

Advice Direct... Appeals

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Advice Direct...

Other leaflets available in the Academic Series include:

- Now You Are Appealing
- Not Happy On Your Course
- Making a Complaint
- Mitigations
- Discipline

Introduction

Welcome to Advice Direct... the Advice and Representation Centre's (ARC) written information service.

This leaflet is to inform students on taught courses about preparing to appeal against progress decisions (i.e. decisions that you must re-sit or withdraw). You should read the Primary Appeals guidance notes before considering appealing—www.studserv.bham.ac.uk/sca/appeals

What Are Appeals?

The appeals process gives you a chance to appeal against your Board of Examiners' progress decision. You must submit valid grounds (see below) and provide evidence that your situation was not or could not be fully understood.

Who Is Eligible?

You can only appeal if:

- The Board of Examiners did not know about mitigations that affected your academic performance and thus could not take them into account.

You should have informed the Examiners before they met about any such mitigations and you will need to present good reasons for not having done so (if you could have told the Examiners, your appeal will not be considered unless there are exceptional circumstances) (see page 4 for further details) or

- The Board of Examiners' decision might have been different if there had not been an administrative irregularity or failure in procedure, for example a piece of work was lost by your department.

You cannot appeal simply because you disagree with your marks, i.e. if your only grounds for appeal are that you think you should have done better, or that your work was wrongly marked, your appeal will not be accepted.

You would not be able to graduate until December if your appeal is in July.

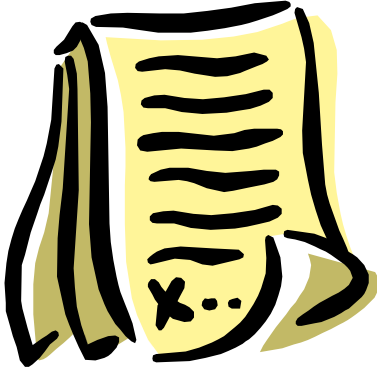
Will I Be notified?

If your progress decision is 'Fail and withdraw', 'Internal Repeat' or 'Award Alternative Qualification' you will be sent a letter to notify you of your right to appeal and the deadline for doing so.

However, if the progress decision is 'External Repeat' or you are awarded a lower classification you can still appeal on the above grounds, the deadline in most of these cases will be Tuesday 7th July 2009, if unsure please check with Student Conduct and Appeals (page 6).

It is up to each student to ensure that they promptly check their marks, university portal and post from the University. Do not delay as the appeal deadlines are very strict.

What Do I Need To Do?



You need to get a copy of the appeals form and guidance notes from the ARC in the Guild, or from Student Services (Aston Webb Building) or online at www.studserv.bham.ac.uk/sca/appeals. Read the Appeal Code of Practice and use the guidance notes to fill in the form.

Your appeal form needs to be self-explanatory, in particular the summary section, as in the first stages of the appeal process the decision as to whether you should have an appeal will be based on your form and the school's response, at this stage you will not have the opportunity to explain your case in person. You must include evidence with your appeal form and submit it by the deadline.

You should speak to your Personal Tutor or Welfare Tutor in your School, ask for their advice and if the School will support your appeal – you also need to work out with your Personal Tutor what you want to do and whether the School thinks this is practical and allowed within the University Regulations. You need to be clear and realistic about what you want from the appeal, i.e. to re-sit a module internally or externally.

An Internal Repeat allows you to access the university facilities such as the library and attend lectures, for this reason you would be charged tuition fees and the amount would depend on the number of modules being repeated.

An External Repeat means that you will not be able to use any of the University facilities including the library or asking your tutors for support, you would simply come to the University to sit the exam papers. No tuition fees will be charged.

You will need to think carefully about the above options, an external repeat may not be suitable if you have missed large amounts of a module. If you are worried about the financial consequences of an internal repeat you may want to contact the Finance Office to find out the fee charge, and your Local Education Authority to see if they would continue any current funding they provide.

A 'Re-Sit' this means taking the assessment again and the 're-sit' mark will capped at the pass mark, for most undergraduate courses this is 40%, and for postgraduate courses 50%.

A 'Sit' or 'First Attempt' - this means taking the work as a first attempt so that your work is not capped.

Evidence is needed to support your case, this must be from an independent person/third party and must be submitted with the form. This may include: medical evidence (letters, death certificates) emails from a tutor, letters from a counsellor or financial records. The information and dates on this evidence should correspond with those given in your appeal.



If you have evidence that is not written in English it is your responsibility to get it independently translated.



Representation

If you have an appeal hearing you are entitled to take a 'friend' with you and you need to write on your appeal form who this will be. The University regulations stipulate that this friend must be a member of the university such as a staff member, registered student, or a Guild Sabbatical Officer.

A Guild Sabbatical Officer is a University of Birmingham student who has been elected to provide representation for students, an officer can attend a meeting with you to provide support and ensure procedures are followed. This can be arranged through the ARC once you have details of your appeal date and time. If you want a Guild Sabbatical Officer to attend you just need to write 'Guild Sabbatical Officer' on section 6ii of the appeal form.

Where Do I Submit?

Your fully completed form with all supporting evidence must be submitted to the Appeals Co-ordinator in Student Services (Aston Webb Building) by the deadline.

If you do not submit the properly completed form and evidence by the deadline you may lose the right to appeal. If you are having problems getting evidence ready in time, contact the appeals co-ordinator for advice (see page 6 for contact details).

What is the Role of the School/Department?

Student Conduct and Appeals will pass your appeal form to your school for its response, the school has three options:

- It can reject your appeal.
- Recommend that your appeal be accepted with the decision you have Requested.
- Recommend that your appeal be accepted with an alternative decision, e.g. internal repeat although you have asked for an external repeat.

If your school recommend an alternative decision, Student Conduct and Appeals will write to you asking whether you accept or reject the school's alternative decision.

If you accept the school's alternative decision your appeal will proceed as being supported by the school.

If you reject the school's alternative decision your appeal will proceed as opposed by the school. The alternative progress decision will automatically be withdrawn and will not be an option if your appeal is later rejected.

Your form will then go to an independent Prima Facie Panel who will decide if you have grounds for an appeal.



What is the Role of the Prima Facie Panel?

The Prima Facie Panel will primarily review the summary (section 4) of your appeals form, and the school/departmental response. The Prima Facie Panel will have access to the complete form but are not obliged to look through the whole form, thus the summary section has to include all the points you want considered and must not refer the Panel to the other sections of your appeal form.

The Panel has four options and these will depend on whether they decide that you have established grounds for appeal and the school's response to your appeal:

- If the Panel decide that a case does not have grounds for appeal it will be refused and there will be no appeal hearing, this will be the case even if the school supported the appeal.
- If the school supported your appeal the panel can request further information from the school prior to making a final decision or refer the case to an appeal hearing for further investigation.
- If the school supported your appeal and the Prima Facie Panel agrees with their recommendation, then the progress decision requested by the student will stand and there will not be an appeal hearing.
- If the school did not support your appeal but the Prima Facie Panel decides that grounds for appeal have been established then there will be an appeal hearing to determine the final outcome of the appeal.

I have Been Notified I will Be Having An Appeal Hearing—What Happens Next?



Appeal hearings are currently scheduled for the following dates: 6th, 7th, 10th, 19th, 20th and 21st August. You do not have a choice over the appeal time unless there are exceptional circumstances.

If you are going to have an appeal hearing you will be sent written notification to the correspondence address on your appeal form. You may find out about your hearing only 1-2 days in advance, this is due to the very limited time between deadline for appeals and the hearings.

An appeal hearing involves you presenting your case to a committee of three academics (none of them will be from your School). You should see the Advice Direct leaflet '*Now You Are Appealing*' for more information. The Appeals Committee can decide to:

- Reject the appeal.
- Uphold the appeal and allow a chosen form of reassessment.
- Refer back to the Board of Examiners for reconsideration.

My Appeal Was Rejected by the Prima Facie Panel-What can I do?

Unfortunately there is very little that can be done if your appeal has been rejected by the Prima Facie Panel. You can only appeal the Prima Facie Panel decision if you can show that there was a procedural irregularity, or that you have evidence of a significant nature that was not available (for a good reason) at the time you submitted the appeal. A Procedural irregularity *may* exist if the school provided information that was factually incorrect in their summary and this would have affected the Prima Facie decision to reject the appeal. It is highly unlikely that a procedural irregularity has taken place when the appeal was considered as the Panel is independent and there is an observer from the Guild to ensure procedures are correctly followed.

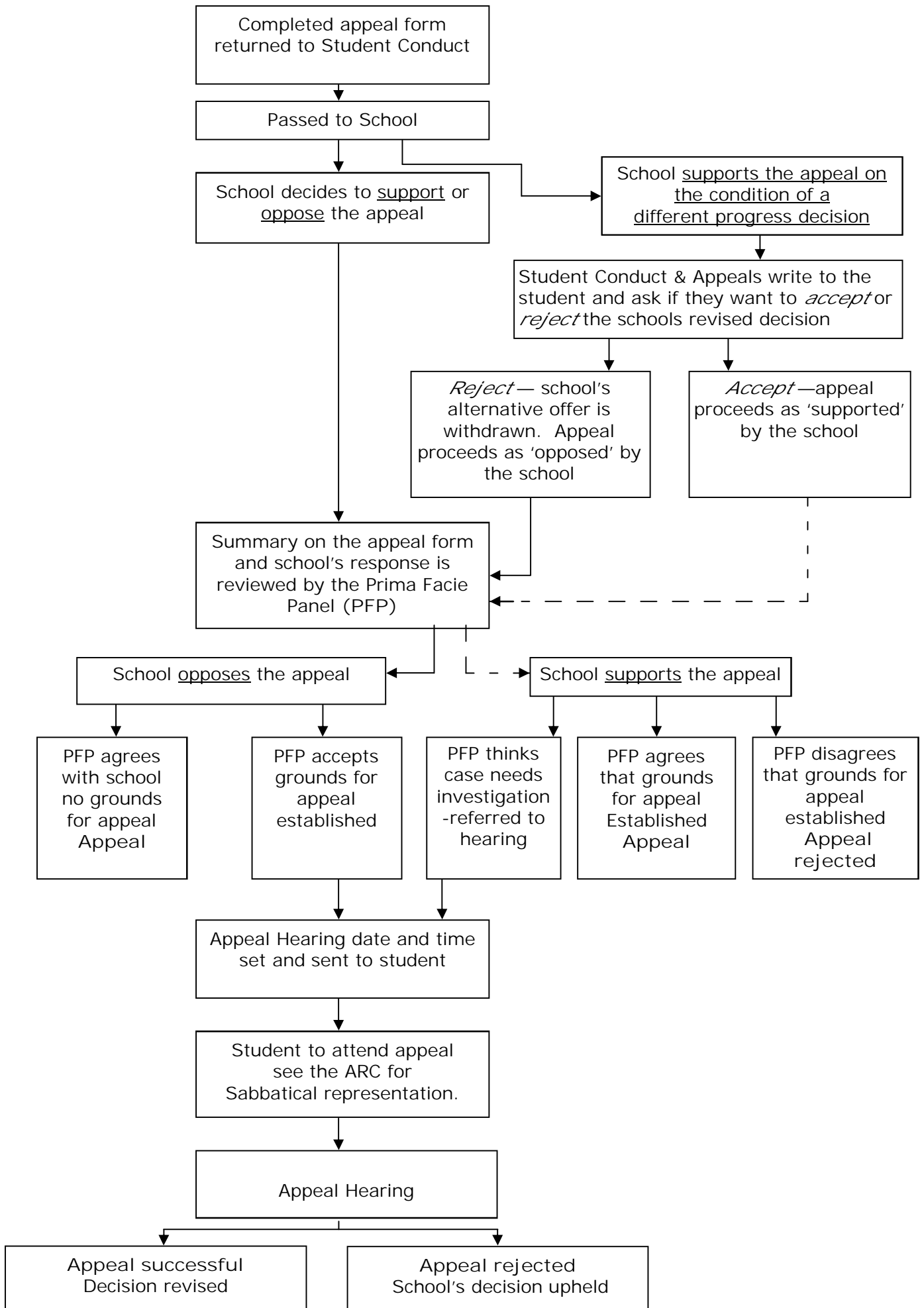
You cannot appeal the Prima Facie Panel decision on the grounds that you disagree with it, are unwilling to accept it, or because the school supported your appeal.

An appeal does not stop you from applying to another course/university, though you may not be eligible for repeat funding, for further information you should consult the Student Loans Company. If you wanted a degree to enter a specific field or job you may want to seek assistance from the from the University Careers Service to discuss your options.

How to Get the Most From Your Appeal Form

- Read the information on Appeals provided by Student Conduct and Appeals and in this Advice Direct before filling in the appeal form.
- Check that you have grounds to appeal according to the procedure.
- Discuss possible options with your department.
- Be sure of your submission deadline.
- If you are appealing on the grounds of mitigations you must also have 'good reason' for not notifying the department at the correct time, the mitigations procedure states that the following would not be considered 'good reason' : not being aware of the mitigations procedure (unless you can show you weren't informed by the school), waiting to find out your grades before realising they were effected by mitigations and where you could not obtain third party evidence.
- Include evidence.
- Get someone to read through your form.
- If you have any questions about the appeals procedure or would like to have your form checked contact the ARC as soon as possible, do not wait until your deadline date.

Main Steps of the Primary Appeals Process



Sources Of Help

Advice & Representation Centre (ARC)

Ground Floor, Guild of Students

For an appointment with an Advisor call: 0121 251 2400

Email: thearc@guild.bham.ac.uk

Visit the ARC website at: www.guildofstudents.com/thearc

Student Conduct and Appeals Section

For advice on appeals and to contact the Appeals Co-ordinator call: 0121 414 7684

Email: appeals@contacts.bham.ac.uk

Appeals Documentation.

<http://www.as.bham.ac.uk/study/assess/sca/primaryappeal.shtml>

Appeals Code of Practice.

http://www.as.bham.ac.uk/legislation/docs/COP_Primary_Appeals_Procedures.pdf

Advice Direct... leaflet:

'Now You Are Appealing' (get this from the ARC)

Careers Centre

First Floor, University Centre (Barclay's Bank Entrance)

Tel: 0121 414 6120 or Email: careers-centre@bham.ac.uk

Finance Office, Aston Webb Building

Tel: 0121 414 6073 or Email Studentfees@bham.ac.uk

Local Education Authorities (LEA)

Find your LEA by visiting:

www.dfes.gov.uk/localauthorities/index.cfm?action=authority

Student Loan Company

Visit: www.slc.co.uk

Advice & Representation Centre Opening Hours (Term Time)

Monday - Friday 10am — 4pm

Saturday & Sunday CLOSED

* (Vacation Periods - Monday to Friday 12 noon - 2PM)

Disclaimer: The information on this leaflet only provides general guidance on academic support and University policy. The leaflet should not be regarded or relied upon as a complete or authoritative statement of University policy or procedures. The ARC will not accept any liability for any claims or inconvenience as a result of the use of information on this leaflet.