

New Evidence

You can appeal against a Formal Stage decision (or remedy) on the basis of new evidence. In order to do this successfully, you need to:

- a) Provide new evidence which would have changed the Formal Stage decision
AND
- b) Explain why this evidence was not provided at the Formal Stage.

Note - you should not raise new *issues* at the Review Stage, unless you have a very strong reason for doing so, for example a very recent medical diagnosis that was not available at the Formal Stage.

Questions on the form about your appeal:

Please list each item of NEW evidence you intend to submit:

You should list each item here - please **do not** include evidence you have submitted at the Formal Stage. This will already be available to the case officer and Special Cases Committee.

If you are appealing against more than one aspect of your appeal, please explain which aspect your evidence relates to. For example, if you are appealing against paragraphs 3 and 5 of your Formal Stage letter, please note this after your evidence - GP Evidence (against para.3), Council Evidence (against para.5)

Why should this evidence alter the Formal Stage appeal decision?

Try to relate this to your appeal outcome letter if possible. For example - if your appeal was rejected because you did not have evidence of valid exceptional circumstances, you could submit a new doctor's letter which demonstrates that you did, in fact, have serious ill health at the time of your failed assessments. You should explain this here, noting that this will therefore change the Formal Stage decision.

Why could you not provide this evidence with your Formal Stage appeal application?

Students are expected to disclose anything they want taking into account as early as possible. You might have seen at the Formal Stage that you needed to show good reason for failure to submit an exceptional circumstances claim within 7 days of the affected assessments - the same principle applies at the Review Stage.

In most cases, students who provide new evidence have done so because they had already provided evidence at the Formal Stage - but that evidence was not sufficient

to uphold their appeal. If you have therefore acquired new evidence specifically in response to the Formal Stage outcome, you should explain that here.

If, however, you have always been aware of a specific circumstance, could have evidenced it at the Formal Stage but chose not to, your Review Stage appeal might be rejected on that basis. You would need a good reason for only disclosing something at the Review Stage of the process - for example a medical diagnosis which you only received once the Formal Stage appeal had been considered.

What supporting evidence should I provide?

This is the same guidance given at the Formal Stage of the process relating to exceptional circumstances:

It is not possible to anticipate every circumstance that students may be affected by or every kind of relevant evidence, but broadly speaking you should provide evidence which is:

- **Relevant** to the circumstance e.g. bereavement should be supported by a death certificate, illness supported by a letter from a doctor, and crime against you by a police report & incident number.
- **Contemporaneous** with the circumstances, e.g. evidence from a doctor which is either written at the time of your circumstances or which indicates that the doctor saw you at the time of your circumstances.
- **From an official source** such as a hospital, doctor's surgery, therapist, employer.
- **From an independent source** (i.e. not from a relative or a friend). Whilst you can submit evidence from friends or relatives if you wish, this is useful only to provide context, and is not considered to be independent third-party evidence, given the close links between the author of the evidence and you.
- Clear that the circumstances resulted in medical, psychological or other difficulties, which had a **serious impact on your ability to study**. This is most relevant where you cite circumstances which would not normally be accepted, such as a relationship breakdown, or where the circumstances relate to someone else, such as the illness of a relative or friend.

If you are unsure what evidence might be appropriate you may contact YUSU (undergraduate students) or the GSA (postgraduate students). YUSU can be contacted at asc@yusu.org. The GSA can be contacted at advice@yorkgsa.org. The Special Cases team can also both be contacted by emailing appeals@york.ac.uk.

Evidence about a third party

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.

Submitting your evidence

To submit evidence, select the appropriate button(s) on the form. A box will open where you can list each item of evidence that you are submitting and when you intend to submit it. If you intend to provide some or all evidence later, explain when you will be providing it in this box. If you intend to provide evidence later, your appeal will be placed on hold whilst we wait for you to provide it.

Do not upload your evidence until you are completely ready to submit your form. If you click "Save and Resume later" any evidence you have uploaded will be deleted.

It is your responsibility to obtain the evidence – this will not be done for you by the University.

- You will not be chased for evidence if you fail to provide it;
- If you do not provide evidence with your appeal and do not explain why, your appeal will be rejected;
- Evidence must be submitted in English, or with an official English translation (i.e. from a translation service/company) Evidence translated by a student or a friend will not be accepted as being officially translated. If you cannot secure a translation within the 28 day appeal deadline, submit the evidence with the appeal and explain that the translation will be submitted by an estimated date.

Further guidance

Further guidance on evidence can be found in the University's Exceptional Circumstances Procedures, under section 23.2. The Exceptional Circumstances Procedures can be accessed on the University webpages in the *Guide to Assessment, Standards, Marking and Feedback*, available to view at <http://www.york.ac.uk/about/departments/support-and-admin/registry-services/guide/>

What remedy are you seeking?

Use this box to say what you would like the outcome of your appeal to be. You should note that even if your appeal is upheld it will not always be possible to provide you with the outcome you seek.