

**LTC12D082**

**Title:** *Narrative Report on Academic Appeals in 2011-12*  
**Author:** Jon Sharp  
**Date:** 20/12/12  
**Circulation:** Learning & Teaching Committee – 30 January 2013  
**Agenda:** LTC12A003  
**Version:** Final  
**Status:** Open

---

### **Issue**

The report summarises and suggests learning points from the Academic Appeals considered in the academic year 2011-12

### **Recommendation**

The committee is asked to note the report

### **Resource Implications**

N/A

### **Risk Implications**

N/A

### **Equality and Diversity**

The report has no E & D implications

### **Timing of decisions**

N/A

### **Further Information**

Mr Jon Sharp, Acting Director Learning & Teaching Services, email [jon.sharp@uea.ac.uk](mailto:jon.sharp@uea.ac.uk), telephone 01603 59(7374)

## **Background**

### **Stage Two Academic Appeals and OIA Cases Narrative Summary**

#### **Background:**

The University is committed to delivering a service in relation to academic appeals that is both equitable and consistent. An annual narrative review of both Stage Two appeals and those cases which have proceeded to the OIA assists the University in establishing consistency of treatment for similar cases and in understanding what lessons should be learned to help us to improve the future handling of academic appeals.

#### **Stage Two Appeals Summary:**

The number of Stage Two appeals remains relatively small when considered in relation to the total size of the eligible student population. There were five upheld Stage Two appeals in 2011/12:

1. Case referred back to Board of Examiners due to extenuating circumstances (medical) not being fully considered at the time. The Board of Examiners was reconvened, but the decision remained unchanged and the fail mark was confirmed.
2. Case involved degree classification. Family illness and bereavement was deemed not to have been fully considered at Stage One. The Stage Two was Upheld and referred back to Stage One and a reconvened Board of Examiners. Awaiting decision.
3. Case concerned student who had not been allowed to progress to Year 1 of their degree programme. New medical evidence was provided which resulted in the Stage Two Appeal being Upheld and referred back to Stage One and a reconvened Board of Examiners meeting. The decision was that, providing the student passed their re-designated first sit examination, progress to Year 1 would be allowable from September 2013.

These cases highlight the fact that while there may be a need for the Board to reconsider a student due to new or previously insufficiently considered evidence, this does not necessarily imply that there will be a change in the academic outcome for the student.

4. Case concerned the required withdrawal of the student from their course. Further extenuating evidence was supplied concerning close family ill health. The case was Upheld and a reconvened Board of Examiners met and decided that the student could continue her studies in January 2013.
5. Case concerned newly identified learning disability. The new evidence led to the case being referred back to Stage One and a reconvened Board of Examiners granted an extraordinary 3rd sit examination.

These cases highlight the value of a move to deadlines for the submission of extenuating circumstances and related evidence. Not only would this enable Boards to make decisions on the basis of all the relevant facts, but would also avoid delays for the student in terms of understanding their position with the University

Of the rejected cases, which did not meet at least one of the conditions set out in paragraph 9.1 of the *Academic Appeals Procedure*, the breakdown of the nature of the case was as follows:

Late sit not resit request	= 1
Degree classification	= 5
Extraordinary 3 <sup>rd</sup> sit request	= 1
Dissertation extension	= 1
Withdrawal from course	= 16
Dissertation mark	= 1
Reassessment result	= 1
Final award	= 2
Mark penalty due to late submission	= 1
Failure of module	= 1
Assessment failure	= 1

The clear majority of rejected Stage 2 Appeals relate to students who have been withdrawn from their programme of study, in the main these withdrawals arise from academic failure at reassessment. The number is still very low as a proportion of total students, but it may be that we should consider issuing more detailed guidance to students about the basis on which an appeal is likely to be accepted in order to assist students in deciding the merit of submitting an appeal.

#### **OIA Cases:**

Of the cases settled through the OIA (one was settled independently on the advisement of the OIA), 4 were deemed Justified, 2 were deemed Partly Justified and 5 were deemed Not Justified.

Of the Justified and Partially Justified cases:

1. It was deemed that the medical evidence was not fully considered by the Board of Examiners and so the case was referred back to reconsider the Stage Two Academic Appeal. The case was reconsidered, but did not lead to an alteration in the academic outcome.
2. It was deemed that the medical evidence had not been fully referenced in the Stage One outcome and so the case was referred back to a Stage One Appeal, to be handled by someone in the School with no connection to the original decision. The subsequent reconsideration of the Stage One did not alter the academic outcome.
3. It was deemed that one element of the case was accepted as being justified. This was that the medical evidence had not been fully and properly considered and so the case was referred back to a Stage Two Appeal. This appeal was upheld and referred back to a Stage One Appeal, requesting an exceptional 3<sup>rd</sup> sit. The head of School stood by his original decision and so the outcome remained unchanged.

These cases highlight the importance of effectively recording the consideration that is given to evidence. In both cases the decision turned on our ability to demonstrate whether certain evidence had been fully considered at particular stages within our internal processes rather than on the academic outcome itself. The OIA did not express any concern about the academic outcome, the concern was solely that it was not possible for us to demonstrate that all pertinent evidence had been carefully weighed in reaching the given outcome.

3. A previously unidentified learning disability had been brought to light. The recommendation was that an Ed Psych Report be compiled and then referred back to a reconvened Board of Examiners. This resulted in the student being allowed to return to their studies with a package of support from the DoS Office.
4. A learning disability had been identified, but the Ed Psych Report had not been accepted by the University. The Decision was that the student should pay for a second Ed Psych Report that would then be sent to a reconvened Board of Examiners to determine the final exit award for the student.

These cases highlight the approach of the OIA to issues of SpLD and other conditions; where a student produces evidence of an SpLD or other learning relevant condition there is an expectation that the University will make appropriate adjustments including a degree of retrospective adjustment. The extent to which retrospective consideration is expected to be implemented has yet to be fully tested. We do not currently clearly state any requirement around the timeliness of SpLD reporting by students and it may be that such a statement should be considered for addition to the regulations relating to Extenuating Circumstances.

5. This case requested a fee waiver, which was rejected, but the OIA decision was that the distress and inconvenience caused to the student, concerning delays and module choice restrictions, should result in financial compensation which was agreed at £500.

This case highlights the increasing importance of the contractual relationship between the University and its students: That where we make a commitment or can be deemed to have given an understanding to student that a certain set of circumstances would obtain, we have an obligation to ensure that we deliver. There is currently a conversation taking place between the OIA and various interested parties around the appropriate levels of compensation for potential breaches of this type and seems likely that the compensation levels will increase rather than decrease.

Of the Not Justified cases:

1. One case cited lack of academic guidance that led to a poor module mark, which in turn, it was claimed, led to a lower degree classification (ug). There was a lack of supporting evidence to back up this claim and the academic decisions taken were identified as correct.
2. One case cited a lack of adequate dissertation supervision for the dissertation mark and the overall degree classification. The student had wanted a change to their outcome and financial compensation. The OIA decided that there was no substance to the lack of supervision claim and that the student had not engaged with the significant online support and guidance offered throughout the dissertation process.
3. One case, concerning a student being withdrawn from their course due to academic failure, was based on the student's financial situation as well as close family and student's own ill health. These matters were not fully brought to the University's attention at Stages One or Two and were deemed not sufficient to permit the student to reassess for a third time and return to their course.
4. One case, also involving a student being withdrawn from their course due to academic failure, was based on evidence presented to the Stage Two Appeal – relationship breakdown and travel time to and from university affecting the student's

mental health. There was no new evidence and the OIA decision was based on the University following procedures correctly.

5. One case, concerning a student who had been withdrawn from their course due to academic failure, was due to evidence previously supplied about family illness and bereavement. Whilst the OIA expressed that it was sympathetic to the student's personal circumstances there was nothing new to challenge the decision made by the University in rejecting the Stage Two Appeal.

These cases share two key characteristics that should be noted for our handling of appeals in the future: The OIA places the same expectation for evidence on students that it does on institutions; submissions to the OIA that do not provide sufficient supporting evidence or rely on evidence not provided to the institution in the original submissions will not be deemed justified. In addition, the OIA does not seek to overturn academic judgements, but is concerned with whether i) we have followed our own stated procedures , ii) whether we have fully documented that we followed all the appropriate procedures and iii) did we pay due attention to all matters that might have a bearing on the case being considered.