

TCSU CPR06: Academic Appeals procedure

1.1 Introduction

1.1: An academic appeal is defined as a request for a review of a decision of an academic body charged with making decisions on student progression, assessment and awards. Appeals may be made by individuals only; they may not be lodged by a representative, a parent or any other third party unless it can be shown that there are good grounds why the student cannot make the appeal themselves.

1.2: Where an academic appeal also contains within it a complaint and vice versa, The College may reclassify the appeal or complaint (at whatever stage they may have reached) and process it under the most relevant regulation or procedure if this is likely to lead to a more appropriate outcome for the person(s) appealing or complaining. Candidates will be notified in writing (via email) by The College of any reclassification.

1.3: The College appeals procedure will be followed for any student studying at The College on a Foundation, year 1 or Pre-Masters programme (UK or international students). This includes Foundation years of UK programmes taught by The College.

1.4: If an appeal is received from an international student of The College on an Integrated programme (year 1 or Pre-Masters) then the appeal may be processed in accordance with Swansea University's [Academic Appeals Procedure](#). If the appeal relates to modules taught by The College then the appeal will go through The College appeals procedure.

1.2 Eligibility

These procedures are available to candidates who are enrolled with The College as an international student, or as a home Foundation student during their Foundation level of study. These procedures also apply to former candidates of The College who have withdrawn from their programme or have completed their programme as long as the appeal is submitted within 3 months of notification of the Examination Board decision being appealed. These appeals procedures are relevant for candidates wishing to appeal against a decision taken by an Examination Board in the following instances:

- Candidates who are prevented from continuing with their studies part-way through a level of study or part of a programme.
- Candidates who fail to qualify to proceed to the next stage of their programme at the end of a level, end of a part or end of a year.
- Where the implications of the progression decision taken by the Examination Board may have a significant impact on the student's overall results (e.g. capping of marks).
- Candidates who have completed their programme but who wish to appeal against the result or candidates who are dissatisfied with the award of an exit qualification of the University.

1.3 Grounds for appeal

1.31: The experience and knowledge of a student, the student's performance and whether they have reached the required academic standard, and an awareness of best practice in higher education are combined to allow an examiner to make an academic judgement on the ability of a student. Academic judgement is the decision made by academic staff on the quality of academic work or the criteria being applied to mark work (rather than the administrative marking process). Academic appeals which question this academic judgement shall not be considered.

1.32: Appeals against decisions taken by The College Extenuating Circumstances Committee in relation to extenuating circumstances shall not normally be considered.

1.33: The College will only consider academic appeals which are based on one or more of the following grounds:

- The Examination Board failed to take into account all work submissible and properly submitted for assessment
- There was evidence of a computational or administrative error in arriving at the Exam Board decision
- Evidence or prejudice or of bias or of inadequate assessment, not of an academic nature, on the part of one or more of the examiners.
- Defects or irregularities in the conduct of the examination or in written instructions or in advice relating thereto which are of such a nature as to cause reasonable doubt as to whether the examiners would have reached the same decision had they not occurred. Candidates must provide a compelling reason for not bringing to the attention of The College the defects or irregularities when they occurred.
- The examiners were aware of, but did not fully consider, defects or irregularities in the conduct of the examination or in written instructions or in advice relating thereto, when such defects or irregularities or advice might, in the candidate's opinion, have had an adverse effect on his/her performance.
- Extenuating circumstances (as defined within the [Policy on Extenuating Circumstances Affecting Assessment](#)) which the Examiners were not aware of and which had an adverse effect on the candidate's academic performance. Candidates must provide an explanation, supported by evidence to show that:
 - (i) The candidate had extenuating circumstances at the time of their affected assessment(s); and
 - (ii) The extenuating circumstances had an adverse effect on the candidate's academic performance in the affected assessment; and
 - (iii) The candidate:
 - (a) had been unable to determine whether or not they were fit to undertake the assessment; and/or
 - (b) had a good reason for not notifying The College of their circumstances at the relevant time (see Sections 1.34 and 1.35)

1.34: In accordance with the University's regulations, candidates shall be expected to submit to The College an application with evidence of any personal circumstances which might have had an adverse affect on their studies, in accordance with the Policy on Extenuating Circumstances Affecting Assessment. In the case of examinations, such application must be submitted in accordance with The College policy on submission and by the deadline prescribed by The College. Normally, any academic appeal based on "new extenuating circumstances", which has not been submitted in accordance with the policy on submission and by the deadline prescribed will not be considered.

1.35: It shall be presumed that the candidate would have been unable to determine whether or not they were fit to undertake the assessment and/or had a good reason for not notifying The College of their circumstances at the relevant time where a candidate provides appropriate written evidence that:

(a) They had experienced any of the following extenuating circumstances:

- Severe depression
- Severe mental health issues
- Psychiatric admission
- Death of a close relation (defined as a parent/step-parent/primary carer of the candidate, sibling/step-sibling, partner/spouse, son or daughter/step son/step daughter/foster child.)
- Serious sexual assault
- Pregnancy loss
- Diagnosis of a terminal illness of themselves and/or a close relation (defined as a parent/step-parent/primary carer of the candidate, sibling/step-sibling, partner/spouse, son or daughter/step son/step daughter/foster child)
- Life threatening illness/injury of themselves or a close relation which required hospitalisation (defined as a parent/step-parent/primary carer of the candidate, sibling/step-sibling, partner/spouse, son or daughter/step son/step daughter/foster child)
- Recent disclosure to Police relating to historic sexual abuse
- Recent disclosure to Police relating to domestic abuse/coercive control; and

(b) That the above circumstance/s had occurred no earlier than three calendar months before the submission deadline-examination date of the affected assessment.

The above does not preclude a candidate from submitting an appeal based upon any type of extenuating circumstance and circumstances which occurred earlier than three calendar months before the submission deadline/examination date of the affected assessment provided that the criteria within Section 1.33 are met.

1.4 Submission of an academic appeal and time limits

1.41: All appeals against academic decisions must be submitted to Academic Appeals by e-mail to the-college@swansea.ac.uk.

The College shall not normally consider academic appeals submitted more than 3 months after notification of the relevant Examination Board decision, unless the candidate shows there to be a compelling reason why the appeal has been submitted late.

If an appeal is not received within the time limit stipulated, the appeal will normally be treated as not eligible for consideration on the basis it is 'out of time', unless the candidate shows there to be a compelling reason for not having submitted the appeal within the time limit. Where it is decided that an appeal is not eligible for consideration, the candidate will be advised of this outcome by email, and will be informed of their right to request a final review of the outcome under the [Final Review Regulations](#).

1.42: All appeals must be made in writing using the academic appeal form. The appeal submission must include the following:

- The grounds on which the appeal is based. See Section 1.3.
- The desired outcome from the point of view of the candidate (for example, a specific request to be permitted to sit supplementary examinations). The desired outcome must be permissible within the current regulations.
- Details as to the element(s) of study that were affected (e.g. module code, assignment, examination and date of assessment) and details of the impact of the circumstances on the particular elements of study.
- Full documentation to substantiate any exceptional circumstances or claims (for example: medical/health certificate, death certificate, letter of support from a support service in the

University). Such evidence provided must be dated, must indicate how the circumstances affected the academic performance, must be relevant to the affected assessment and must demonstrate that the candidate was unable to determine whether or not they were fit to undertake the assessment and/or had a good reason for not notifying The College of their circumstances at the relevant time.

The College recognises, however, that it may be difficult for students to obtain evidence in the current climate, noting the current pressures on the health and other services, and will make every effort to consider applications sympathetically. We may ask you to provide more evidence if required.

1.43: The College will acknowledge, in writing, receipt of an appeal within 5 working days. The acknowledgement shall be sent by email to the candidate and include a general overview of the appeals procedure and provide a time-estimate for the determination of the appeal.

1.44: Appeals which are not based on the grounds listed in 1.3, or where there is no evidence to support the appeal may be rejected immediately. The following shall not be considered to satisfy the grounds for appeal:

- Questioning the academic or professional judgement of the examiners.
- A candidate's disappointment with a result where marks have been accurately recorded, assessment regulations correctly followed and where no evidence of material irregularity exists.
- Where extenuating circumstances were made known to The College, Progression Board or appropriate committee and such circumstances were fully considered.
- Where the student failed to submit evidence of their extenuating circumstances to The College in accordance with the Policy on Extenuating Circumstances Affecting Assessment.
- Where the evidence presented in relation to an appeal based upon extenuating circumstances does not support the notion that the candidate had extenuating circumstances at the relevant time.
- Where the evidence presented in relation to an appeal based upon does not support the notion that the candidate was unable to determine whether or not they were fit to undertake the assessment and/or had a good reason for not notifying The College of their circumstances at the relevant time.
- Where the evidence presented in relation to an appeal based upon extenuating circumstances does not support the notion that the candidate had extenuating circumstances which fall within section 1.35.

Candidates whose appeal has been rejected shall, where practicable, be notified in writing within 30 days of the date of receipt of the appeal or receipt of any evidence in support of the appeal that may have been requested. Where this timescale is not practicable, the candidate will be provided with a revised time-estimate for the consideration and notification of their appeal. The notification of rejection will include a brief summary of the reasons for the decision taken. If it is not practicable to provide the summary of the reasons for the rejection at the same time of the notification of the decision taken, the reasons will be provided as soon as practicable thereafter. Any failure to provide a rejection within the relevant timescale will not for the avoidance of doubt constitute acceptance that valid appeal under these regulations has been made by the candidate.

1.5 procedures for the consideration of cases

1.51: Appeals (including supporting documentation) will be considered by appropriate staff within The College. The staff member assigned to determine the appeal shall consider:

- Whether all work submissible and properly submitted for assessment was taken into account by the Examination Board;
- Whether there is evidence of an administrative or computational error of such a nature to cause reasonable doubt as to whether the Examination Board would have reached the same conclusion if that error had not been made;
- Whether there is evidence of defects or irregularities in the conduct of the examination or in written instructions, or in advice relating thereto to cause reasonable doubt as to whether the Examination Board would have reached the same conclusion if that defect or irregularity had not been made and the candidate has provided a compelling reason for not bringing to the attention of The College these defects or irregularities;
- Whether details of relevant extenuating circumstances affecting the candidate's conduct or performance were submitted to The College in accordance with the Policy on Extenuating Circumstances Affecting Assessment;
- Whether appropriate action was taken in relation to the extenuating circumstances;
- Whether evidence provided by the candidate supports the notion that they were unable to determine whether or not they were fit to undertake the assessment and/or had a good reason for not notifying The College of their circumstances at the relevant time;
- Whether evidence provided by the candidate supports the notion that the candidate had extenuating circumstances which fall within section 1.35;
- Whether the relevant extenuating circumstances have any bearing on the case (i.e. had an adverse effect on the candidate's academic performance in the affected assessment);
- Whether there is evidence of prejudice or of bias or of inadequate assessment on the part of one or more of the examiners;
- Whether the decision of the Examination Board was such that no body of reasonable people could have arrived at that decision.

If the staff member is satisfied on the above issues, they may take one of the following courses of action:

- Uphold the appeal and amend the decision of the Examination Board.
- Uphold the appeal and give the candidate permission to resubmit for re-examination by an entirely new Examination Board within a specified time limit.
- If it is found that all the circumstances of a candidate's case were known and appropriate action had been taken or that such extenuating circumstances were not relevant to the case, The College may reject the appeal and therefore confirm the decision of the Examination Board.
- If it is found that the evidence does not support the notion that the candidate was unable to determine whether or not he/she was fit to undertake the assessment and/or had a good reason for not notifying The College of their circumstances at the relevant time, and thereby does not constitute a compelling reason for not disclosing the circumstances at the appropriate time, The College may reject the appeal and therefore confirm the decision of the Examination Board.
- In appropriate cases The College could require candidates to suspend studies where it is deemed that advising the candidate to withdraw is inappropriate.
- It is be noted that The College staff member assessing the appeal does not have the ability to change a candidate's module marks on the basis of extenuating circumstances. The object of any assessment is to measure achievement and not potential. Marks awarded are an accurate reflection of performance and so will not be altered subsequently on the basis of extenuating circumstances. If an appeal is upheld on the basis of extenuating circumstances,

the candidate may be given a further opportunity to undertake the affected assessment(s), potentially as an uncapped opportunity.

- Other courses of action may be taken as appropriate.

1.52: International students who require a visa to study at The College should be aware that their continued study is dependent upon them meeting the conditions of their visa and the time limits set by UK Visas and Immigration (UKVI). For more information please refer to <https://www.gov.uk/browse/visas-immigration/student-visas>. Decisions taken on appeal outcomes shall be made in accordance with the University's academic regulations and shall not be informed or influenced by visa restrictions and time-limits set by the UKVI. In the case of international candidates sponsored by the University, further/continued study based upon any academic decision taken through the appeals process or Examination Board is conditional upon the candidate meeting the University's requirements and holding a valid visa. Candidates who have any concerns or queries regarding their visa should contact International@campuslife.

1.53: The College may set as a condition of any outcome, the requirement that a candidate be required to provide evidence to demonstrate their fitness or otherwise to continue with or return to their studies.

1.6 Notification of appeal outcomes

Students shall be informed of the outcome of their appeal, in writing, as soon as practically possible following the consideration of the appeal. The letter shall confirm the decision and give a brief summary of the reason(s) for the decision reached. If it is not practicable to provide the summary of the reasons for the decision at the same time of the notification of the decision taken, the reasons shall be provided as soon as practicable thereafter. Following the outcome of the appeal and if required, the student's record shall be amended accordingly.

1.7 Options available to students following the appeal outcome

1.71: A candidate may request a final review of the outcome of the appeal in accordance with the [University's Final Review Regulations](#).

1.72: In cases where the decision of the Examination Board has been amended in their favour, candidates may not normally request a final review against that decision. Candidates may, however, request that the original decision be confirmed if they so wish.