York St John University

APPEALS PROCEDURE: A BRIEF GUIDE FOR STUDENTS

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1 Advice on the Appeals Procedure

The purpose of these notes is to give some advice on the operation of the Appeals Procedure at York St John University. If you are considering making an appeal, please make sure that you obtain a copy of the full Appeals Procedure. The Appeals Procedure can be obtained from the Registry. It is also available via the University web site (www.yorksj.ac.uk/studentpolicies).

2 Grounds for Appeal

Session 2009/10 was the first academic year in which the majority of its graduates graduated with an award of York St John University. A few awards, however, are still being made by the University of Leeds. York St John's appeals procedure links with the appeals procedure of the University of Leeds although there are slight differences in the scope of what can be appealed.

Under both arrangements, a student may make an appeal against the decisions of the examiners in relation to progressional and final examinations. Appeals may relate to decisions to terminate a student's programme or requests to repeat study as well as appeals about degree classification.

Academic Judgement

Primarily, the difference between the York St John and University of Leeds appeals procedures relates to academic judgement. For its own awards, York St John will not entertain appeals which relate to academic judgement. By academic judgement, we mean challenge based on a student's opinion or someone acting on behalf of the student of how a piece of work ought to be graded in contrast to the opinion of the University examiners and its external examiners. The University of Leeds does not circumscribe the grounds of appeal in this way although an appeal on the grounds of academic judgement will be difficult to sustain.

Appeals are only likely to succeed if they concern evidence which might have affected the examiners' decision had it been known at the time (and there are very good reasons as to why those circumstances were not notified before the Board of Examiners) or if some defect in the assessment process is identified. You should bear in mind that the extent of compensation which can be made on the basis of compassionate evidence is limited. It is, however, sometimes possible to appeal for further examination attempts where a failure has been recorded.

In this context, you might find it useful to reflect on the following information about university policy in respect of academic awards. Degree classification is concerned with maintaining a consistent standard of attainment for an award.

Classification Calculation and Borderlines

There are two methods of calculation for degree class. The University will award the class delivered by whichever calculation offers the higher classification average. You should be aware that each award profile in a formal borderline band between degree classes is reviewed by the Board of Examiners. A student whose classifying average is in the borderline band is only likely to be promoted to the higher class if there are other factors, such as mitigating circumstances, which might need to be taken into account and which were not known at the time. If a student's average is in the middle of the class band and away from these thresholds, it is very unlikely that any mitigating circumstances, no matter how substantial, would allow promotion to the higher class. This position is adopted because

i) a student has already had the benefit of two calculations applied to his or her profile and

ii) there is a need for the standard of award to reflect the standard of work actually done by the student.

You should also be aware that apparently small differences on a classification average reflect a very large number of actual marks on second and third level modules (1 mark on a classification average reflects 12-18 actual module marks depending on the calculation used).

From the Session 2009/2010, the University decided to extend the right to resit to all third year modules even where the criteria for an honours degree have been met, i.e. a student may be eligible for the award of an honours degree with a fail in their profile. The appeals process will also need to take this possibility into account. An appeal about borderlines will consider the implications of raising a fail to the capped pass mark and whether such a resit attempt might have affected the outcome.

Implications

What are the implications of this?

- Mitigating circumstances or procedural matters are only likely to result in an increase in degree class if your overall classification average is in a borderline band or possibly if the outcome of a particular module affected by difficult circumstances is having a quantifiable impact.
- If your classifying average is in the middle of a classification band, mitigating circumstances or procedural matters are only really likely to result in an offer of a further examination attempt.
- The Committee on Special Applications and Appeals will not be swayed by any argument that you, or your representative, thought that the work deserved a better mark on the basis of opinion alone.
- Students do not have the right to demand the re-marking of an assessment although the Committee on Special Applications and Appeals has the discretion to order this if there are circumstances that suggest this is appropriate.
- Appeals on the grounds of mitigating circumstances relating to exceptional permission to progress, repeat study and assessment or rescinding of termination may succeed if the evidence is strong enough and if you can explain why the case for mitigation was not made at the right time.

3 Advice on Appeals

If you are thinking about making an appeal, the Registrar can advise on the appeals process. If you want advice and support in making your appeal, you should approach the Student's Union.

Before you make an appeal, however, it is desirable that you discuss your concerns with your Head of Programme, Dean of Faculty or Academic Tutor if at all possible. You will be able to seek information, air your concerns, and sometimes possibly clear up misunderstandings. However, you should not allow the inability to talk to the person you are looking for delay you in making your appeal. Time limits are important. Please see below.

4 Time Limits

You should note that there are very strict time limits that are rigorously enforced on making appeals. You must tell the Registrar in writing of your intention to appeal by no later than 15 days after the publication of results and send us all paperwork by no later than 25 days after the publication of results.

York St John hears appeals as soon as possible after the date for submission of appeals. If you appeal against a degree result you may not be able to attend a degree ceremony if the appeal has not been resolved. Similarly, if you attend a ceremony and accept your degree, the University will conclude that you have, by this action, withdrawn your appeal. For most degrees awarded in early July, the appeals hearings are in September and well in time for the degree ceremony in York Minster in November.

5 Forms of Appeal

An appeal should be submitted as a signed letter to the Registrar and should set out clearly the grounds of the appeal and the remedy that you are seeking.

The address to which this should be sent is

Registrar
York St John University
Lord Mayors Walk
YORK
YO31 7EX

Please use recorded delivery if you wish to be sure that someone signs for receipt of your letter.

If you base your appeal on compassionate circumstances, you should include the relevant medical or other corroboration. The Students Union will offer assistance in putting an appeal together. Sample letters are provided on their web site. Please note that the University will not search out supporting material on a student's behalf. It is the student's responsibility to provide all the material that he or she wants the Committee to consider.

6 Who hears Appeals?

All appeals are heard by the York St John Committee on Special Applications and Appeals. This Committee consists of a number of senior members of University staff from which a small panel is drawn to hear a case. To ensure the independence of the hearing, the members of the panel are selected so as to avoid staff who are associated with the subject area of the appeal. The Registrar assists the Committee as its Executive Officer but is not a voting member.

7 What happens?

Cases submitted by the appropriate deadline are reviewed by the Registrar and the Chair of the Committee on Special Applications and Appeals together with the response made by the Dean of Faculty. They will decide whether a case should be heard by the Committee, i.e. that a *prima facie* case exists. Sometimes an appeal can be resolved before a hearing if all are agreed on an obvious solution. Sometimes a case is dismissed if there is no substantive case for the Committee to hear or if there is no valid remedy open to the Committee. If this happens, explanations will be provided and you have opportunity to appeal to the Vice Chancellor that the case should be heard.

Assuming that the case is to be heard by the Committee, you will be invited to appear before the Committee in person. You can bring a supporter. If, for very good reason, you cannot attend the hearing, you may arrange with the Registrar and Chair that you should be represented in your absence. If you do not choose to appear and fail to notify the committee that you will not attend, the Committee reserves the right to hear your case in your absence and to draw what conclusions it might from your absence.

The Committee and you will have available the written material which you supplied in connection with the appeal and the Faculty response. You will be invited to talk through your case with the Committee and they will ask you questions. The Committee will then separately question the representatives of the Faculty. You and the staff members will be asked to withdraw while the Committee discuss the case. You may be asked back for further discussion. The Committee will then make its decision which will be communicated to you in writing as soon as possible after the hearing (usually within one week).

8 What if I feel that I cannot accept the decision?

For degrees validated by York St John University, you may request a review of the decision by the Vice Chancellor. If your degree is validated by the University of Leeds, the decision will also be reviewed by the University of Leeds. These possibilities will be communicated to you in the letter setting out the decision of the Committee. Beyond these appeal reviews, it is possible for students to request their cases to be investigated by the Office of the Independent Adjudicator. This is an independent body set up under Act of Parliament which will review student appeals and complaints where internal university processes have been exhausted. You can find out more on their website http://www.oiahe.org.uk.