

## **Case Studies for Academic Appeals**

The case studies are designed to assist staff and students in avoiding some of the common problems and issues arising during the preparation and consideration of appeals relating to results, progression and award. They may also serve as guidance about “Mitigating Circumstances” applications, as many of the examples represent late disclosure of information by students.

Note: The following cases are loosely based on real cases, although the issues have been simplified. Every decision is made based on the particular facts of a case, and the following case studies should not be taken to mean that a particular outcome is guaranteed in a given case.

### **Accepted appeals**

#### **Case One**

Student X submitted an academic appeal in relation to a mark error. She stated that her online results displayed a mark of 45% for a piece of coursework, however, when the actual coursework had been returned the mark had been recorded as 54%. The student had provided a copy of the coursework to confirm the mark of 54%.

Because this was a straightforward error, the Faculty was able to correct her student record having performed the necessary checks and Student X did not need to go through the appeals process.

Should a similar error occur in the future, a student should be able to query a mark by approaching the Faculty direct, without the need to submit an academic appeal.

#### **Case Two**

Student Y submitted an appeal in relation to reasonable adjustments. The student stated that he had been in contact with the Disability Service prior to an examination and he had been informed that he was eligible for reasonable adjustments during the assessment. However, on the day of the assessment the reasonable adjustments had not been in place. The student attempted to complete the examination but did not achieve a pass mark.

The appeal was investigated and it was confirmed that, owing to error, the reasonable adjustments had unfortunately not been in place. The appeal was accepted and the student was granted an uncapped resit. Information from the appeal was also reported back to the relevant University department to ensure that the reasonable adjustments were in place for the reassessment.

#### **Case Three**

Student A submitted an appeal after being excluded from their course for failing a core module twice. The student explained that they had completed the required coursework and acted in good faith, but had not received clear communication about their results. During the investigation, it was confirmed that the module should have been condoned under the regulations, which had not been applied at the time. This was a material irregularity. The Campus Registry corrected the error and updated the student's record, meaning the exclusion was overturned.

This case highlights the importance of accurate application of regulations and clear communication of results to students.

#### **Case Four**

Student F submitted an appeal after receiving a mark of zero for an assessment component.. The assessment component included two elements: attending an interview and submitting interview notes by a set deadline. The student attended the interview on time and achieved a provisional mark of 60, but their official record showed a mark of zero. It was initially believed that the zero mark was due to the late submission of the interview notes.

However, the student provided credible evidence, later confirmed by the module team, that the interview notes did not form part of the assessment brief and therefore should not have affected the grade awarded for the interview. The appeal was upheld, and the correct mark of 60 was reinstated.

This case highlights the importance of ensuring assessment briefs and marking practices are applied consistently and that students are not penalised for elements that do not contribute to the final grade.

## Rejected appeals

### Case One

Student V submitted an appeal against an exam mark. He explained that he had felt confident about his performance in a particular exam and that he had been surprised to receive a low mark. The student added that he had provided lengthy and detailed responses to the examination questions.

The appeal was rejected and it was explained that it was not possible to request that an exam paper be re-marked, the marking had taken place in accordance with the Academic Regulations and Procedures and, as per regulation 16.28, it was not possible to appeal against academic judgement.

It is essential to avoid bias in marking, and the University uses a variety of methods to achieve this, including moderation or double-marking. Marks and samples of work are also scrutinised by an external examiner. Accurate records are very important to demonstrate that correct procedures have been followed.

A further safeguard comes in the form of the Progression and Award Boards (PABs). The internal body oversees the assessment processes and the PAB should analyse module marks and be alert to any unusual distribution.

To avoid Student W's perception of bias, it is helpful for the Faculty to explain these safeguards to students to help them have confidence in the fairness of the system.

### Case Two

Student W submitted an appeal regarding the lack of response from a Module Leader. He had tried to contact the Module Leader with a query about the assessment prior to the examination but had received no response.

The appeal was rejected for the following reason:

- Whilst it had been unfortunate that the student had not received a response from his Module Leader, the Module Leader had posted all relevant examination information and revision materials on Blackboard, therefore, it was felt that the student had not been placed at a disadvantage.

### Case Three

Student X submitted an appeal regarding mitigating circumstances he had experienced which led to him missing an exam. The appeal was rejected and the student was advised to submit a late application for mitigating circumstances, giving a valid reason why he was not able to submit the application at the appropriate time.

### Case Four

Student Y was a full time student with a part time job; he was diagnosed with multiple sclerosis just before starting university but his symptoms were manageable. Student Y's family were very supportive but they agreed with Student Y's decision not to inform the University of his multiple sclerosis as it was a private matter which, in their culture, was deemed inappropriate to share outside the family. In his second year his multiple sclerosis started to get worse. He tried very hard to hide this from his co-workers, fellow students and teachers, telling people that he was tired because he was out all the time and absent due to family commitments. Student Y's vision was badly affected and he tried hard to get

to lectures early so he could sit at the front, but often the travel was draining and he would arrive late and so not be able to see the lecture materials. Student Y was forced to give up his job which meant he had to move back home and commute in to University – this added to his tiredness and he also began suffering from worry and anxiety as his debt mounted.

Student Y had done very well in his first year and his tutor and programme team were very surprised at his poor results in his second year. His tutor asked him in for a meeting to discuss what might have gone wrong and was disconcerted when Student Y was very evasive and shrugged off his results as bad luck. In his third year Student Y avoided his tutor and was not able to attend many lectures or seminars.

Student Y was very bright and was able to do a lot of study at home with the help of his family but he ended up graduating with a much lower result than he had expected and was left with significant debt. After his graduation ceremony he felt so terrible that he went to see his tutor and explained about his illness, he asked whether there was anything that could be done.

Upon the advice of his tutor Student Y submitted an appeal but, although the panel was sympathetic to his case, his appeal was rejected as he had not informed University about the problems he was facing at a much earlier stage.

It is, of course, up to you whether to disclose an illness or disability, but you will be in a much better position to benefit from your time at University if you do choose to disclose. Ideally Student Y would have informed the University of his multiple sclerosis when he first enrolled; although his symptoms were manageable there may well have been additional support available to minimise the impact of his illness on his studies and advice could also have been given about getting support at work. The Disability Services team are able to help eligible students with learning support and reasonable adjustments for assessments. Even if Student Y didn't let the University know straight away, as his condition got worse in his second year he could have applied for extensions to essays or submitted a case for mitigating circumstances; it is possible that this would have resulted in an additional for him to re-sit his exams with appropriate support in place.

## Case Four

Student Z was an enrolled as a full time student on an undergraduate course. Student Z was excluded by the Assessment Board as he had failed a core module twice. Following the publication of results, Student Z submitted an appeal reporting that his performance was affected. Student Z did not submit a claim for mitigating circumstances at the time as he did not visit the Doctor. With the appeal Student Z provided a letter from his doctor who reported that the student had informed them they were unwell. Student Z believed he should be given another opportunity to attempt the module.

The appeal was rejected and it was explained to Student Z that the University operates a 'fit to sit' policy and that by attempting the assessment he had deemed himself fit to sit. Although Student Z provided a doctor's letter, the evidence did not meet requirements for an exception to the fit to sit policy, in addition the evidence did not include a clear medical opinion and simply repeated his claim that he had been ill.

The University operates a 'fit to sit' policy, which means that if you submit a piece of coursework or sit an exam and/or in-class test etc. you have deemed yourself fit to do so. It is your responsibility to determine if you are fit to participate in assessments or if a mitigating circumstances claim should be submitted.

Where due to the nature of the circumstances you were unable to determine that you were not fit to be assessed when deciding to submit or present for assessment, a mitigating circumstances claim may be submitted where this can be supported by independent documentary evidence.

Such claims must demonstrate with evidence to the Mitigating Circumstances Board that not only were you unfit to undertake the assessment, but also that you were unfit to appreciate that fact at the time.

You should submit the first claim as close as possible to the timing of the assessment and normally within one month of the mitigating circumstances occurring.

## **Case Five (MC Claim originally for non-submission but student then submits work, so it changes to fit to sit claim which student did not satisfy.)**

Student C submitted an appeal after failing two modules and being required to re-take them with attendance. The student explained that they were seriously ill during the reassessment period and provided medical evidence. The investigation confirmed that the student had submitted a mitigating circumstance claim before marks were ratified, and the claim was accepted for non-submission. However, because the student had submitted work, the fit-to-sit policy applied, meaning the claim was subsequently rejected. The appeal was rejected, as the Fit to Sit policy had been applied correctly. The student was advised of the procedures to submit a late mitigating circumstance claim under the Fit to Sit policy.

This case highlights the importance of understanding the fit-to-sit policy and submitting mitigating circumstances claims promptly.

## **Case Six (Academic Judgement)**

Student B submitted an appeal against the mark awarded for their final-year project. The student argued that the markers had missed part of their submission (a backend folder and database) and requested a re-mark by an independent examiner. The investigation confirmed that the missing files were considered before the final mark was agreed and that the assessment process was conducted in accordance with the regulations. It was explained that academic judgement cannot be overturned and re-marking is not permitted.

The appeal was rejected as no material irregularity was found. Students should note that while they can raise concerns about procedural errors, they cannot appeal against academic judgement.

## **Case Seven (Must pass all core modules & Students should remain available at all times during re-assessment period)**

Student D submitted an appeal after failing a core module and being unable to progress to the next level of study. The student reported that they were disadvantaged because a supplementary tutorial session was held in person while they were abroad and requested an in-year reassessment opportunity. The investigation confirmed that students are expected to remain available during the reassessment period and that the progression regulations had been applied correctly. The appeal was rejected as no material irregularity was found.

Students should note that progression decisions are based on regulations and cannot be overturned due to personal circumstances.

## **Case Eight (Late submission of work/ technical issues)**

Student E submitted an appeal after receiving a zero mark for a reassessment portfolio due to late submission. The student claimed technical issues prevented timely upload and requested removal of the late penalty. The investigation confirmed the submission was made more than 24 hours after the deadline and no mitigating circumstances claim was accepted. The Blackboard team confirmed there were no technical issues. The appeal was rejected as the regulations had been applied correctly.

Students should ensure they allow sufficient time for submission and submit mitigating circumstances claims if needed.