

07.4

APPEALS PROCEDURE – EXAM BOARD DECISIONS

# Key Details

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| **POLICY TITLE** | Appeals Procedure – Exam Board Decisions |
| **DATE APPROVED** | Jan 2012 |
| **APPROVING BODY** | Academic Board via AQSC |
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| **OUTCOME OF EQUALITY IMPACT ASSESSMENT** |  |
| **RELATED POLICIES / PROCEDURES / GUIDANCE** | [*Academic Handbook Ah1\_07 (cardiffmet.ac.uk)*](https://www.cardiffmet.ac.uk/registry/academichandbook/Pages/Ah1_07.aspx) |
| **IMPLEMENTATION DATE** | Jan 2012 |
| **POLICY OWNER (JOB TITLE)** | Director of Registry Services |
| **UNIT / SERVICE** | Registry Services |
| **CONTACT EMAIL** | regulations@cardiffmet.ac.uk |

# Version Control

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| **VERSION** | **DATE** | **REASON FOR CHANGE** |
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APPEALS PROCEDURE

This appeals procedure applies to:

* candidates on a range of programmes at Cardiff Metropolitan University including Bachelor’s degrees, foundation degrees, diplomas and certificates, Higher National Diplomas and Higher National Certificates lying within the University’s Pearson University License;
* postgraduates following either of the stages (examination and dissertation) of a taught Master’s degree (including MBA), Postgraduate Diploma or Postgraduate Certificate scheme of study, or PGCE;
* candidates who have completed the examination component of a Professional Doctoral degree.

Candidates for postgraduate research degrees, including the degree of MPhil, PhD and PhD (by Published Works) should refer to the relevant Research Degree Regulations.

Other programmes excluded from this appeals procedure, and for which appeals must be referred to the particular awarding body include those associated with WJEC, ACCA, CIB, CIM, C&G, and NEBSM. For advice on how to make such an appeal to these bodies, reference should be made in the first instance to the University’s Registry Services.

The Appeals Procedure caters for representations against academic decisions and is complementary to the Student Complaints Procedure, which deals with complaints and grievances against Cardiff Metropolitan University and/or its staff, which are not based on academic decisions.

# Early Resolution

## Following the notification of results and before pursuing a formal appeal, students with straightforward queries such as understanding a mark should discuss their concerns with their Programme team or at the appropriate ‘results surgery’. Students who are looking to appeal on the grounds of exceptional circumstances or defects or irregularities are advised to seek impartial help, advice, guidance and support from the Students’ Union.

# Appeal – Formal Stage

## Students are entitled to appeal against a decision of an Examination Board. Any appeal must be submitted using the Application for Appeal online form no later than **14 days** from the date of the notification of results which is sent by the School. Applications for appeal submitted outside this timescale, with good reason, may be accepted at the discretion of Registry Services. Emails giving notice of an intention to appeal by a student within the above deadline shall not be deemed an appeal and shall not be accepted.

## All Applications for Appeal must be supported with corroborating evidence. Any application received without the necessary evidence will not be accepted. All evidence submitted must be in English or a certified translation. Evidence not submitted in English or a certified translation will not be accepted. Certified translations must confirm that it is a ‘true and accurate translation of the original document’. They must contain the date of the translation and must state the full name and contact details of the translator or a representative of the translation company.

## Cardiff Metropolitan University is only prepared to consider appeals which are based on one or both of the following grounds:

### *exceptional personal circumstances where there is a case to refer to an Appeal Board, that such circumstances could have had an adverse effect on the student’s performance;*

### In appeals based on these grounds, the appellant must show good reason why such personal circumstances could not be made known to the Examination Board before its meeting by submission of a Mitigating Circumstances Form. Where a student could have reported exceptional circumstances to the Examination Board prior to its meeting, those circumstances cannot subsequently be cited as grounds for appeal.

### *defects or irregularities in the conduct of the examinations or in written instructions or in advice relating thereto, where there is a case to refer to an Appeal Board, that such defects, irregularities or advice could have had an adverse effect on the student’s performance.*

## Appeals which question academic judgement will not be accepted. By this it is meant that where an appeal is based on questioning the marks or grades awarded by examiners, duly agreed and approved by an Examination Board, such an appeal will be turned down.

## Appeals will be treated with appropriate confidentiality. Appellants will be informed that privacy and confidentiality will be assured unless disclosure is necessary to progress the appeal, in which case the student concerned will be notified in advance of the disclosure.

## Once an appeal is received by Registry Services, an acknowledgement will be sent out normally within 5 working days.

## The Vice-Chancellor (or nominee), will disallow any appeal which:

## is based on factors which were known to the Examination Board concerned when the student’s result was determined;

## introduces information which was known to, and could have been reported by, the student prior to the meeting of the Examination Board;

## provides no evidence of defects or irregularities that could have had an adverse effect on the student’s performance.

## All outcomes are normally provided within eight working weeks of its receipt:

## If an appeal has been disallowed an outcome letter will be sent to the appellant including an explanation for the decision. If the appellant is dissatisfied with the outcome of the appeal, they may initiate the Review Stage. The Review Stage enables the appellant to request a review of the process of the formal academic appeal to ensure that appropriate procedures were followed and that the decision made was reasonable. In order to initiate this the appellant must email aup@cardiffmet.ac.uk and include the reasons for the review request, within **14** days from the date of notification of the outcome, reiterating the grounds for the appeal and the desired outcomes.

## If it is decided by the Vice-Chancellor (or nominee), that there is a case to be considered, it shall be either:

## referred to an Appeal Board.

## referred to the Chair of the Appeal Board for a Chair’s executive decision. An appeal shall not be rejected by the Chair, the only decisions available shall be:

## to refer the case back to the relevant Examination Board for further consideration;

## to refer the case to a full Appeal Board for decision.

## The Appeal Board will be convened normally within twenty working days of its establishment by the Vice-Chancellor (or nominee).

## An Appeal Board, independent of the case to be reviewed, will be constituted as follows:

## - Nominee of the Vice-Chancellor (Chair);

## - Two senior members of staff either from Professional Services or academics.

## The appellant shall be offered a hearing by the Appeal Board and shall accordingly be informed in advance of the time and date of the meeting. The appellant may be accompanied, but not represented, by a member of Cardiff Metropolitan University’s academic, welfare, or advisory staff, or by a student or officer of the Students’ Union, but not by any other individual. The appellant may not send another person to the Appeal Board in their stead.

## The School concerned shall be invited to send a representative to attend the hearing and, at the invitation of the Chair of the Appeal Board, to contribute to the hearing. The School shall accordingly be informed in advance of the time and date of the meeting and shall be provided with a copy of the candidate's application for appeal.

## The normal format of proceeding is given in the *Procedures for the Conduct of an Appeal Hearing.*

## The Appeal Board shall base its decision on the evidence of the appellant’s submission together with any further evidence which it considers relevant.

## The Appeal Board is empowered to take either of the following decisions:

## that the appeal be rejected and no further action be taken;

## that the matter be referred back to the relevant Examination Board, with recommendations where appropriate.

## The outcome of an Appeal will be conveyed by Registry Services to the appellant and to the Chair of the Examination Board within five working days following the meeting of the Appeal Board. A full report including recommendations or advice where appropriate, with all supporting documentation, shall be sent to the Chair of the Examination Board for consideration by Chair’s Action.

## If the decision is that the appeal be rejected, Registry Services will inform the student of the outcome and reasons for the decision. The decision of the Appeal Board shall be final and there shall be no discussion of the decision of the Appeal Board with the appellant or any other person.

## Where an appeal has been upheld and the full report has been sent to the Chair of the Examination Board, The Chair after considering the evidence, will agree to amend or confirm its original decision. Registry Services shall inform the student in writing of the decision of the Examination Board, which shall be final, and the reasons for the decision.

## If, following a successful appeal, the student is still dissatisfied with the outcome, the student may request a Completion of Procedures Letter.

# Appeal – Review Stage

## An appellant may initiate the review stage of the Appeals process by submitting details in writing to Registry Services within **14** days from the date of notification of the outcome of the Formal Stage. This must be submitted to aup@cardiffmet.ac.uk

## The Review stage of the process enables the appellant to request a review of the process of the formal academic appeal to ensure that appropriate procedures were followed and that the decision made was reasonable. You cannot cite new grounds or present significant new evidence at this stage unless there were exceptional reasons which prevented you from disclosing them earlier.

## The review will be carried out within 4 working weeks. When the process is concluded, a Completion of Procedures letter will be sent out to the appellant.

# Completion of Procedures

## Pursuant to the Higher Education Act 2004 as amended by the Consumer Rights Act 2015, the Office of the Independent Adjudicator for Higher Education (the OIA) has been designated as the operator of an independent scheme in Wales for the review of student complaints.

## Once all the relevant University procedures above have been exhausted, a candidate may submit a complaint to the OIA if dissatisfied with the outcome. Any such complaint must be submitted by sending a completed Complaint Form together with all relevant information to the OIA within twelve months of the date stated on the “Completion of Procedures Letter” from the University on completion of its internal procedures. This information can be found on their website <https://www.oiahe.org.uk>