



UNIVERSITY OF  
LIVERPOOL

# **CODE OF PRACTICE ON ASSESSMENT**

## **APPENDIX F**

### **Assessment Appeals Procedure for Undergraduate and Taught Postgraduate Programmes**

**2020-21**

All cohorts of students

In the Code of Practice on Assessment and all Appendices the term “student” includes apprentices on degree apprenticeship programmes

## **Assessment Appeals Procedure for Undergraduate and Taught Postgraduate Programmes**

**Students are advised NOT to contact the Vice-Chancellor directly in relation to their appeal as she will not be able to respond. Any request for the Vice-Chancellor to get involved in an appeal which is not within the Procedure may compromise the process for handling the appeal.**

### **Introduction**

The University of Liverpool was founded with the aim of 'the advancement of learning and the ennoblement of life'. An environment conducive to learning is one that preserves the freedom to learn, where academic, personal and professional standards are strictly upheld and where the rights, wellbeing, dignity and merits of every individual are respected.

The University is committed to ensuring that it provides for its students a high quality educational experience, supported by appropriate academic, services. It recognises, however, that there might be occasions when students will feel that they have cause to appeal against an academic decision made by a Module Review Board or Board of Examiners in relation to their studies.

The timelines included within this Procedure reflect good practice and external requirements of the University, for example the 'Good practice framework for handling complaints and academic appeals' produced by the Office of the Independent Adjudicator for Higher Education (OIA) in December 2014.

Other University policies and procedures which are connected to the Assessment Appeals Procedure are set out below:

Student Complaints Policy and Procedure <http://www.liverpool.ac.uk/student-administration/student-administration-centre/policies-procedures/complaints/>

### **Rights, entitlements and responsibilities under this Procedure**

Under this Procedure and in line with the Student Charter and other University policies, the University acknowledges the rights of students and sets out expectations of how students will interact with the Appeals Procedure as follows:

- Students will be treated fairly and consistently within this Procedure.
- Students will not suffer any disadvantage or recrimination as the result of making an appeal in good faith.
- Students are expected not to make any appeal frivolously, vexatiously or with malice. Where an appeal is adjudged to be made frivolously, vexatiously or with malice, disciplinary action may be taken against the appellant.
- Students are expected to engage with the Procedure in a polite, courteous and prompt manner and may expect this to be reciprocated by those handling their appeal.
- Students are expected to be reasonable and realistic in any request for remedy or redress.
- Students may expect to receive responses to an appeal within the timescales indicated within the Procedure or else to be informed of any reasons why this is not possible, with an indication of the proposed amended timescale for a response;
- Students are expected to provide, at the time of submission of their appeal, all relevant documentation or other evidence and details of all issues which they wish to be taken into consideration.

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- Students may expect appeals to be dealt with confidentially and that their privacy will be respected. However, it may be necessary to disclose information to others in the University (e.g. regarding extenuating circumstances) in order to deal with the appeal.
- Where an appeal is upheld, students may expect the University to take such action or provide such remedy as may be appropriate and to do so promptly (within such limitations as may be imposed by particular timescales e.g. scheduled graduation ceremonies).
- Where an appeal is not upheld, students may expect to be informed in writing of the reasons for that decision and to be informed of any further rights to request a review of the decision.

### **Scope of the Procedure**

The Assessment Appeals Procedure is available for use by students on undergraduate and taught postgraduate programmes of study. It is divided into two Sections. There are two stages contained in both Section One and Section Two of the Appeals Procedure to allow escalation should a student consider that an issue or concern has not been addressed at the first stage.

#### **Section One: Appeals against individual module marks, assessments in non-modular programmes and decisions made by a Clinical Assessment Panel**

The procedures detailed in this Section can be used by students who have not yet completed their programme of study and who wish to appeal against a module mark, an assessment mark in non-modular programmes or a decision made by a Clinical Assessment Panel which has been determined by a Board of Examiners. This includes an appeal against a mark of zero awarded following a decision about breaches of the Academic Integrity Policy or an appeal against a decision about extenuating circumstances. For campus-based programmes, marks are designated as 'provisional' following the semester One examination period, until confirmed by the Board of Examiners at the end of Semester Two (see Section One, paragraph 3). Provisional marks do not apply for online programmes delivered through Laureate Online Education ('Laureate') or through Kaplan Open Learning ('Kaplan').

#### ***Termination of studies due to a charge of misconduct under the University's Academic Integrity Policy***

In the event that a student's studies have been terminated by a Board of Examiners in accordance with the provisions of the University's Academic Integrity Policy, following a determination of a Category E offence of copying, plagiarism, collusion, dishonest use of data, unfair or dishonest academic practice, or breach of research ethics, the student shall have a right of appeal under Section One against that determination regarding that offence only, regardless of whether or not the student has been made an exit award.

#### **Section Two: Appeals against the decision of the Board of Examiners on completion of a programme of study**

The procedures detailed in this Section can be used under the following circumstances:

- a) To appeal against the non-award of a degree, diploma or certificate, whether that award was the final award for the course concerned or an intermediate award for the stage of the course the student has just completed.
- b) To appeal against the classification or other mark of differentiation of a degree, diploma or certificate which has been awarded.
- c) To appeal against a decision to make a different award from that which the student was attempting to qualify for at that point of the programme.

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**Cases where students should not use this Procedure**

**A. Appeals to Faculty Progress Committee**

Students who wish to appeal against the decision of the Board of Examiners to terminate their studies (other than for breaches of the Academic Integrity Policy) or to deem them withdrawn prior to the normal expected date of completion of their programme, should **not** submit an assessment appeal under Section Two of these Procedures but should refer to the 'Guide on the Progress of Students on Taught Programmes of Study' (Appendix E of the Code of Practice on Assessment) which describe the University's Progress Procedures and which can be accessed at:

[http://www.liverpool.ac.uk/media/livacuk/tqsd/code-of-practice-on-assessment/appendix\\_E\\_cop\\_assess.pdf](http://www.liverpool.ac.uk/media/livacuk/tqsd/code-of-practice-on-assessment/appendix_E_cop_assess.pdf)

**B. Complaints under the Student Complaints Policy and Procedure**

1. If a student wishes to make a complaint regarding non-academic service matters only (e.g. regarding fee payments) and requires a non-academic remedy they should not make an assessment appeal but should submit a complaint under the University's Student Complaints Policy and Procedure, or that of the partner (e.g. Laureate, Kaplan).
2. If a student wishes to make a complaint regarding the actions, inactions or omission of an academic member of staff or about the quality of teaching provision whilst they are still taking the module in question they should not submit an assessment appeal but should submit a complaint under the University's Student Complaints Policy and Procedure, or that of the partner (e.g. Laureate, Kaplan). An appeal will not be accepted at a later date if it was reasonable to expect the student to have utilised the Student Complaints Policy and Procedure in time for any appropriate redress to be made before completion of related assessments and their consideration by the Board of Examiners.

**Advice on the Assessment Appeals Procedure and how to submit an appeal**

For students studying on-campus, advice about the Assessment Appeals Procedure may be obtained from School Student Support Offices (or their equivalent), the Academic Compliance Team in Student Administration and Support (email [appeals@liverpool.ac.uk](mailto:appeals@liverpool.ac.uk)) or from the Advice Service of the Liverpool Guild of Students (email [guildadviceliverpool.ac.uk](mailto:guildadviceliverpool.ac.uk)).

For students studying programmes online in partnership with Laureate Online Education, advice may be obtained from the [Assessmentappeals@ohcampus.com](mailto:Assessmentappeals@ohcampus.com) or their Student Support Manager. For students studying programmes online in partnership with Kaplan Open Learning, advice may be obtained from their Student Adviser. Students studying online may also obtain advice from the Advice Service of the Liverpool Guild of Students (email [guildadviceliverpool.ac.uk](mailto:guildadviceliverpool.ac.uk)).

In the case of other **off-campus students** advice may be obtained from the local Programme Leader or their nominee.

**Monitoring of appeals**

Where an appeal is upheld and action is required, a record of the action taken by the Board of Examiners or other parties shall be recorded specifically within the minutes of the Board meeting. Where recommendations for changes to policies or procedures are made as the result of an appeal, a record of consideration of those recommendations and any action taken shall be kept with the appeal documentation. Chairs of Boards of Examiners will monitor appeals

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which have been referred to them and will be responsible for implementing, or recommending to the appropriate authority, changes to systems or procedures suggested by the nature and pattern of the appeals received. The outcome of such monitoring may also be used to inform other processes or activities.

### **Group appeals**

Where a number of related appeals are made by a group of students, one student may be clearly nominated as the main point of contact for those handling the appeal. Findings and decisions should, however, be provided to each individual student. Group appeals shall not normally be accepted under Section Two of this Procedure.

### **Timescales**

Timescales for the University's responses to appeals, as set out in the stages below, are those to which the University expects normally to be able to adhere. Completion of the full Section One or Section Two procedures (including any appeal against decisions under those procedures) shall not normally take more than 90 calendar days in total. However, it is anticipated that there may be occasions when it is not feasible for a full and thorough investigation to be carried out within those normal timescales and when a longer period of time, therefore, is required. These may include, but are not restricted to:

- Periods when the University is closed (e.g. Bank Holidays and the Christmas/New Year period),
- Periods when key staff are absent from the University due to work commitments, scheduled or unscheduled leave, sickness or other good reason,
- Particularly complex issues of appeal,
- Issues of appeal which are related to other on-going procedures which may need to be completed before the appeal can be fully addressed (e.g. disciplinary matters, matters complaint subject to investigation under the Student Complaints Policy and Procedure, legal proceedings),
- Issues which are referred to a full scheduled meeting of a Board of Examiners, where this cannot be held within the 90 calendar days of the commencement of the appeal.

The University accepts that it may have obligations under the Equality Act to consider accepting an appeal outside the normal time limit or to make adjustments to the normal procedures where there are exceptional reasons to do so and may exercise discretion, where there is good reason, supported by evidence for late submission of an appeal. It is the responsibility of the student to notify those handling their appeal of any request in relation to this.

Exceptionally, the University may also adjust its timescales to accommodate appeals where, for good reason, decisions may need to be taken more swiftly. Appellants should be aware, however, that it is unlikely that the University will be able to resolve Section One appeals following resit examinations before the start of the next academic session or to resolve Section Two appeals in time for the most immediate scheduled graduation period.

### **Retention of records**

All documentation relating to appeals submitted under this procedure shall be retained for a period of six years and shall be held in accordance with the University's Data Protection Policy ([https://www.liverpool.ac.uk/legal/data\\_protection/policy/](https://www.liverpool.ac.uk/legal/data_protection/policy/)).

## **SECTION ONE**

### **Grounds for appeal**

1. A student may appeal against a provisional or confirmed module mark, an assessment mark in non-modular programmes or a decision made by a Clinical Assessment Panel, which has been determined by the Board of Examiners, on one or more of the following specific grounds only:
  - a) **that there was an administrative error in recording or calculating the mark or result.**
  - b) **that assessments were not conducted in accordance with the current regulations governing the programme of study.**
  - c) **that there was a procedural error in determining a decision of copying, plagiarism, collusion, dishonest use of data, unfair or dishonest academic practice, or breach of research ethics.**
  - d) **that the student has a complaint regarding academic provision that could not be made known prior to the meeting of the Board of Examiners and for which an academic remedy is being sought.**
  - e) **that some other material irregularity has occurred.**
  - f) **that extenuating circumstances were divulged but:**
    - i. **there was a procedural error in the decision taken by an Extenuating Circumstances Committee or Board of Examiners when considering the circumstances; or**
    - ii. **the student is presenting new or additional material evidence, which, for valid reason, they were unable to provide at the time of submitting the extenuating circumstances claim.**
2. Students may **not** appeal on any grounds which:
  - a) dispute the academic judgement of the Board of Examiners, including those which simply constitute an expression of dissatisfaction with the decision that has been taken; or
  - b) have already been considered or re-considered by the Board of Examiners and/or Extenuating Circumstances Committee; or
  - c) constitute a matter which could have been resolved under the Student Complaints Policy and Procedure (<http://www.liverpool.ac.uk/student-administration/student-administration-centre/policies-procedures/complaints/>) at the appropriate time.
  - d) relate to an Extenuating Circumstances claim which they wish to submit after the Board of Examiners has met. They should not submit an assessment appeal under these appeal procedures but should rather refer to the Section relating to extenuating circumstances cases submitted retrospectively in Appendix M of the Code of Practice on Assessment.

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### **Submission of an appeal**

3. Where a student has an issue of concern regarding the actions, inactions or omissions of an academic member of staff following receipt of their confirmed module mark, following a meeting of the Module Review Board or of a Clinical Assessment Panel, they should submit an assessment appeal under Section One of this assessment appeal procedure. Students may only submit an appeal against a provisional or confirmed module or assessment mark **after** it has been determined by a Module Review Board (or equivalent for a clinical programme). For students studying online, they may only submit an appeal once they have received the formal emailed notification of the mark or other decision of the Board. Informal contact from their Student Support Manager does **not** constitute formal notification.
4. Students studying on a taught Master's programme, who wish to appeal against a mark determined by the Board of Examiners for their dissertation, may appeal under this section of the Assessment Appeals Procedure only when they still have an opportunity to re-submit their dissertation. Where students have exhausted their right to re-submit their dissertation under the regulations governing Master's programmes, and the Board of Examiners has determined a final award (if any), they should refer to **Section Two** of the Assessment Appeals Procedure.
5. In the first instance and before submitting an appeal, the student should consult with the Chair of the relevant Board of Examiners or their designated representative, in order to clarify any possible misunderstanding about the way in which the examination or other work is assessed.

### **Responsibilities of the student in submitting the appeal**

6. Any appeal against an assessment or examination mark should be made on the Section One Statement of Appeal Form (Appeal Form) within **ten working days** of the formal notification to students of the mark approved by the relevant Board of Examiners or within **ten working days** of the publication to students of provisional module marks after the Semester One examination period.
7. A student studying at Liverpool or on the London campus should submit the Appeal Form accompanied by supporting evidence to the designated Secretary of the Board of Examiners. For other students studying off-campus, the student should submit the Appeal Form accompanied by supporting evidence as follows:
  - a) For students studying online with Laureate Online Education, to the email at [Assessmentappeals@ohecampus.com](mailto:Assessmentappeals@ohecampus.com))
  - b) In the case of other off-campus students, initially to the local Programme Leader or their nominee, who shall be responsible for forwarding the appeal and supporting evidence to the designated Secretary to the Board of Examiners.
8. Where an appeal is submitted without the Appeal Form being completed or not completed in full, the University reserves the right not to consider the appeal until the Appeal Form has been properly completed and submitted within a given timeframe.
9. At the time of submission of their appeal:
  - a) Students are expected to provide, all relevant documentation or other evidence and details of all issues which they wish to be taken into consideration. The Appeal Form sets out specific requirements but it is the student's responsibility

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to provide any additional evidence which they wish to be considered. A student cannot appeal on the basis of the same or substantially similar evidence to that previously provided to a Board of Examiners and/or Extenuating Circumstances Committee.

- b) A student who appeals under ground 1f)ii must provide, with their appeal statement, evidence to substantiate what they consider are the valid reason(s) as to why they could not provide the new/additional evidence for consideration by the Extenuating Circumstances Committee at the time.
10. In exceptional cases, where it is not possible for good reason to provide the accompanying evidence at the same time as the Appeal Form, students are expected to indicate what documentation or evidence is to follow. If the person receiving the appeal accepts that there is good reason then they shall be entitled to impose a reasonable deadline by which this further information must be provided by the student. This deadline shall not normally be more than one calendar month after the submission of the Appeal Form and may be less. The timeline for consideration of the appeal will be halted whilst the provision of further information is awaited. Unless there proves to be good reason why the student cannot then meet that deadline, the Secretary to the Board of Examiners may then proceed to consider the appeal once that deadline has passed, even if the further information has not been provided.
11. Where, unsolicited, a student provides additional documentation or evidence after consideration of an appeal has commenced, the Secretary or investigator (if appointed) shall determine whether there is sufficient time within the timescale set for their response to the appeal in which to consider this additional information and, if not, shall inform the student of any necessary and reasonable adjustment to the deadline for their response.
12. An acknowledgment of receipt of a Stage 1 appeal will normally be made to the student within three working days and shall include the deadline by which the student can expect to receive the written response to their appeal.

### **Stage 1: Consideration of the Appeal**

#### **Initial Consideration: appeals under grounds (a) – (e)**

13. Completion of this initial consideration shall not normally take more than **26 calendar** days. Upon receipt of an appeal made under grounds (a) – (e) (see paragraph 1 above), the Secretary to the Board of Examiners, in consultation with a member of the Academic Compliance Team in SAS, shall make enquiries into the grounds for appeal as required. These enquiries may involve consulting documentation from the processes leading to the original decision, and discussions with those responsible for the original decision to establish matters of fact only, in order to determine whether there is a case for the appeal to be considered further.
14. Where information provided by the student or obtained in the initial enquiries conducted by the Secretary to the Board of Examiners does constitute a case for further review, the Secretary to the Board of Examiners will inform the student that the appeal has been referred for further investigation in accordance with paragraph 16 below.
15. Where information provided by the student or obtained in the initial enquiries conducted by the Secretary to the Board of Examiners does not constitute a case for an appeal to be considered further, the Secretary to the Board of Examiners, after consulting with a member of the Academic Compliance Team, will issue an Outcome Letter informing



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the student of this decision. The student has a right to request further review, in accordance with paragraph 27 below.

**Referral for further investigation: appeals under grounds (a) – (e)**

16. If the Secretary determines that the student's appeal case warrants further consideration, the Secretary shall request that the Chair of the relevant Board of Examiners to appoint a member of academic staff who has had no previous material involvement in the determination of the assessment or examination mark, to undertake an investigation into the alleged error or procedural irregularity. This person, in consultation with a member of the Academic Compliance Team in SAS, will make a written report on their findings and recommend to the Chair of the Board of Examiners whether the appeal should be upheld, be partially upheld or not be upheld. This report will be copied to the student with the Stage 1 outcome letter.

**Referral of recommendations to the Board of Examiners: appeals under grounds (a) – (e)**

17. If the Chair accepts a recommendation that the appeal should **not be upheld**, they shall normally request the designated Secretary to the Board of Examiners to consult with a member of the Academic Compliance Team in order to issue an Outcome Letter informing the student of this decision. This Outcome Letter will normally be sent to the student **no later than 26 calendar days** after completion of the initial consideration.
18. However, if the Chair considers, or the Academic Compliance Team recommends, that the investigator's findings and/or recommendations **require further consideration**, the report and recommendations shall be presented to the next meeting of the Board of Examiners for its decision. The Chair will instruct the Secretary to inform the student in writing of this decision to refer the matter to the Board and also the date by which the student can expect to receive notification of the Board's decision.
19. Should the recommendation be that the appeal should **be upheld or partially upheld** the Chair shall determine whether the matter should be referred back to the next meeting of the relevant Board of Examiners for appropriate action (see paragraph 21 below) or whether, in the best interests of the student, they should take appropriate action on behalf of the Board (see paragraph 20 below). The Chair will instruct the Secretary to inform the student in writing if the case is to be referred to the next meeting of the Board and also the date by which the student can expect to receive notification of the Board's decision.
20. Where the Chair decides to take action on behalf of the Board, the Chair must do so in consultation with the appropriate External Examiner. The Chair shall normally request the designated Secretary to the Board of Examiners to issue an Outcome Letter after consulting with a member of the Academic Compliance Team in SAS, informing the student of the decision taken. The action taken by the Chair must be reported to and recorded in the minutes at the next meeting of the Board of Examiners.

**Action taken by the Board of Examiners: appeals under grounds (a) – (e)**

21. Appropriate action to be taken in relation to paragraphs 18 and 19 is as follows:
  - a) Where it is agreed there is evidence that there has been an error in the calculation or recording of the mark, the mark should be amended appropriately.
  - b) Where it is agreed there is evidence of a procedural irregularity in the conduct of assessment which could be deemed to have disadvantaged the student in

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their performance in the assessment, the relevant Board of Examiners (or the Chair acting on behalf of the Board under paragraph 20) will determine the most appropriate course of action.

- c) Where there is evidence of a procedural irregularity in the determination of copying, plagiarism, collusion or dishonest use of data, to such an extent as to cast doubt on the reliability of the original recommendation by the Assessment Officer (or the Plagiarism Sub-Committee for online programmes) to the Board of Examiners, the Board of Examiners should uphold the appeal i.e. overturn the original decision. The Board shall also require that a new Assessment Officer, who has had no material involvement in the previous investigation or decision, be appointed to investigate the allegation of academic misconduct *de novo*, and where appropriate, make a recommendation to a future meeting of the Board of Examiners. An Outcome Letter regarding the appeal should be sent to the student in accordance with paragraph 22 below, which should also include reference to the decision of the Board regarding initiating a new investigation.
  - d) Where the investigator recommends that an issue of complaint about academic provision be upheld (under grounds 1d)), the relevant Board of Examiners (or the Chair acting on behalf of the Board under paragraph 20) will determine the most appropriate course of action.
22. After the Board of Examiners has taken a decision, the Secretary, in consultation with a member of the Academic Compliance Team, will issue an Outcome Letter to the student informing them whether their appeal has been upheld or partially upheld and any actions taken by the Board of Examiners.

**Initial Consideration: appeals under grounds (f)**

23. Upon receipt of an appeal made under grounds (f) (see paragraph 1 above), the Secretary to the Board of Examiners, in consultation with a member of the Academic Compliance Team in SAS, shall make enquiries into the grounds for appeal as required. This will include enquiries to substantiate whether the evidence submitted by the student with their assessment appeal relating to their extenuating circumstances claim is in fact new/additional material or whether the material had already been submitted with their extenuating circumstances claim i.e. it has already been considered by the Extenuating Circumstances Committee.

If the student is presenting new or additional material evidence which has not already been considered by an Extenuating Circumstances Committee, the Secretary shall consider whether or not the student has provided valid reason why they could not have submitted an extenuating circumstances claim or submitted this evidence in support of an extenuating circumstances claim at the appropriate time (see paragraph 9b).

24. Where information provided by the student or obtained in the initial enquiries conducted by the Secretary to the Board of Examiners does constitute a case for further review, the Secretary to the Board of Examiners will inform the student that the appeal has been referred to the Extenuating Circumstances Committee in accordance with paragraph 26 below. This letter will indicate the timescale in which the student can expect to receive the outcome of the re-consideration by the Extenuating Circumstances Committee/Board of Examiners. The student will not be entitled to any further right of appeal, except where they consider that there is evidence that there was a procedural error in the decision taken by an Extenuating Circumstances Committee or Board of Examiners when re-considering the circumstances, in which case this would constitute a new appeal.

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25. Where information provided by the student or obtained in the initial enquiries conducted by the Secretary to the Board of Examiners does not constitute a case for an appeal to be considered further, the Secretary to the Board of Examiners, after consulting with a member of the Academic Compliance Team, will issue an Outcome Letter informing the student of this decision. The student has a right to request further review, in accordance with paragraph 27 below.

**Referral for further investigation: appeals under grounds (f)**

26. If the Secretary determines that the student's appeal case warrants further consideration, the Extenuating Circumstances Committee shall consider the student's submission in accordance with the normal procedures set out in Appendix M of the Code of Practice on Assessment. Where possible, arrangements will be made for such re-consideration by the Extenuating Circumstances Committee and re-consideration of any recommendation then made to the Board of Examiners to be dealt with outside of the normal scheduled meetings of those bodies where otherwise an unacceptable delay would occur. The outcome of the re-consideration will be provided to the student by the Secretary to the Extenuating Circumstances Committee. The Secretary to the Board of Examiners, in consultation with a member of the Academic Compliance Team, will then issue an Outcome Letter to the student informing them whether their appeal has been upheld or partially upheld and any actions taken by the Board of Examiners.

**Students' right to request further review of their Section One Appeal under Stage 2 of the Assessment Appeals Procedure, following receipt of an Outcome Letter.**

27. If the student is dissatisfied with the outcome of Stage 1 of the Assessment Appeals Procedure they have the right to request a review of this decision, in accordance with paragraph 28 below, and must do so within **14 calendar days** of the date on which the Outcome Letter is sent to the student. Upon receipt of a request the appeal will be subject to further review.
28. The student may request further review on one or more of the following specific grounds only:
- a) **that there was a procedural error in determining the outcome at Stage 1;**
  - or
  - b) **that the outcome was not reasonable in all the circumstances; or**
  - c) **that there is new material evidence which the student was unable, for valid reasons, to provide earlier in the process.**

Students are not permitted to dispute the academic judgement of the Board of Examiners.

29. Where the student does not request further review, the University will consider that the student has accepted the outcome of the appeal under Stage 1 and that the appeal is closed.
30. The University will not normally accept an appeal against a decision taken under Stage 1 made outside the stated deadline, unless there is good reason why the student could not have made the request for review under Stage 2 within that deadline. Any case for further consideration of an appeal under Stage 2 after the deadline has passed must be made in writing in accordance with paragraph 31 below and shall include the reason for the delay in submission together with any documentary evidence in support of that reason.

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31. A request for further review of an appeal under Stage 2 of the Procedure should be submitted in writing to the Academic Compliance Team in Student Administration and Support ([appeals@liverpool.ac.uk](mailto:appeals@liverpool.ac.uk)) and should include:
- the completed Appeal Form, available at <https://www.liverpool.ac.uk/student-administration/student-administration-centre/policies-procedures/appeals-section1/>.
  - the nature of the appeal.
  - all correspondence received by or provided by the student under Stage 1 of this Procedure, including the University's written response to the appeal (the Outcome Letter).
  - a statement as to why the student remains dissatisfied.
  - and, without prejudice to any formal remedy which might be determined, the remedy they are seeking.

The student should provide with the request for review all relevant documentation or other evidence which they wish to be taken into consideration.

32. A student whose appeal has previously been considered under Stage 1 is not expected to raise at Stage 2 any additional issues not previously raised under Stage 1, except where the issues relate to the procedural conduct or outcome of the Stage 1 appeal consideration.

**Stage 2: Further Review**

33. Receipt of a request for further review of the appeal under Stage 2 will normally be acknowledged within **five calendar days** of receipt of the completed documents. Upon receipt, the Academic Compliance Team will pass the request to the Secretary of a different Board of Examiners ('the nominated reviewer'), who has had no prior involvement with the appeal, to ask them to review the appeal.

**Request for review following initial consideration under paragraph 15**

34. The nominated reviewer will review the submitted documentation in order to determine whether there is a case, under the specified grounds (see paragraph 28 above) for the appeal to be considered further.
35. Where the information, provided by the student does not constitute a case for an appeal to be considered further, the nominated reviewer will request that the Academic Compliance Team issues a Completion of Procedures Letter informing the student of this decision. This letter will normally be sent within **ten calendar days** of the submission of the request for the review.
36. If the nominated reviewer determines that the student's appeal case warrants further consideration, they shall instruct the original Secretary of the relevant Board of Examiners to request the Chair of the Board to appoint a member of academic staff who has had no previous material involvement in the determination of the assessment or examination mark, to undertake an investigation into the alleged error or procedural irregularity. This person, in consultation with a member of the Academic Compliance Team, will make a written report on their findings and recommend to the Chair of the Board of Examiners whether the appeal should be upheld, be partially upheld or not be upheld.
37. Following referral of a recommendation, the Board of Examiners or Chair will take appropriate action in accordance with paragraphs 17 to 21 above. If the appeal is not upheld a Completion of Procedures letter will be issued by the original Secretary to the

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Board of Examiners informing the student of this decision. This letter will normally be sent no later than **26 calendar days** after the submission of the request for the review.

**Request for review following initial consideration under paragraphs 17, 20, 21, 25 and 26**

38. The relevant Faculty Student Experience Manager (FSEM), as the nominated reviewer, will review the submitted documentation in order to determine whether there is a case, under the specified grounds (see paragraph 28 above) for the appeal to be considered further.
39. Where the information, provided by the student does not constitute a case for an appeal to be considered further, the FSEM, after consulting with a member of the Academic Compliance Team, will issue a Completion of Procedures Letter informing the student of this decision. This letter will be sent within **ten calendar days** of the submission of the request for the review.
40. If the FSEM determines that the student's appeal case warrants further consideration, they shall refer the case to the relevant Executive Pro-Vice Chancellor (EPVC) for further consideration.
41. The EPVC will consider the case and determine as follows:
  - a) To uphold the decision made by the Board of Examiners, or Chair in accordance with paragraph 17 to 21 above; or
  - b) To revoke the earlier decision made by the Board of Examiners or Chair and to arrive at an alternative decision; or
  - c) In exceptional cases, where new evidence has been submitted by the student at Stage 2, which for good reason they were unable to make known prior to their request for review, to refer the appeal back to the Board of Examiners for further investigation, in accordance with paragraph 16.
42. Following a determination by the EPVC in accordance with paragraphs 41a) or 41b), the EPVC, in consultation with the FSEM, will make a written report on their findings. The EPVC will instruct the FSEM to consult with a member of the Academic Compliance Team to issue a Completion of Procedures Letter informing the student of this decision. This letter, together with a copy of the written report from the EPVC, will be sent within **31 calendar days** of the submission of the request for the review.
43. Following a determination in accordance with paragraph 41c) above, the EPVC will instruct the FSEM to write to the student and notify them that the appeal will not be completed within 90 calendar days, as it has been referred back to the Board of Examiners for further investigation. A Completion of Procedures letter will only be issued, once the student has completed the University's internal procedures.

## **SECTION TWO**

### **Grounds for Appeal**

44. A student may give notice of appeal against the decision of a Board of Examiners with regard to a decision relating to
- the non-award of a degree, diploma or certificate, whether that award was the final award for the course concerned or an intermediate award for the stage of the course the student has just completed; or
  - the classification or other mark of differentiation of a degree, diploma or certificate which has been awarded; or
  - the making of a different award from that which the student was attempting to qualify for at that point of the programme.

The student may only appeal on one or more of the following specific grounds:

- a) **that performance in the assessment was adversely affected by illness or other significant factors which, for valid reasons, the student was unable to divulge before the Board of Examiners met to consider the student's performance.;**
  - b) **that there had been a material administrative error;**
  - c) **that assessments were not conducted in accordance with the current regulations governing the course of study;**
  - d) **that the student has a complaint regarding academic provision that could not be made known prior to the meeting of the Board of Examiners and for which an academic remedy is being sought;**
  - e) **that some other material irregularity has occurred<sup>1</sup>;**
  - f) **that extenuating circumstances were divulged but:**
    - i. **there was a procedural error in the decision taken by an Extenuating Circumstances Committee or Board of Examiners when considering the circumstances; or**
    - ii. **the student is presenting new or additional material evidence, which, for valid reason, they were unable to provide at the time of submitting the extenuating circumstances claim.**
- 45 A student may **not** appeal on any grounds which:
- a) have already been considered by the Board of Examiners and/or Extenuating Circumstances Committee; or
  - b) could have been considered, had notice of the student's wish to have them so considered been given prior to the meeting of the Board of Examiners and the student has no valid reason for having failed to give such notice; or

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<sup>1</sup> This may include a procedural error in determining a decision of copying, plagiarism, collusion, dishonest use of data, unfair or dishonest academic practice, or breach of research ethics.

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- c) dispute the academic judgement of the Board of Examiners including those which simply constitute an expression of dissatisfaction with the decision that has been taken; or
- d) constitute a matter which could have been resolved under the Student Complaints Policy and Procedure (<http://www.liverpool.ac.uk/student-administration/student-administration-centre/policies-procedures/complaints/>) at the appropriate time.

### **Submission of an appeal**

- 46. Students may only submit an appeal **after** a decision to make an award or a decision that the student has reached the end of their programme but is not eligible to receive any award has been confirmed by a Final Board of Examiners. Where a student still has a right to resit a failed assessment or otherwise to continue with their programme then they should refer to **Section One** of the Assessment Appeals Procedure.
- 47. In the first instance and before submitting an appeal, the student should consult with the Chair of the relevant Board of Examiners or their designated representative, in order to clarify any possible misunderstanding about the way in which the examinations or other work are assessed or a decision about an award has been taken.

### **Responsibilities of the student in submitting the appeal**

- 48. If, after consulting with the Chair of the Board of Examiners or his/her representative, the student wishes to proceed with an appeal, the student **must**:
  - a) within **ten calendar days** of the formal confirmation of the result by the Board of Examiners, give notice in writing to the Academic Compliance Team, Student Administration and Support of their intention to appeal, stating the grounds for appeal. Notice should be provided on the designated pro-forma which can be found at: <https://www.liverpool.ac.uk/student-administration/student-administration-centre/policies-procedures/appeals-section2/>  
  
This can be submitted electronically (to [appeals@liverpool.ac.uk](mailto:appeals@liverpool.ac.uk)) or in hard copy;
  - b) not proceed to any degree ceremony;
  - c) within a further **14 calendar days**, present a full case, in writing.

Appeals on the grounds of illness or any other personal circumstances (grounds (a) and (fii)) **must** include full documentary evidence, and state reasons why the information was not presented in advance to the Extenuating Circumstances Committee.

Appeals on other grounds of administrative error (grounds (b), (c), (d), (e) or (f)i) **must** include a detailed description of the error which is alleged to have occurred or the issue of complaint and supporting evidence, where appropriate.

- 49. Where a student notifies the University of an intention to submit an appeal but has not completed or not completed in full the pro-forma, the University shall normally accept the notification provided it has been submitted in time but may request that the student completes the pro-forma before any appeal submission is considered and that they do so within the 14 day period for submission of the appeal case.

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50. Students are expected to provide at the time of submission of their appeal case all relevant documentation or other evidence and details of all issues which they wish to have taken into consideration.
51. In exceptional cases, where it is not possible for good reason to provide the accompanying evidence at the same time as the submission of the appeal case, students are expected to indicate what documentation or evidence is to follow. If the member of the Academic Compliance Team handling the appeal accepts that there is good reason then they shall be entitled to impose a reasonable deadline by which this further information must be provided by the student. This deadline shall not be more than one calendar month after the submission of the Appeal Form and may be less. The timeline for consideration of the appeal will be halted whilst the provision of further information is awaited. Unless there proves to be good reason why the student cannot then meet that deadline, the member of the Academic Compliance Team may then proceed to consider the appeal once that deadline has passed, even if the further information has not been provided.
52. An acknowledgment of receipt of an intention to submit a Stage 2 appeal will normally be made to the student within **two working days** and shall include a deadline by which the full appeal case and evidence must be submitted.
53. An acknowledgment of receipt of a full appeal case shall normally be made to the student within **three working days** and will include the deadline by which the student can expect to receive the written response to their appeal.

### **Stage 1: Consideration of the Appeal**

#### **Initial Consideration of an Appeal**

54. Upon receipt of an appeal, a member of the Academic Compliance Team, in consultation with the relevant Faculty Student Experience Manager, shall make any enquiries into the circumstances of the appeal, as required. These enquiries may involve consulting documentation from the processes leading to the original decision, and discussions with those responsible for the original decision, to establish matters of fact only, in order to determine whether there is a case for the appeal to be considered further. This stage of initial review will normally be completed within **30 calendar days**.
55. After this initial consideration, the Academic Compliance Team will inform the appellant, in writing, **either** that
- a) the appeal is declined (in which case the reason(s) should be stated), **or**
  - b) a case for appeal has been established.
56. In cases where an appeal is declined on the grounds that a case has not been established for the appeal to be heard, the Academic Compliance Team will inform the student, in writing, setting out the reasons for this. The student has a right to request a further review, in accordance with paragraph 69 below.

#### **Consideration of Cases**

57. Where it is determined that the student has presented evidence that they have grounds for appeal under grounds (a) or (fii), the Academic Compliance Team will refer the matter back to the Chair of the Board of Examiners, requesting that the student's case be re-considered by the Extenuating Circumstances Committee and then by the Board of Examiners based on the information provided by the student in their appeal



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statement, including any supporting documentation. The Chair of the Board of Examiners will be asked to convene a meeting of the Board of Examiners as soon as possible (normally no later than **30 calendar days** after the referral) for this further consideration and any further decisions will be subject to scrutiny by the relevant External Examiner.

Under these circumstances, the Academic Compliance Team will inform the student that this has been done. Once the Board of Examiners has re-considered the student's degree, it will be the responsibility of the Secretary of the Board of Examiners to inform the student of the decision normally within **five calendar days**, copying this information to the Academic Compliance Team.

In line with the normal provisions of the Policy on Extenuating Circumstances in Relation to Performance in Assessments and Examinations, the student will not be entitled to any further right of appeal, except where they consider that the decision of the Extenuating Circumstances Committee or Board of Examiners has been perverse, in which case this would constitute a new appeal. The Academic Compliance Team will issue a Completion of Procedures letter at this stage in relation to the original appeal.

58. Where it is determined that the student has presented evidence that they have grounds for appeal under grounds (b), (c), (e) or (fi), the Academic Compliance Team will ask the Board of Examiners to indicate, within **five calendar days** whether, in the light of information provided by the student in their appeal statement, including any supporting documentation, the Board (including the relevant External Examiner) would agree to change their decision.

If the Board agrees to change their decision (including any agreement required from the relevant External Examiner), it will be the responsibility of the Secretary of the Board of Examiners to inform the student of the decision, copying this information to the Academic Compliance Team.

If the Board does not agree to change their decision then the case shall be referred to a full hearing of the Assessment Appeals Committee as set out in paragraph 60 below.

59. Where it is determined that the student has presented evidence that they have grounds for appeal under grounds (d) and that, therefore there is a matter of complaint which need to be considered before any consideration is given to an academic remedy through the assessment appeals procedure, then, the matter of complaint will be dealt with first in accordance with Stage 2 of the Student Complaints Policy and Procedure [<https://www.liverpool.ac.uk/student-administration/student-administration-centre/policies-procedures/complaints/>]. In this case, consideration of the assessment appeal, and any applicable timescales, will be suspended until the outcome of the complaint has been determined.

- (i) If the investigation into the complaint determines that the complaint should not be upheld or should be upheld but that an academic remedy is not appropriate, then the appeal will be considered to be completed. The student will not have any further right to appeal and the Academic Compliance Team will issue a Completion of Procedures letter at this stage.
- (ii) If the investigation into the complaint determines that the complaint should be upheld and an academic remedy is appropriate, the Board of Examiners shall be asked to reconsider their decision in the light of the complaint findings. If the Board agrees to change their decision (including any agreement required from the relevant External Examiner), it will be the responsibility of the Secretary of the Board of Examiners to inform the student of the decision, copying this information to the Academic Compliance Team.

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- (iii) If the Board does not agree to change their decision, then it will be the responsibility of the Secretary of the Board of Examiners to inform the student of the decision, copying this information to the Academic Compliance Team. The student has a right to request a further review, in accordance with paragraph 75 below.

**Assessment Appeals Committee Hearings**

60. Where it is determined that the student has submitted evidence of grounds for appeal under 2(b), (c), (e), (fi) or (fii) and a Board of Examiners and/or Extenuating Circumstances Committee is not prepared to agree to change their previous decision, a full hearing of the Assessment Appeals Committee is required to take place. Such hearings shall normally be held within **30 calendar days** of the determination.
61. The Assessment Appeals Committee will consist of three academic members, drawn from the assessment appeals panel and a Guild Student Representative Officer. No member of the Committee will be a member of the Board(s) of Examiners against whose decision(s) the appeal is made. The appellant and the Chair of the Board of Examiners, or his/her representative, are invited to attend the meeting of the Assessment Appeals Committee.
62. The Assessment Appeals Committee will receive the following documentation:-
- a) the student's letter of appeal and any supporting evidence
  - b) copies of the relevant regulations
  - c) copies of any other relevant information or statements, including a written report from the Chair of the relevant –Board of Examiners or his/her representative.

**All papers presented to the Assessment Appeals Committee will also be provided to the appellant and the Chair of the relevant Board of Examiners or his/her representative.**

63. The appellant has the right to be heard at the meeting, accompanied if they wish by a friend who may also be heard. The appellant may not be legally represented at a hearing although they may choose to seek legal advice in submitting their appeal statement. Appellants are encouraged to seek advice, guidance and, if desired, representation from Liverpool Guild of Students. The appellant is responsible for informing any witnesses who they propose to call of the details of the sitting of the Assessment Appeals Committee and for securing their attendance. They should also inform the Secretary of the Assessment Appeals Committee of the names of the witnesses s/he proposes to call, and if they wish to be accompanied by a friend, the name of the friend.
64. The Chair of the Board of Examiners is responsible for informing any witnesses whom s/he proposes to call of the details of the sitting of the Assessment Appeals Committee and for securing their attendance. S/he should also inform the Secretary of the Committee of the names of the witnesses.
65. Evidence will be taken in the following order:
- i. The appellant
  - ii. Witness(es) in support of the appellant
  - iii. The Chair of the Board of Examiners, or his/her nominee
  - iv. Witness(es) in support of the Chair of the Board of Examiners

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- v. Final statement of the appellant
66. Members of the Assessment Appeals Committee can put questions to any persons attending the hearing. The appellant and their friend have the right to be present during the taking of evidence. The appellant and the Chair of the Board of Examiners have the right to put questions to the witnesses and each other through the Chair of the Assessment Appeals Committee, at the discretion of the latter.
67. If the appellant does not appear at the hearing, the Assessment Appeals Committee may proceed to deal with the appeal in their absence, provided that the Committee is satisfied that the Secretary has made reasonable efforts to notify the appellant of the sitting of the Assessment Appeals Committee.
68. The Assessment Appeals Committee will sit in private to consider its decision. Whenever possible, the appellant will be informed of the Committee's decision at the end of the hearing. In any case, the Secretary will notify them, in writing, of the decision within **ten working days** of the date of the hearing.
69. The possible outcomes of the hearing are that **either**:
- (a) The appeal is dismissed, **or**
  - (b) The appeal is upheld.
70. Where the appeal is upheld, the Committee will recommend re-consideration by the Board of Examiners. Under these circumstances, the Committee would indicate how the information considered during the appeals process has a material bearing on the re-consideration. If the Board does not agree to change their decision, then it will be the responsibility of the Secretary of the Board of Examiners to inform the student of the decision, copying this information to the Academic Compliance Team. The student has a right to request a further review, in accordance with paragraph 75 below.

**Stage Two: Further Review**

**Review following the initial consideration stage**

71. If an appeal is dismissed at the initial consideration stage (see paragraph 54 above), the student may submit a request for a review of that decision by writing to the Director of Student Administration and Support within **10 calendar days** of receipt of the letter from the Academic Compliance Team. The student may only request such a review on one or more of the following grounds:
- a) **that there was a procedural error in determining the outcome at Stage 1;**  
**or**
  - b) **a consideration of whether the outcome was reasonable in all the circumstances; or**
  - c) **new material evidence which the student was unable, for valid reasons, to provide earlier in the process.**
72. The Director of Student Administration and Support (or, should s/he have had prior involvement with the case or otherwise be unable to consider the case, the Director of Student Experience and Enhancement) will review the submitted documentation in order to determine whether there is a case, under the specified grounds (see paragraph 71 above) for the appeal to be considered further. This initial review will normally be completed within **five calendar days**.

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73. Where the information, provided by the student does not constitute a case for an appeal to be considered further, the Director of Student Administration and Support will instruct the Academic Compliance Team to issue a Completion of Procedures Letter informing the student of this decision. This letter will normally be sent within **five calendar days** of the determination by the Director of Student Administration and Support.
74. If the Director of Student Administration and Support determines that the student's appeal case warrants further consideration, the appeal shall then be handled in accordance with paragraph 57, 58 or 59 as appropriate depending on the grounds for the appeal.

**Review following a decision on a complaint or an appeal by a Board of Examiners**

75. If, following the upholding of a complaint where an academic remedy is deemed appropriate (see paragraph 59 above) or the upholding of an appeal by the Assessment Appeals Committee (see paragraph 70 above), the Board of Examiners does not agree to change their decision, then it will be the responsibility of the Secretary of the Board of Examiners to inform the student of the decision, copying this information to the Academic Compliance Team, the student may submit a request for a review of that decision by writing to the relevant Faculty Student Experience Manager (FSEM) within **10 calendar days** of receipt of the letter from the Secretary of the Board of Examiners. The student may only request such a review on the grounds that there was a procedural error in the Board of Examiners' determination. The student may not appeal on any grounds which challenge the academic judgement of the Board of Examiners.
76. The FSEM will review the submitted documentation in order to determine whether there is a case, under the specified grounds (see 75 above) for the appeal to be considered further.
77. Where the information, provided by the student does not constitute a case for an appeal to be considered further, the FSEM, after consulting with a member of the Academic Compliance Team in SAS, will issue a Completion of Procedures Letter informing the student of this decision. This letter will be sent within **ten calendar days** of the submission of the request for the review.
78. If the FSEM determines that the student's appeal case warrants further consideration, they shall refer the case to the relevant Executive Pro-Vice Chancellor (EPVC) for further consideration.
79. The EPVC will consider the case and determine as follows:
- (a) To uphold the decision made by the Board of Examiners; or
  - (b) To revoke the earlier decision made by the Board of Examiners and to arrive at an alternative decision.

The EPVC will come to their determination within **26 calendar days** of the submission of the request for the review .

80. Following a determination by the EPVC in accordance with clauses 79a) or 79b), the EPVC in consultation with the FSEM, will make a written report on their findings. The EPVC will instruct the FSEM to issue a Completion of Procedures Letter, after consulting with a member of the Academic Compliance Team in SAS, informing the student of this decision. This letter, together with a copy of the written report from the EPVC, will normally be sent within **five calendar days** of the determination by the EPVC.

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**Review following an Assessment Appeals Committee hearing**

81. If an appeal is dismissed by the Assessment Appeals Committee, a student may submit a request for a review of the decision by writing to the Chief Operating Officer, within **10 calendar days** of receipt of the letter from the Secretary to the Assessment Appeals Committee. The student may only request such a review on the grounds that, at the meeting of the Assessment Appeals Committee, the student did not have a fair hearing as a consequence of some procedural irregularity.
82. The Chief Operating Officer, in consultation with the Chair of the Committee on the Award of Degrees, Diplomas and Certificates (CADDAC), will review the submitted documentation in order to determine whether there is a case, under the specified grounds (see 81 above) for the appeal to be considered further.
83. Where the information provided by the student does not constitute a case for an appeal to be considered further, the Director of Student Experience and Enhancement will issue a Completion of Procedures Letter informing the student of this decision. This letter will be sent within **ten calendar days** of the submission of the request for the review.
84. If the Director of Student Experience and Enhancement determines that the student's appeal case warrants further consideration, the case shall be referred to the Committee on the Award of Degrees, Diplomas and Certificates (CADDAC) for further consideration.
85. CADDAC will consider the case within **30 calendar days** of receipt of the request to review the case and determine as follows:
  - (a) To uphold the decision made by the Assessment Appeals Committee and to instruct the Director of Student Experience and Enhancement to issue a Completion of Procedures Letter; or
  - (b) To revoke the earlier decision made by the Assessment Appeals Committee and recommend re-consideration by the Board of Examiners as if the appeal had been upheld by the Assessment Appeals Committee (see paragraph 70).

**Office of the Independent Adjudicator for Higher Education (OIA): Completion of Procedures Letters**

86. Following consideration of an appeal under either Section One or Section Two, there shall be no further right of appeal within the University as to the merits of the case or the findings of any investigation.
87. This Procedure represents the University's internal Procedure for the handling of an assessment appeal. A student who completes the Procedure (which must include completion of any permitted right of appeal) will automatically be issued with a Completion of Procedures letter setting out their right to request a review of their case by the Office of the Independent Adjudicator for Higher Education (OIA: <http://www.oiahe.org.uk>), should they remain dissatisfied with the outcome of this internal procedure.

**Contact Details**

The address for correspondence and contact point for further advice on this Procedure is:  
The Academic Compliance Team,  
Student Administration and Support,

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