

## **Information for Students, Teachers and Examiners**

### **Annex 13: Appeals against Recommendations of Boards of Examiners**

#### **1. Introduction**

The most effective route to resolution of an appeal is one in which all parties engage in a spirit of cooperation. The University strives to ensure the fairness and objectivity of its procedures including the maintenance of academic standards. Guidance on procedures for appeals against recommendations of Boards of Examiners is provided on the Faculties Support Office webpages<sup>1</sup>. Advice and support is available from the Students' Union<sup>2</sup>.

#### **2. Early Resolution**

- 2.1 It is good practice for Schools to provide the opportunity for informal early resolution of student concerns before students enter into the formal appeal process, for instance allowing students the opportunity to raise a query. Such queries might be resolved by the School rechecking the total marks for a module or confirming that there were no computer errors in the marking of a multiple choice paper.
- 2.2 Schools must respond to student concerns in a timely fashion, as the query and response will fall within the 21 day deadline in which students are permitted to submit an appeal. Schools must advise such students that they still have the right to appeal if they feel the matter has not been resolved.

#### **3. Timing of Appeals**

- 3.1 Appeals against the recommendations of Boards of Examiners will not be considered if they are received more than 21 days from the date of the publication of assessment results.
- 3.2 For the purposes of these procedures, the date of publication of assessment results means the date upon which the full transcript of the results under appeal are first made available to students on the University website, even if the results are subject to confirmation.
- 3.3 The submission of an appeal is no guarantee of its successful outcome. Where students have been advised to undertake further assessment in failed modules by Boards of Examiners and appeal against this decision, they must proceed to take the further assessment until the outcome of the appeal is known.
- 3.4 University staff members will treat in good faith and maintain confidentiality, according to the procedures, any academic appeal which is brought forward by its students.

#### **4. Grounds for Appeal**

- 4.1 Students may not appeal against the academic judgement of the examiners.
- 4.2 Appeals from students taking taught programmes of study against recommendations of Boards of Examiners will be considered in the following circumstances only:

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<sup>1</sup> See <http://www.kent.ac.uk/fso/appeals/index.html>

<sup>2</sup> See <https://www.kentunion.co.uk/> or <https://www.gkunions.co.uk/>

**UNIVERSITY OF KENT**  
**CREDIT FRAMEWORK FOR TAUGHT PROGRAMMES: ANNEX 13**

- 4.2.1 where there is reasonable ground supported by objective evidence to believe that there has been administrative, procedural or clerical error of such a nature as to have affected the recommendation of the Board of Examiners<sup>3</sup>; and/or
- 4.2.2 where there is evidence of illness or other misfortune such as to cause exceptional interference with academic performance and which the student was, for good reason, unable to submit by the published deadline; and/or
- 4.2.3 Where there is evidence of prejudice or bias or the perception of prejudice or bias against the student.
- 4.3 Appeals that are based on concessionary circumstances which, without good reason, were not brought to the attention of the Board of Examiners through concessions procedures at the appropriate time will not be considered.
- 4.4 Where the outcome to an appeal sought by a student goes beyond what the University can reasonably provide or what is in its power to provide, the student will be so advised in writing as soon as possible.
- 4.5 In cases where a student is appealing a decision that he/she (i) be denied progression to the next stage of his/her programme of study or (ii) be withdrawn from the University, and the appeal is upheld after the end of the third week of the beginning of the stage of study, the appellant will be required to intermit. The Dean shall be permitted to rule on individual cases in exceptional circumstances.

## **5. Submission of Appeal**

- 5.1 Appeals against recommendations of Board of Examiners are submitted to the Faculties Support Office.
- 5.2 Where an appeal includes new supporting evidence, the original evidence documentation must be submitted. If the original documentation is not in English the student is required to also submit a translation into English that has been provided by an accredited organisation.
- 5.3 Appeals may be submitted by post or by email, where the completed appeal form and other accompanying documents have been scanned. Where an appeal submitted by email includes the submission of new supporting evidence, the original evidence documentation must also be submitted by post before the appeal will be considered, as per 5.2 above.
- 5.4 Students will normally submit their appeals themselves. There may be occasions, however, when a student wishes or needs to be represented by a third party, for example a member of staff or a member of the Students' Union or a School student adviser or a relative. Where the student is to be represented by a third party the student in question must give formal written permission for this representation and for the University to discuss personal information with the third party representative. Where written permission is not provided, the University will decline to accept a third party appeal submission.
- 5.5 Appeals are not legal proceedings and a student may not be represented by a legal representative, even if the legal representative is a member of staff or a student of the University or a member of staff of the Students' Union or a relative.
- 5.6 Where an appeal affects more than one student, the students concerned may make a single appeal submission as a 'group' appeal. In the event of a group appeal, each

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<sup>3</sup> Where the appeal is that evidence relating to illness or other misfortune submitted under concessions procedures within the prescribed time limit was not properly considered by the Board of Examiners, this will be treated as a procedural error.

**UNIVERSITY OF KENT**  
**CREDIT FRAMEWORK FOR TAUGHT PROGRAMMES: ANNEX 13**

student concerned must sign the appeal submission to confirm his or her participation in the appeal. The students concerned may wish to nominate one of the group to act as the group representative during the appeal. If this is the case, it should be clearly stated in the group appeal submission.

## **6. Procedures**

6.1 Appeals will be considered only if submitted:

- by means of the appeal form explaining in full the grounds for the appeal and the remedial action sought from the Board of Examiners, or by means of the appeal form accompanied by a letter explaining in full the grounds for the appeal and the remedial action sought from the Board of Examiners;
- with all necessary documentary evidence substantiating the grounds of the appeal.
- within the applicable deadline.

6.2 On receipt of an appeal:

6.2.1 The Faculties Support Officer shall determine whether it meets the technical conditions outlined in section 6.1 above. If it does not, the student shall be so informed. If it does, the appeal shall be submitted for consideration by the Dean.

### **6.2.2 Administrative, Procedural or Clerical Error**

Where the Dean determines that there is reasonable ground, supported by objective evidence, to believe that there may have been administrative, procedural or clerical error of such a nature as to have affected the recommendation of the Board of Examiners: the Faculties Support Officer will investigate whether there has been such error and, where this is the case, arrange for such error to be rectified where this is possible. Where a student wishes to appeal because he or she believes concessionary evidence was not properly considered, this will be regarded as an appeal against procedural irregularity.

The Faculties Support Officer will inform the student of the outcome of these enquiries.

### **6.2.3 Illness or Other Misfortune**

6.2.3.1 Where the appeal claims there is evidence of illness or other misfortune such that it may have affected the recommendation of the Board of Examiners, which the student, for good reason, was unable to submit by the published deadline or that there is evidence relating to illness or other misfortune submitted under the concessions procedures within the prescribed time limit which was not properly considered by the Board of Examiners, the Dean shall determine whether there are sufficient grounds for further review.

6.2.3.2 Where the Dean determines that there are sufficient grounds for further review the Faculties Support Officer will forward the evidence to the Chair of the Board of Examiners to ask whether, in the light of the evidence, the Board would wish to reconsider its original recommendation. In considering such a request, the Chair of the Board will consult with at least one internal member of the Board of Examiners, or more than one as deemed necessary in the circumstances.

6.2.3.3 Where the Dean does not consider that there are sufficient grounds, the student shall be so informed.

### **6.2.4 Prejudice or Bias**

6.2.4.1 Where the appeal claims there is evidence of prejudice or bias or the perception of prejudice or bias against the student such that it may have affected academic

**UNIVERSITY OF KENT**  
**CREDIT FRAMEWORK FOR TAUGHT PROGRAMMES: ANNEX 13**

performance, the Dean shall determine whether there are sufficient grounds for further review.

- 6.2.4.2 Where the Dean determines that there are sufficient grounds for further review the Faculties Support Officer will forward the evidence to the Chair of the Board of Examiners to ask whether, in light of the evidence, the Board would wish to reconsider its original recommendation. In considering such a request, the Chair of the Board will consult with at least one internal member of the Board of Examiners, or more than one as deemed necessary in the circumstances.
- 6.2.4.3 Where the Dean does not consider that there are sufficient grounds, the student shall be so informed.
- 6.2.5 Where as a result of the Faculties Support Officer's investigation or the recommendation of the Chair of the Board of Examiners (as appropriate) the appeal is upheld, the Faculties Support Officer shall so inform the student.
- 6.2.6 Where, with regard to 6.2.2 or 6.2.3 or 6.2.4, the outcome does not correspond to the remedial action sought by the student (either because the appeal has been rejected or because the appeal has been upheld, but the recommended remedial action differs from that sought by the student), the Faculties Support Officer will refer the case to the Dean. The Dean shall determine whether, on the basis of the evidence presented by the student and obtained by the Faculties Support Officer, there are grounds for review. Where the Dean determines that there are grounds, the Dean will refer the matter for consideration by a Faculty Review Panel. Where the Dean determines that there are no grounds, the Dean will ask the Faculties Support Officer to inform the student that the appeal has been rejected or has been upheld, but the remedial action differs from that sought by the student and of the reasons for the decision.

### **6.3 Faculty Review Panels**

- 6.3.1 Where an appeal is referred for consideration by a Faculty Review Panel the student and the Chair of the Board of Examiners shall be informed by the Faculties Support Officer of the date on which the Review Panel will consider the appeal, that they may submit evidence to the Review Panel in writing and/or in person, that, except where the Chair of the Review Panel decides that evidence provided by either party should be confidential to the Review Panel, they will each be provided with copies of the written evidence submitted by the other and that they will both be permitted to hear the other's verbal evidence.
- 6.3.2 Where a student attends a meeting of the Review Panel, he/she may be accompanied by a member of staff or a student of the University or a member of staff of the Students' Union or a relative. Review Panels are not legal proceedings and a student may not be accompanied by a legal representative, even if the legal representative is a member of staff or a student of the University or a member of staff of the Students' Union or a relative.
- 6.3.3 A student who does not take up the opportunity of a Review Panel hearing will forego his/her right to such a hearing and will have no further right of redress within the appeals procedures. Where non-attendance is thought to be for reasons beyond the student's control, the Chair of the Review Panel will have discretion to proceed with the hearing in the student's absence or to reconvene the Review Panel at a later date.
- 6.3.4 Where a student attends a meeting of the Review Panel that attendance will normally be in person. The student may alternatively attend the Review Panel meeting via video link where the student makes the request in good time before the hearing and where the student cannot reasonably be expected to attend the hearing in person. Where attendance is to be via video link the student shall make his or her own arrangements and at his/her own expense.

**UNIVERSITY OF KENT**  
**CREDIT FRAMEWORK FOR TAUGHT PROGRAMMES: ANNEX 13**

- 6.3.5 The Chair of the Board of Examiners may appoint another member of the Board of Examiners to act on his/her behalf.
- 6.3.6 The Chair of the Review Panel shall have the right to decide that evidence submitted verbally or in writing should be ignored by the Review Panel on the grounds that it is irrelevant or inappropriate and shall give reasons for doing so.
- 6.3.7 The Review Panel will meet privately to reach a decision. The Review Panel shall be authorised to confirm or to vary the original recommendation of the Board of Examiners and will vary the recommendation only if it is satisfied:
- that one or more of the grounds for appeal has been demonstrated; and
  - where appropriate, that the Board of Examiners (or the Chair of the Board of Examiners acting on behalf of the Board of Examiners) did not act reasonably in exercising its discretionary powers in its consideration of evidence relating to illness or other misfortune submitted within the concessions and/or appeals proceedings.
- 6.3.8 Where the Review Panel recommends that the original recommendation of the Board of Examiners should be changed, its recommendation shall carry the weight of a recommendation of a Board of Examiners and will require approval as if it were the recommendation of a Board of Examiners. The student and the Chair of the Board of Examiners will be informed by the Faculties Support Officer in writing of the decision and of the reasons for the decision.
- 6.3.9 A written record of the hearing will be prepared and this will be approved by the Chair of the Faculty Review Panel.

**6.4 Appointment of Review Panels**

- 6.4.1 Each Faculty shall have a Review Panel appointed by the Faculty Board. Meetings of Review Panels should be provisionally arranged at times when it is anticipated that they will be required. Meetings may also be convened at short notice to consider individual cases as they arise.
- 6.4.2 Any member of the Review Panel who is a member of the Board of Examiners concerned in a particular appeal shall take no part in the Review Panel's consideration of that case and shall withdraw during consideration of the case.
- 6.4.3 Each appeal which is referred for consideration by a Review Panel must be considered by at least three members of the Review Panel.

**6.5 Further Right of Appeal**

Where an appeal against a recommendation of a Board of Examiners is considered by the Faculties Support Officer not to meet the technical conditions outlined in section 6.1, or where it is rejected by a Dean, a Chair of a Board of Examiners or a Review Panel, the student shall have a further right of appeal to the Senate Academic Review Committee (SARC), which will consider only whether the original appeal was considered properly and fairly or that there is new evidence that could not have reasonably been submitted with the original appeal.

The submission of an appeal to SARC will be subject to the submission requirements set out at 6.1 above<sup>4</sup> and to the procedures set out in the Standing Orders on Academic Review Procedure<sup>5</sup>.

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<sup>4</sup> Using the SARC appeal form

<sup>5</sup> See <http://www.kent.ac.uk/teaching/qa/regulations/taught/sarc.html>

**7. Falsified Evidence**

Where there are grounds to consider that documentary evidence submitted in support of an appeal has been falsified, the Dean of the Faculty will disregard such evidence and the appeal will thereafter be considered on the basis of the remaining evidence. The submission of falsified evidence will be referred for consideration by the Master of the student's College under the *Regulations on Student Discipline in Relation to Non-Academic Matters*.