending the outcome of your appeal, provided that your appeal was submitted within the specified time and is still being considered at either stage of the appeals procedure at the start of an academic year. You must speak to a Student Support Adviser to discuss whether this option is available to you and to ensure that you understand the implications of progressing to the next academic year or continuing your course pending the outcome of your appeal. Each case will be considered on an individual basis and if you are permitted to continue with your studies, it will be under the following conditions:
- Your enrolment status will be conditional (pending the outcome of the appeal) which means that you will not be charged tuition fees and you will not be able to access student funding.
  - If your course includes a placement may not be possible to attend placement pending the outcome of your appeal.
  - Once we have made the final decision on your appeal, your conditional enrolment status will be updated accordingly.
- 47 If your appeal is under consideration by the OIA and the decision appealed against would prevent you from progressing normally on the course at the start of an academic year, you are not permitted to attend the programme or take assessments and are not permitted to enroll.



## General Principles

- 48 The Appeals Policy and Procedures applies to anyone studying for a Sheffield Hallam University award including those studying at one of our collaborative partners in the UK or overseas.
- 49 You will not be disadvantaged by submitting an appeal provided it is made in good faith and is not vexatious, malicious, or trivial.
- 50 All information submitted in relation to appeals will be dealt with confidentially and will only be disclosed to those parties involved in the investigation and judgement of the appeal or as is necessary to progress the appeal. In accordance with the [Student Privacy Notice](#), data from appeals is retained for a period of six years.
- 51 We expect you to submit your appeal and engage in the appeal process yourself. Only in exceptional circumstances can a third party raise issues or submit an appeal form on your behalf. You must request permission in writing stating reasons why you are unable to raise issues yourself. Please send this to [appealsandcomplaints@shu.ac.uk](mailto:appealsandcomplaints@shu.ac.uk). The person considering the case will decide if your reasons are acceptable.
- 52 Usually you will submit an appeal as an individual student. Exceptionally, a group of students may submit an appeal, for example where it relates to a group assignment. To do so, you will need to identify one individual to act as a spokesperson who will then act on behalf of the group. At each stage of the process, we will contact each named student to confirm that they wish to be part of the appeal.
- 53 Staff who investigate or adjudicate appeals at either stage of the procedure will do so impartially. Anyone with a material personal interest in the appeal will not be involved.
- 54 We will be transparent and give you access to the information relevant to the case (subject to considerations of privacy and confidentiality, and the reasonable interests of any third parties) and will respond to all points you raise in the appeal.
- 55 All correspondence from the University regarding your appeal will be issued electronically to your University e-mail account.
- 56 We review findings on appeals to better understand issues raised by students and to learn from cases.

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