Academic Appeals Guidance Document – Appeal Review

YOU SHOULD READ THIS DOCUMENT BEFORE SUBMITTING AN ACADEMIC APPEAL REVIEW

This document should be read alongside the Academic Appeal (Review Stage) form and is intended to aid students who are submitting a review stage academic appeal at the University of York. Please read this document carefully.

Note that this document is only relevant to students who wish to request a Review of an Academic Appeal Formal Stage decision.

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Overview - Appeal Review

The appeal Review Stage gives students the opportunity to request a review of a Formal Stage Appeal decision. Review Stage appeals must be submitted within ten days of the date of the Formal Stage outcome letter. The request for review will be considered by the Chair or Deputy Chair of the Special Cases Committee, acting alongside an Ordinary member of the Special Cases Committee. The request is presented to the Chair by an administrator: one of the Special Cases Administrators (for taught students) or the Research Student Co-ordinators (for research students).

If your request for review is against a decision of an Administrator or Co-ordinator, one of the other administrators will present your case to the Chair or Deputy Chair of SCC. If your request for review is against a decision of an Appeals Chair acting alongside an Ordinary member, that Ordinary member will not be the Ordinary member who considers your review request with the Chair or Deputy Chair of SCC. At no point in the appeals process will a member of Special Cases Committee be involved in the decision-making process if they are from your academic department.

To summarise, no administrator or academic will be involved in reviewing a decision which they themselves made, nor will any academic hear an appeal against their own academic department. This is to ensure that there is no perceived or actual conflict of interest.

What can be appealed against?

The appeal Review Stage process is only for requesting a review of a decision reached at the Formal Appeal Stage. This means that you may only request a review on the basis that:

1) Your appeal was rejected by an administrator because it did not meet the submission criteria;
2) Your appeal was rejected on the basis that it did not have prima facie grounds;
3) Your appeal was investigated but it was decided that it should not be upheld;
4) Your appeal was upheld but you are dissatisfied with the appeal remedy offered.

If you have not received a Formal Stage Appeal Outcome letter by post and/or email, setting out your right to submit an appeal to the Review Stage, you will not be eligible to submit an appeal to the Review Stage. The Appeal Review Stage process is not for appealing against the outcome of a formal complaint, the decision of a Board of Studies, Exceptional Circumstances Committee, Board of Examiners or any other University body.
Completing the Form

Each ground for Review is set out below, with illustrative case studies to explain the various grounds. The case studies are not based on real cases and have been created for illustrative purposes only.

Completing the Form: Procedural Irregularity

Requests for review on this basis must relate to a Procedural Irregularity in the way in which your Formal Stage appeal was dealt with. As a result you should set out in what way your Formal Stage appeal was not handled according to the published Academic Appeals Procedures. You should explain:

1) Which of the Academic Appeals Procedures have been breached - you should quote from the Formal Stage outcome letter wherever possible, as well as quoting from the Academic Appeals procedures. You are not required to respond to every point on the Formal Stage outcome letter. It is better to focus on that part of the decision which you feel demonstrates a procedural irregularity has occurred.

2) Why this breach has materially affected the outcome of your appeal. If there is a minor breach of protocol which would not have had any impact on the outcome of your appeal, then your request for Review will not be upheld.

If, for example, you failed 6 modules and SCC wrongly failed to notice that you might otherwise have had a resit opportunity in just one module, this would have no bearing on your appeal outcome since passing one module out of six would still result in the failure of your programme.

You should not re-state your Formal Stage appeal details here, since the Chair of SCC will have access to the content of your Formal Stage appeal.

Case Studies: Request for Review on the basis of Procedural Irregularity

Case Study 1) – Unsuccessful request for Review:

T submitted a Formal Stage appeal against her degree classification on the basis of procedural irregularity. She had achieved an overall mark of 63 in her second year but had struggled academically in her final year and had been awarded a mark of 47. This left her with an overall programme mark of 53 and a lower-second class degree classification (2:2). T wanted to be awarded a 2:1-class degree as she felt that the degree classification rules were unfair and should use the marks from the best of the two years.

T’s appeal was rejected as having no prima facie grounds for appeal by an Appeals Chair, on the basis that the degree classification rules had been correctly applied in her case.
T submitted a request a Review Stage appeal against the outcome of her Formal Stage appeal on the basis that her appeal should have been fully investigated rather than being rejected at the *Prima Facie* stage.

The Chair of SCC did not uphold Review Stage appeal since T had not established *Prima Facie* grounds for appeal, and there was no procedural irregularity in the manner in which her appeal had been considered.

**Case Study 2) – Successful request for Review:**

Y submitted a Formal Stage appeal against failure on the basis of procedural irregularity. She indicated that she had been granted only 2 hours for an examination but the rest of her cohort had been granted 3 hours, and that this was because of an error. She provided correspondence which showed that her academic Department and the Examinations Office agreed an error had occurred and attached this to her appeal when she submitted it.

Y's Formal Stage appeal was rejected by the administrators on the basis that no evidence had been provided with the appeal. Y then submitted a request for Review, forwarding on her original email as evidence to show that she had provided evidence with her Formal Stage appeal. The Chair of SCC upheld her Review Stage appeal on the basis that an error had occurred in handling her appeal at the Formal Appeal stage.

**Completing the Form: New Evidence**

If you have come into the possession of new evidence which was not available at the time of your Formal Stage appeal, you should set out:

- What the item(s) of evidence is/are and which circumstance or matter they specifically relate to. You should be as specific as possible here. Do not assume that the Special Cases Committee will always be able to work out why the evidence is relevant. You should be as clear as possible in explaining what it relates to;

- Set out why you think the evidence should change the decision made at the Formal Stage of your appeal. Be clear here on why the Formal Stage decision would not have been reached if this new evidence had been available with your Formal Stage appeal;

- Explain why you could not have provided this evidence at the time of the Formal Stage Appeal.

- If you have not provided evidence with the Review Stage appeal, you **must** provide a date by which you will be able to provide it. If you fail to submit evidence by this date, the administrators will take your appeal to the Chair of the Special Cases Committee for a decision. Whilst the administrators will consider
requests for more time, your appeal consideration will not be delayed indefinitely, and after a reasonable period of time it will be taken for a decision.

**Case Study: Request for Review on the basis of new evidence**

J submitted a Formal Stage appeal against failure on the basis of undisclosed exceptional circumstances. He indicated that he could not have submitted an exceptional circumstances claim at the time as he was badly injured and in a coma in hospital during his exam. He was therefore unable to contact the University. His Formal Stage appeal was submitted without any evidence and he had not explained why this evidence was not provided. His appeal was rejected by an administrator under the submission criteria because it lacked evidence and lacked an explanation.

J then submitted a Review Stage appeal against the outcome of his Formal Stage appeal on the basis that he had new evidence. He provided a letter from his doctor, explaining that he had been in a coma in hospital during his exam and that his injuries had left him medically incapable of rationally considering the appeals process. In his Review Stage appeal J explained that this new evidence should change the original decision because:

1) He had now provided evidence to support his appeal;
2) He had a good reason, supported by a medical professional, for his earlier failure to provide evidence.

J’s request for Review was upheld by the Chair of SCC, who referred the appeal back to the Formal Stage of the process for full investigation.

**Completing the Form: That a Formal Stage Appeal decision was manifestly unreasonable in the circumstances**

In order for a Review Stage appeal to be successful on this basis, you will need to demonstrate that the decision made at the Formal Stage was an entirely unreasonable one. **Simply disagreeing with the decision does not mean that it was manifestly unreasonable in the circumstances.** You should follow these points when drafting a request on this ground:

1) When setting out an appeal on this basis, you should write your appeal as clearly and concisely as possible, focussing very specifically on the aspect of the Formal Stage appeal decision which you feel was manifestly unreasonable.

2) You should focus on the Formal Stage decision itself, rather than repeating issues you previously covered in your Formal Stage appeal.
3) You should quote your Formal Stage appeal outcome letter when writing your statement, but you do not need to respond to every point made in your outcome letter. It is better to focus on that part of the decision which you feel was manifestly unreasonable.

Case Study: Review Stage Appeal on the basis that the decision of the Formal Stage was manifestly unreasonable in the circumstances

X submitted a Formal Stage appeal against failure on the basis of procedural irregularity. Her circumstances were that she had suffered from severe anxiety attacks and that she needed extra time in examinations. Disability Services had recommended to her department that she be offered 25% extra time and her department had agreed, but this had not been implemented in three of her summer examinations.

X’s appeal was upheld and she was granted permission by an Appeals Chair to retake three examinations, but without the 25% extra time. X requested a Review of the decision on the basis that this was manifestly unreasonable in the circumstances.

The Chair of SCC agreed that the decision was manifestly unreasonable since X had established the right to be offered 25% extra time. The Review Stage appeal was upheld and permission to retake the three examinations in question, with 25% extra time, was granted.

What happens once your review request is received?

The Special Cases Administrators (for taught students) or the Research Student Co-ordinators (for research students) may consult with your academic department if you have raised any new issues that require investigation. They will then present your Review Stage appeal to the Chair or Deputy Chair of the Special Cases Committee. Acting alongside another member of SCC (who will be different to any Ordinary member who may have considered your Formal Stage appeal), they will consider your Review Stage appeal and will make a decision on whether or not to uphold it. This process is paper-based and neither academic departments nor students are permitted to attend these meetings. In rare instances a full hearing of the Committee may be called by the Chair or Deputy Chair, to which you and representatives from your department would be invited, but in almost all cases your request would be considered solely on the basis of the paperwork.
Appeal outcomes

If the Chair or Deputy Chair upholds the Formal Stage Appeal decision and your Review Stage appeal is unsuccessful, you will be sent a Completion of Procedures letter advising you that the internal Academic Appeals procedures of the University of York have completed. The reasons for the decision will be provided and your options will be explained to you.

If your Review Stage appeal is upheld, one of two things will happen, depending on the nature of the Formal Stage Appeal decision you have appealed against:

1) If you are requesting a review of a decision that an administrator rejected your appeal on the basis of the submission criteria or that an Appeals Chair found no *prima facie* grounds for appeal, then your appeal will be referred back to the Formal Stage. You will be informed of this referral. The issues raised in your original Formal Stage appeal will then be investigated along with any additional points or evidence provided at the Review Stage. The administrator or Appeals Chair who made the original Formal Stage decision will not be involved in considering your case again. Once your case has been reconsidered the Formal Stage, you will receive a new Formal Stage Appeal Outcome letter explaining the new outcome from the Formal Stage.

2) If your appeal had already been investigated at the Formal Stage but an Appeals Chair decided not to uphold your appeal, the Chair or Deputy Chair of the SCC will decide on a new remedy without referring it back for investigation again at the Formal Stage. You will be informed of this remedy in a Review Stage Appeal Outcome letter.

For further information on appeal outcomes, you should consider: Section 4 of the Appeal Form – Formal Stage; Section 4 of the Appeal Outcome – Review Stage; and page 10 of this document (Section A).
Flowchart – Review Stage Academic Appeals

Review Stage - Appeal received against submission criteria or prima facie decision

SCC Chair considers – Grounds for appeal?

YES

Appeal referred back to Formal Stage for investigation

NO

Appeal rejected, Completion of Procedure letter issued. Right to complain to OIA (within 1 year)

Review Stage - Appeal received against a decision made at the Formal Stage following investigation

SCC Chair considers – Grounds for appeal?

YES

Appeal upheld, Appeal outcome letter issued. Remedy implemented.

NO
Data use – confidentiality and how your data is shared

Your data will be used in accordance with the University policy on data protection, which can be viewed at: https://www.york.ac.uk/records-management/dp/your-info/students/

Information and evidence submitted with an appeal will be shared with some or all of the following people for the purpose of considering your appeal:

For taught students:
- The Special Cases Managers
- The Special Cases Officers
- The Special Cases Admin Assistant

For research students:
- The Head of Research Student Administration
- The Research Student Co-ordinators
- The Research Student Administrator

For all students, members of the Special Cases Committee will also see your appeal, unless your appeal is rejected at the submission criteria stage by a case officer/co-ordinator.

By submitting an appeal, a student should understand that the University will also need to gather information about the matters raised, and that this information may include sensitive personal details, including exceptional circumstances claims, if relevant.

Information and evidence submitted with an appeal will only be shared as far as is necessary to investigate the appeal, communicate an outcome to relevant parties, or implement an appropriate remedy. Appeals data may also be used anonymously to monitor patterns in appeals submission for training and service improvement.

The University will investigate the facts and available evidence and may discuss these with appropriate people. Investigations will be managed sensitively and the information students submit will remain confidential as far as this is consistent with the need to investigate relevant issues and of other parties’ right to know of any allegations and evidence against them. It might be necessary to provide the appeal to, and request information from, relevant departments in order to investigate the issues raised.

In such cases, the appeal summary is usually shared with people who need to see it in order to investigate or respond to your appeal, along with any other key points which you have not covered in the summary. Supporting evidence will not normally be shared, except where necessary to implement a remedy or where this is relevant for Fitness to Practice or other relevant professional requirements (as per the Fitness to Practice policy).

In investigating an appeal, Boards of Studies Chairs and the appropriate administrators in your academic department will normally be invited to comment. If your appeal relates to
other departments, for example Disability Services, appropriate individuals in those
departments may be asked to comment if necessary.

If your appeal remedy includes a leave of absence, and your appeal was based on ill health,
you will normally be granted a medical leave of absence. If so, the University Medical
Adviser (a GP at Unity Health) will be sent a copy of some of your medical evidence, so they
can assess your fitness to return to study at the end of your leave of absence. Some limited
data may also be shared with other administrators, such as Student Records, but only as far
as is necessary to implement an appeal remedy.

You have the right to ask for some or all of your appeal to be kept confidential from
individuals who might otherwise have access to it. You should be aware that this could
potentially affect our ability to investigate and consider your appeal, however, so you should
discuss this with the Special Cases Manager (taught students) or Head of Research Student
Administration (Research students). We recommend you discuss this with YUSU or the GSA
when drafting your appeal.

Your appeal and evidence will be securely stored for six years after the end of your
enrolment at the University.

If you intend to submit evidence about a third party, e.g. a friend or relative’s ill health or
personal circumstances, you must ensure you have their permission to share their data
before submitting it as part of your appeal. We strongly recommend you submit evidence
about the impact on you instead - e.g. a GP letter explaining that a relative’s ill health caused
you health problems, since the appeals process is concerned with your own circumstances
and how they affect your ability to study.

For further details of how the University handles your data, please refer to the Privacy Notice
at: https://www.york.ac.uk/records-management/dp/