

# Student Guide to Academic Appeals

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## Table of Contents

<b>Introduction</b>	<b>4</b>
<b>Support Services</b>	<b>4</b>
<b>1. Deadline for Appeals</b>	<b>6</b>
1.1 Formal Stage Appeals	6
1.2 Review Stage Appeals	6
1.3 Late Appeals	6
1.4 What happens when you submit a late appeal?	7
1.5 What are good reasons for submitting an appeal late?	7
1.6 What if you don't have all your evidence available by the 28 day/10 working day deadline?	8
1.7 What happens if you've been working towards the appeal deadline but cannot meet it for reasons outside your control?	8
<b>Formal Stage Appeals</b>	<b>9</b>
<b>2. A Guide to using the Formal Stage Academic Appeal Form</b>	<b>9</b>
2.1 The Basics of the Form	9
2.2 Completing the Form	9
2.3 I am appealing against...	10
2.4 I am appealing on the basis that...	12
2.5 Submitting your evidence	13
2.6 Appeal Remedy	14
2.7 Confirmation Full Circumstances Disclosed	14
<b>3. Appeals on the Basis of Exceptional Circumstances (Formal Stage)</b>	<b>15</b>
3.1 Overview	15
3.2 Questions on the Form	15
3.3 Evidence Requirements	17
3.4 Good Reason for Late EC Submission	18
<b>4. Appealing against a decision of an Exceptional Circumstances Committee</b>	<b>19</b>
4.1 New Evidence (ECC Appeals)	19
4.2 Procedural Irregularity (ECC Appeals)	20
<b>5. Appeals on the Basis Procedural Irregularity (Formal Stage)</b>	<b>20</b>
5.1 Overview	20
5.2 Questions on the Form	21
<b>6. Strike Action - Procedural Irregularity</b>	<b>22</b>
6.1 Overview	22
6.2 Questions on the Form	24
<b>7. Academic Misconduct</b>	<b>25</b>
7.1 Overview	25
7.2 Questions on the Form	26
7.4 Procedural irregularity (StAMP Appeal Ground)	29

7.5 Unreasonableness (StAMP Appeal Ground)	29
7.6 Bias (StAMP Appeal Ground)	29
7.7 Disproportionate penalty / Procedurally incorrect penalty (StAMP Appeal Ground)	30
<b>8. Formal Stage Process Map</b>	<b>31</b>
<b>Review Stage Appeals</b>	<b>32</b>
<b>9. A Guide to using the Review Stage Academic Appeal Form</b>	<b>32</b>
9.1 The Basics	32
9.2 Completing the Form	33
9.3 Help with filling in the Form	34
<b>10. Review Stage Appeal Form Information</b>	<b>34</b>
10.1 I am appealing against...	34
10.2 I am appealing on the basis that...	35
<b>11. Procedural Irregularity (Review Stage)</b>	<b>35</b>
11.1 Overview	35
11.2 Case Studies	36
<b>12. New Evidence</b>	<b>36</b>
12.1 Overview	36
12.2 Questions on the Form	37
12.3 Evidence Requirements	37
12.4 Case Studies	38
<b>13. Reasonableness</b>	<b>40</b>
13.1 Overview	40
13.2 Case Studies	41
<b>14. Review Stage Process Map</b>	<b>43</b>
<b>15. Academic Appeal Remedies and Timescales</b>	<b>44</b>
15.1 Timescales and Progression	44
15.2 What to expect if your appeal is upheld	44
15.3 Remedies available to Special Cases	44
15.4 Remedies which are never available	46
15.5 Options for challenging the remedy	46
15.6 Sits 'as if for the first time' and Resits	47

## Introduction

Before deciding whether to submit an academic appeal, you must first verify that you have the right to appeal and that you can establish valid grounds to appeal, as per the Student Academic Appeals Procedures. We advise that you read the [Student Academic Appeals Procedures](#) in full before completing your appeal form.

You are strongly encouraged to talk the matter through with the appropriate person in your academic department. It may be that your concerns about the result/decision might be more clear, or that they can be resolved informally.

You are also strongly encouraged to seek advice and support from the University of York Students' Union at [advice@yorksu.org](mailto:advice@yorksu.org). They can help you complete the form and support you throughout the appeals process.

Please be aware that submission of an academic appeal does not alter your academic status, as such you should continue to engage with your programme (where appropriate) as usual whilst awaiting the outcome of your appeal. Your academic status will only change if your appeal is subsequently successful.

If you are a Student Visa holder, submitting an appeal does not alter your immigration status. You should discuss your immigration status with an Immigration adviser at the Student Support Hub if you have any queries. For further information please see the [Immigration Information web pages](#).

There are two stages to the appeals process, the Formal Stage and the Review Stage.

The deadlines for submission of both Formal and Review Stage appeals are outlined below.

This is followed by information about evidence, which applies to both Formal and Review Stage appeals, to ensure that this information is not repeated throughout the guidance document.

This advice document is then split into two main sections: Formal Stage appeals and Review Stage appeals. Within both sections there is information about the appeal form, followed by more detailed guidance on each appeal category.

Information about appeal remedies and timescales (which apply to both Formal and Review Stage appeals) can be found in part 15 of this document.

## Support Services

We understand that there are many different reasons why a student might submit an academic appeal, and that it can be a very difficult time. Before you read this guidance document, please see below a list of sources of support that are available should you feel you would benefit from them.

### Mental health and wellbeing

The [Student Wellbeing](#) and [Help and Support](#) web pages detail some of the support services available, both at the University and externally, should you feel any of these might be appropriate.

### Mental health crisis/urgent support

If you feel at risk of self-harm or suicide, please seek urgent support. The sources of urgent and/or out-of-hours support can be found in the following link: [In crisis now](#).

If you are in crisis and outside of the UK, the following link details some of the international support options available: [Mental Health Support Network - Professional Support | TalkLife](#).

### **Bullying and harassment**

The organisations listed in the following link detail the support available on campus and outside, to anyone affected by bullying or harassment: [Support available - Bullying or harassment](#)

### **Disability**

The University's [Disability Services](#) offer advice to students and can arrange for academic-related support and adjustments through a Student Support Plan (SSP) for any student with a long term condition or diagnosed disability that has an impact on their ability to study.

### **Domestic abuse**

The organisations listed in the following link detail the support available both at the University and outside, to anyone affected by domestic abuse: [Support available - Domestic abuse](#)

### **Finance issues**

The Student Advice and Support Team in the [Student Hub](#) specialise in student finance matters and money management. Their online self-referral form can be found [here](#).

### **Hate crime**

The organisations listed in the following link detail the support options available both at the University and outside, to anyone affected by hate crime: [Support available - Hate crime](#)

### **Housing issues**

The Student Advice and Support Team in the [Student Hub](#) specialise in student housing matters and advice. Their online self-referral form can be found [here](#).

### **Sexual harassment & violence**

The organisations listed in the following link detail the support available on campus and outside, to anyone affected by sexual violence, sexual harassment or sexual misconduct: [Sexual violence and sexual harassment support](#)

### **Visa issues**

The University's [International Student Support Team](#) and [Immigration Advice Team](#) offer specialist support and advice in relation to immigration and visa issues, including student visas, dependent visas, EU pre settlement and settlement and visitor visas, lost documents and Police Registration.

The link to their online referral form can be found in the following link: [International Student Support Self-Referral Form](#).

If you are a Student Visa holder, submitting an appeal does not alter your immigration status. You should discuss your immigration status with an Immigration adviser at the Student Support Hub if you have any queries. For further information please see the [Immigration Information webpages](#).

## York SU Advice & Support

[The University of York Students' Union](#) offers free, confidential and independent advice on a range of wellbeing and academic issues, this includes support and guidance through the appeals process. ([advice@yorksu.org](mailto:advice@yorksu.org))

## 1. Deadline for Appeals

### 1.1 Formal Stage Appeals

Students are required to submit Formal Stage appeals **no later than 28 days** after they have been formally notified of the decision against which they are appealing. For example, if you are appealing against your degree classification, you have 28 days to appeal from the date you are formally notified of your final award.

You can submit your appeal at any time up to 23:59 UK time on the date of the deadline. Any time after that will be considered a late submission.

### 1.2 Review Stage Appeals

Students are required to submit an appeal to the Review Stage **no later than 10 working days** after they are informed of the outcome of their Formal Stage appeal.

As with Formal Stage appeals, you can submit your appeal at any time up to 23:59 UK time on the date of the deadline. Any time after that will be considered a late submission.

### 1.3 Late Appeals

In some cases there may be a good reason why it has not been possible to meet the 28 day deadline (Formal Stage) or 10 working day deadline (Review Stage). In these cases, **students are required to explain why they have not met the deadline**.

The Formal Stage appeals form asks you to confirm whether or not your appeal is on time (i.e. within 28 days of the decision you are appealing against). If the appeal is not on time - *even if it is only 1 or 2 days late* - you are required to provide an explanation as to why it is late.

**It is very important that you complete this section of your appeal form** because, if your appeal is late and you do not have a good reason for this (and evidence of your good reason), your appeal may be rejected at Initial Consideration.

You should **submit evidence** to support the reason why your appeal is late, this will strengthen the case for allowing your appeal to be accepted late. For example, if you have provided medical evidence demonstrating that you were very ill at the time of the 28 day deadline, this may support an explanation that you were too unwell to submit an appeal by the deadline. Your appeal may be rejected if you do not provide evidence of your reason for submitting your appeal late.

If you have good reason for submitting your appeal late but are unsure how to explain or demonstrate this and need advice, you should contact the Advice and Support Team in University of York Students' Union at [advice@yorksu.org](mailto:advice@yorksu.org).

#### **1.4 What happens when you submit a late appeal?**

Where an appeal is submitted late, the member of Special Cases handling your appeal will make a judgement as to whether you have a good reason for submitting the appeal late. If they determine that you do not have a good reason for submitting the appeal late, the appeal will be rejected at the Initial Consideration stage of the process.

#### **1.5 What are good reasons for submitting an appeal late?**

The following examples are intended to help you to understand what are, and what are not, considered to be good reasons for submitting an appeal late. These lists are not exhaustive.

##### ***1.5.1 Examples of good reasons for submitting an appeal late:***

- A personal medical emergency, such as hospitalisation, which meant that you were too unwell to submit an appeal at the time of the 28 day deadline.
- Severe issues outside your control that meant you were unavoidably prevented from submitting an appeal by the deadline.
- That you were given misleading advice or incorrectly notified about your right to appeal and the deadline for doing so.

##### ***1.5.2 Examples of reasons that are not considered to be good reasons for submitting an appeal late:***

- You simply did not manage to submit the form in time for the deadline.
- Having miscalculated or misunderstood the deadline (unless there is a specific reason for this, for example, it is due to a disability).
- Being undecided about whether or not to appeal.
- You have reflected on your degree classification or award and decided after the 28 day deadline that you have been disadvantaged by the classification or award.
- Being reluctant to disclose your circumstances, including being reluctant because you belong to or grew up in a culture in which problems are not openly discussed or disclosed to others. This is not accepted as a good reason for non-disclosure of exceptional circumstances at the appropriate time because it would be unjust to accept claims from some students but not others on the basis of assumptions about cultural norms based on a student's nationality, ethnicity or religious faith. The University does not discriminate against students on the basis of nationality, ethnicity, faith or any other protected characteristic under the Equality Act 2010.

- Stating that you were too unwell to submit an appeal but providing no clear evidence to demonstrate that.
- Stating that you were misadvised about your right to appeal but providing no evidence to demonstrate that.
- Citing a family or other emergency situation, but where there is no clear evidence of your involvement and/or the timings of that situation in relation to the appeal deadline.

### **1.6 What if you don't have all your evidence available by the 28 day/10 working day deadline?**

If you do not have all of your evidence available by the 28/10 working day deadline, **you should still submit your appeal form by the deadline**. You are able to submit evidence later and there is a section on the form where you can explain what items of evidence you intend to submit and when you intend to provide it.

### **1.7 What happens if you've been working towards the appeal deadline but cannot meet it for reasons outside your control?**

There may be some cases where you will be waiting for someone else to take action before you can submit your appeal. For example, there is no one available from the University of York Students' Union advice team to check your appeal before the deadline, or you are waiting for some documentation which is relevant to your case (e.g. in an academic misconduct case) before you know exactly how to present your appeal.

In such cases, it is possible to ask for a short extension to the appeal deadline by emailing [appeals@york.ac.uk](mailto:appeals@york.ac.uk). There is no guarantee that this will be granted, however, as it will depend on the circumstances you present. You should assume that your appeal will need to be submitted by the 28 day deadline, unless you have had confirmation from a member of the Special Cases team of an extension to this deadline.

If you do receive confirmation from [appeals@york.ac.uk](mailto:appeals@york.ac.uk) of an extension to the 28 day deadline, or via a member of the University of York Students' Union advice team, you should explain this, including the new agreed deadline date, on your appeal form when you are asked whether or not your appeal is on time.

## **Formal Stage Appeals**

### **2. A Guide to using the Formal Stage Academic Appeal Form**

#### **2.1 The Basics of the Form**

We use Formstack for appeal submissions. You are required to submit your appeal using the relevant form, and either attach your supporting evidence when you submit your form, and/or indicate that you intend to submit evidence at a later date.

- *Navigation* - Navigate through the form using the 'Previous' and 'Next' buttons at the foot of each page.



- *Saving your data* - **The form will not save your data automatically.** If you close the window or your phone/PC crashes before you press 'Submit', the form will be lost and irretrievable. It is a good idea to draft detailed answers elsewhere, and copy and paste them into the form when you are ready to submit.
- *Save and Resume Later* - There is a 'Save and Resume Later' button at the bottom of the form. When you select 'Save and Resume Later', you will be asked to enter a password and your form will be encrypted. You will then be provided with a link to access your form. **Do not lose your password or link.** If you cannot remember your password, your form will remain **encrypted and irretrievable**. Any evidence you have uploaded will be lost if you 'Save and Resume'. Only upload evidence when you are sure you are ready to submit the form.
- *Compulsory fields* - Compulsory fields in the form are marked with an \* symbol. You won't be able to submit your form until you have completed all the compulsory fields.

Once you have submitted your form, you won't be able to edit it, so make sure you are happy with it before you press 'Submit'.

## 2.2 Completing the Form

The Form is in eight key sections:

1. Your Details - Please fill in your personal details, and the requested information about your programme of study. Please ensure that this information is accurate.
2. Appeal Deadline - Tick whether your appeal is being submitted on time. If your appeal is late, you will be required to explain why. If possible, you should also upload evidence to support your explanation.
3. I am appealing against - Tell us what you are appealing against. Select the option(s) from the tick list that apply to you.
4. I am appealing on the basis that - Select the relevant option(s) that describe the basis for your appeal. For each option you select, **a new section will open** for you to explain the full details of your appeal. Please ensure you answer the questions fully.
5. Appeal Evidence - If you intend to submit evidence, you will need to list the items you are providing and explain when you intend to submit them. If you don't have any evidence, you will be required to explain why you are submitting your appeal without evidence.
6. Appeal Remedy - Tell us what remedy you are requesting if your appeal is successful.
7. Appeal Summary - Briefly summarise the content of your appeal using key points. Do not copy and paste what you have previously written on the form.
8. Confirmation of full disclosure, the University of York Students' Union permissions and Form Submission - Confirm all relevant issues have been raised, that all documents you have provided are authentic, and that you are happy for the University of York Students' Union to have access to your appeal (if you have used their advice services). Please note that the details of the evidence you submit may be included in your outcome letter, so

please think carefully about whether you are happy for the University of York Students' Union to see a copy of your appeal outcome letter.

### 2.3 I am appealing against...

In this section of the form, you can tell us what kind of decision you are appealing against. For example, if you are appealing against the decision of an Exceptional Circumstances Committee to reject your EC claim, select "I submitted an exceptional circumstances claim and I am unhappy with the outcome."

You can appeal against multiple decisions, but try to select just one box per decision.

#### Decision Types Guide (Formal Stage):

- I failed my programme (or got a lower exit award like a DipHE) - select this if you are appealing programme failure, or the award of a lower exit award, such as a PGDip or PG Certificate.
- My degree classification is lower than I would like - select this to appeal against a 2:2, 2:1 or other degree class.\*
- I was found guilty of academic misconduct (e.g. plagiarism) - select this if you have been found guilty of academic misconduct and wish to appeal against it.
- I submitted an exceptional circumstances claim and I am unhappy with the outcome - select this if you have submitted an Exceptional Circumstances claim, but you are unhappy with the decision, for example your claim was rejected or you were given a remedy you are unhappy with.
- And/Or something else - select this option for any other decision type you want to appeal against that is not listed above. A secondary list of decision types will open as follows:
  - Research students only: Not being permitted to progress to the next stage of my Research degree, including unsuccessful confirmation of PhD enrolment - select this to appeal against not being able to progress on your research degree.
  - A decision taken by Special Cases not to uphold recommendations of the Board of Studies - If the Special Cases team has made a decision you are unhappy about, for example not to permit repeat study, you can appeal against that decision. Before proceeding with this type of appeal, you should check with the decision makers by emailing [scc@york.ac.uk](mailto:scc@york.ac.uk) and ask whether you can simply submit further evidence. You should also consult with the University of York Students' Union for advice.
  - Processing of a mark (i.e. a transcription error or other administrative error) - select this only if you think there was some clerical or administrative error in recording your mark.
  - Not being allowed to take a leave of absence - select this if you are denied permission to take a leave of absence after requesting it.

- Not being allowed to transfer (by my current Board of Studies) - select this if your current department won't allow you to transfer. If the department you want to join refuses you, this is not appealable, since it would be an admissions decision.
- A Fitness to Practise decision concerning the requirements of professional or regulatory bodies - select this if you feel a Fitness to Practise decision should be overturned.
- A decision about whether or not to allow or require me to retake, resubmit or resit an assessment - this is only rarely applicable - most students in this position are appealing one of the other decisions. If you are appealing failure, or an Exceptional Circumstances decision, but would also like to resit assessments, don't select this. It's enough to say you are appealing against Failure or an Exceptional Circumstances decision.

### **\*2020/21 Degree Classifications**

Undergraduate students graduating in summer 2021 will have had a more generous set of classification rules applied to their degree than would otherwise be the case due to covid-19 contingency measures.

When undergraduate degree classifications are calculated, the overall stage marks for Stages 2 and 3 are weighted 2:3 to arrive at the final degree score. For students who are close to the borderline of two classes, two additional ratios are applied - 1:1 and 1:2 - if the application of either of these ratios results in the final mark going above the borderline limit, that ratio is used to calculate the degree classification. For example, a student with a mark of 59.3 with the 2:3 but 59.8 with the 1:1 ratio would be awarded a 2:1 on the basis that the borderline ratio will get their mark over the 59.5 line.

For the 2020/21 academic year, undergraduate students will also automatically have a special 4:3 ratio applied if this gets their mark over the borderline.

For the 2020/21 academic year, students on Integrated Masters courses will have the usual ratios of 2:3:3, 1:3:3 and 4:3:8 applied, but also a special 4:6:3 ratio.

### **The Safety Net**

Students graduating in 2020/21 will also have a different Stage 2 score to their 'raw' score, since the Safety Net applies to Stage 2 marks. A worked-through example of this safety net can be [viewed at this page](#). The Safety net ensured that students who had passed all their Stage 2 modules had a minimum Stage 2 mark guaranteed. This mark was based on the first 60 credits of Stage 2, or a combination of any credits achieved in Stage 2 prior to 13 March 2020 and an average of their Stage 1 results, made up to a total of 60 credits.

If you are appealing on the basis that you believe your degree classification from 2020/21 was lower than it should have been because the safety net was not correctly applied, please ensure you have carefully read the [worked-out example](#). Please also bear in mind that you must have passed all of your Stage 2 and 3 modules in order for you to receive your degree, otherwise the safety net will not be applied.

We are aware that this is complicated and would urge anyone who is unsure about this to consult a specialist advisor at the University of York Students' Union at [advice@yorksu.org](mailto:advice@yorksu.org) for advice.

## 2.4 I am appealing on the basis that...

For appeals against a decision of a Board of Studies or Board of Examiners, you can only appeal on the basis of:

1. **Exceptional Circumstances** - in order to have an appeal upheld on the basis of exceptional circumstances, you must have both:
  - (a) Evidence of valid exceptional circumstances at the time of the affected assessments(s); and
  - (b) Evidence that you could not have disclosed these circumstances prior to, or at the time of, the affected assessment(s).
2. **Procedural Irregularity** - in order to have an appeal upheld on the basis of procedural irregularity, you must establish both:
  - (a) That parts of the documented assessment procedure were not applied; and
  - (b) That this procedural irregularity, which has disadvantaged you, was significant enough to have materially affected the decision or recommendation made, rendering it unsound.

You can only appeal against a decision of Special Cases on the basis that the [Progress Case Policy](#) was not followed properly and that this procedural irregularity, which has disadvantaged you, was significant enough to have materially affected the decision or recommendation made, rendering it unsound.

Students may, in exceptional circumstances, appeal on the basis of a disability that was not mitigated at the time of the assessment. You are not expected to bring such cases to appeal more than 28 days after the decision against which you are appealing has been made. Additionally, for the appeal to be upheld, you would need to demonstrate that you could not reasonably have been expected to obtain a diagnosis, or otherwise become aware of the disability, at an earlier time.

For Academic Misconduct appeals and Exceptional Circumstances Committee Appeals, there are different appeal grounds - see the relevant sections for more information.

You cannot appeal the following:

- Matters of academic judgement of a Board of Studies, Board of Examiners or individual. Students are not permitted to argue the academic merits of their work. If you state that you feel the result unfairly reflects the merit of your work or your ability, your appeal will be rejected.
- Disagreement with the actual mark awarded for a piece of assessed work except where you can establish and evidence that a procedural irregularity has occurred. If you wish to have clarification about your mark(s), please contact your academic department.

- Any exceptional circumstances that you could have mitigated via the exceptional circumstances process at the relevant time.
- Perceived shortcomings in tuition, supervision or support. Concerns relating to the quality of teaching or supervision, or other circumstances that relate to the delivery of a programme of study should be raised under the Complaints Process before the point of assessment or the submission of a thesis or dissertation.
- On the basis that you disagree with the way your exceptional circumstances were considered, unless there is clear evidence that the defined procedures were not followed by the Exceptional Circumstances Affecting Assessment Committee.

## 2.5 Submitting your evidence

You will be prompted to upload evidence in support of your appeal.

The appeals process is an evidence based process. Appeals are **very** rarely upheld without supporting evidence. You can upload supporting evidence with your appeal form, and/or submit evidence later.

It is your responsibility to obtain the evidence – this will not be done for you by the University. You will **not be chased** for evidence if you fail to provide it. If you do not provide evidence with your appeal and do not explain why, your appeal will be **rejected**.

To submit evidence, select the appropriate button(s) on the form. A box will open where you will be required to list each item of evidence that you are submitting and when you intend to submit it. If you intend to provide some or all evidence later, explain when you will be providing it in this box. If you intend to provide evidence later, your appeal will be placed **on hold** whilst we wait for you to provide it.

Please note that, when your appeal is placed on hold, the days your appeal spends on hold will not be counted toward the 42/90-day deadlines for resolution of your appeal, for example, if you submit your appeal on 18 January 2024, and submit your evidence on 19 March 2024, the 42/90-day deadline will start from 19 March 2024. Your appeal will remain on hold and will not be considered until you submit your evidence, irrespective of whether it has been on hold for longer than 42/90 days.

Do not upload your evidence until you are completely ready to submit your form. If you click “Save and Resume later” any evidence you have uploaded will be deleted.

Evidence must be submitted in English or, where the original evidence is in a different language, with a translation by an independent professional third party into English. Translations by students will not be accepted.

### 2.5.1 Evidence about a third party

If you intend to submit evidence about a third party, e.g. a friend's or relative's ill health or personal circumstances, **you must ensure you have their permission to share their data before submitting it as part of your appeal**. We strongly recommend that any evidence you submit is about **the impact on you instead**. For example, a GP letter explaining that a relative's ill health

caused you health problems. This is because the appeals process is concerned about the **impact of circumstances on you**, and how those circumstances affect your ability to study. Evidence of a third party's circumstances do not automatically demonstrate the impact on you of those circumstances.

It is very unlikely that your appeal will be upheld on the basis of evidence relating to a third-party, because the evidence you submit should focus on the impact of those circumstances upon your ability.

For more information about the evidence you should submit in support of your appeal, please see the relevant appeal grounds below.

## 2.6 Appeal Remedy

You must also specify what remedy you are seeking should your appeal be upheld. For further information about the remedies available, please see section 15 of this advice guidance document.

## 2.7 Confirmation Full Circumstances Disclosed

You will be required to confirm, when submitting your Formal Stage appeal, that you have provided a full account of your circumstances and that you understand you will not be able to raise new circumstances at Review. You cannot raise new issues at the Review Stage that have not been raised at the Formal Stage.

You will also be required to confirm that all documents provided in support of your appeal are authentic, directly related to the concerns outlined in your appeal, and have not been obtained through any appeals factory or similar unauthorised means.

If you have consulted with the University of York Students' Union, you will be asked if you give permission for Special Cases to discuss the appeal with the University of York Students' Union advisors and for them to be copied into your outcome letter. Please be aware that your outcome letter may contain detailed information about your exceptional circumstances and the evidence you have submitted in support of your appeal, so please think carefully about whether you are happy for the University of York Students' Union to see this.

# 3. Appeals on the Basis of Exceptional Circumstances (Formal Stage)

## 3.1 Overview

If you are appealing on the basis of exceptional circumstances, you must establish and evidence that:

- a. You had valid exceptional circumstances at the time of the assessments you cited in your appeal, which is confirmed by the evidence you have submitted\* **AND**;
- b. That the evidence confirms that you had a good reason for not submitting an exceptional circumstances claim form at the appropriate time.\*\*

\*For information about whether the evidence requirement applies to the assessments listed in your appeal, please see "3.2.4 Do you need to submit evidence for your appeal (Covid-19)?".

**\*\*See section 3.4 for further information about “good reason”.**

## **3.2 Questions on the Form**

### ***3.2.1 Please detail your exceptional circumstances here, WHEN they affected you and HOW they affected your ability to complete assessments/examination***

In this section of the form, set out the nature of your circumstances. For example, your illness and symptoms, the loss of a close relative, or a difficult family situation, and explain how the circumstances affected you and your ability to complete work/undertake the assessments you have cited in your appeal.

### ***3.2.2 Why did you not submit an exceptional circumstances claim in relation to these circumstances at the appropriate time?***

This is a very important question. For guidance about answering this section of the form, see section 3.4 for more information.

### ***3.2.3 Which assessments were affected and what were the dates/deadlines?***

Ensure you include (1) the module code, (2) the module title, (3) the assessment component name where relevant, (4) the deadline, and (5) whether it was your first attempt or resit, e.g. “*SCT000201 Special Cases - Introduction to Special Cases Exam (60% component); Deadline 23 October 2023; First Attempt.*”

A failure to include assessment dates could result in your appeal being rejected, if it means that the timing of the events in your appeal is unclear.

Make sure you are clear which attempt at the assessment(s) you are referring to - i.e. the first attempt, the resit, or both, and provide dates for each.

If you miss out an assessment, it **may not be considered for a remedy** if your appeal is upheld.

### ***3.2.4 Do you need to submit evidence for your appeal (relevant to the Covid-19 pandemic)?***

If you are appealing in relation to assessments that took place **after 27 September 2021, evidence is required.**

There are certain limited instances where students are not *required* to provide evidence of their circumstances, depending on when they occurred (although it is usually helpful to provide evidence if you can). The evidence requirements for exceptional circumstances have changed three times since the start of the COVID-19 pandemic.

Please consider when each of your affected assessments took place and apply the following rules depending on that date:

**You are required to provide evidence of your circumstances** and good reason for failure to declare those circumstances via an Exceptional Circumstances claim at the time of the affected assessments, if:



- You are citing exceptional circumstances affecting assessments that took place or were due before **23 March 2020**;
- You are citing exceptional circumstances affecting assessments that took place or were due after **27 September 2021 (and ongoing)**;
- You are citing exceptional circumstances affecting assessments that took place or were due between **30 September 2020 and 6 January 2021**, UNLESS you have a 'good reason' for being unable to provide this evidence now. You should therefore provide evidence in this case, or provide a detailed explanation of your 'good reason' for being unable to do so, if you are appealing in relation to assessments that took place in this period.

**You are not required to provide evidence** of your circumstances and good reason for failure to declare those circumstances via an Exceptional Circumstances claim at the time of the affected assessment(s) if:

- You are citing exceptional circumstances affecting assessments that took place or were due between **23 March 2020 and 29 September 2020**, although you will need to provide detail in your appeal about the circumstances that affected you at the time of those assessments and why you could not submit a claim. You are encouraged to provide any evidence you may have to demonstrate that your circumstances prevented you from submitting a claim at the time of the affected assessments.
- You are citing exceptional circumstances affecting assessments that took place or were due between **6 January 2021 and 27 September 2021**, **you are *not* required to provide supporting evidence** of your exceptional circumstances and good reason for failure to declare your circumstances at the time of the assessments, although you should still provide a detailed explanation as to what your circumstances were at the time of the affected assessments, and you are encouraged to provide any evidence that might support your explanation.

Appeals which relate to assessments that took place in the periods outlined above *where evidence is not required*, must still be supported by appropriate evidence where the evidence has already been obtained, e.g. medical or Open Door evidence if acquired in support of EC claims or for other reasons.

For circumstances that occurred in the periods above *where evidence is not required*, you will not be required to evidence 'good reason' for failure to use the exceptional circumstances process, but you must still provide a good explanation as to why you could not submit a claim at the time. 'Good reason' will not automatically be accepted, especially in light of the fact that the exceptional circumstances claims were easier to make because no evidence to support claims was required in those periods.

For appeals that relate to assessments that took place in a period for which evidence is not required, and where evidence was not obtained at the time, you should provide contextual information from that time to support your case, such as correspondence with supervisors, other academic staff or administrators, college and student support staff.



You can upload any supporting evidence you have with your appeal form, and/or submit evidence later.

If, having read the above guidance, you are still unsure whether you are required to provide evidence for the assessments you are appealing in relation to, please contact the University of York Students' Union at [advice@yorksu.org](mailto:advice@yorksu.org). The Special Cases team can also be contacted by emailing [appeals@york.ac.uk](mailto:appeals@york.ac.uk).

### **3.3 Evidence Requirements**

#### ***3.3.1 What evidence should I provide?***

If you are appealing on the basis of exceptional circumstances, the evidence you submit in support of your appeal must:

- Be from an independent and relevantly-qualified third party professional.
- Give direct confirmation of your circumstances and the impact on your ability to engage with work in general, or assessment tasks in particular, at the time of the assessment(s) you are appealing in respect of.
- Indicate the period of disruption and duration of impact. A doctor, for example, may be willing to report a retrospective account given to them by the student after the event, but in itself this does not carry weight as evidence if the doctor simply notes that a student reports the impact. Similarly, the University's Open Door Team is only able to provide the type of evidence required when a student has used, or is currently using, the services provided by the team to address the circumstances.
- The evidence submitted must also refer to your ability to engage with the exceptional circumstances process at the time of those assessments. In some cases, where the circumstances are sufficiently severe, it may be possible to infer good reason from the evidence submitted.
- In the event that the professional concerned did not see you at the time of the assessment but believes that your condition would have prevented you from engaging not only with the assessment(s), but also with professional support services, a claim can still be considered. The professional's evidence in such a case would need to explain the extent to which the circumstances would have prevented engagement with professional services.
- Evidence must be provided in English or, where the original evidence is in a different language, with a translation by an independent professional third party into English. Translations by students will not be accepted.

### **3.4 Good Reason for Late EC Submission**

#### ***3.4.1 Why did you not submit an exceptional circumstances claim in relation to these circumstances at the relevant time?***

This is a very important question.

If you do not have good reason for failing to disclose your circumstances at the time, your appeal will not be upheld on the basis of exceptional circumstances.

### **3.4.2 What is a 'good reason' for not submitting your exceptional circumstances at the appropriate time?**

Examples of 'good reasons' (which must also be clearly evidenced\*):

- A genuine medical emergency which would have clearly prevented you from submitting an exceptional circumstances claim, such as hospitalisation;
- Severe issues outside your control which meant you were unavoidably prevented from submitting an exceptional circumstances claim.

\*There are some instances where evidence is not required - see Section 3.2.4 - Covid Exceptions above for further information.

### **3.4.3 What is not considered to be a 'good reason' for not submitting your exceptional circumstances at the appropriate time?**

Examples of reasons which are **not** considered to be 'good reasons':

- A belief that the University would not take your concerns seriously.
- Ignorance of the exceptional circumstances procedures.
- Believing or hoping that you would do well enough in the assessments not to need exceptional circumstances.
- General embarrassment / a reluctance to disclose your circumstances.
- Deciding not to disclose your circumstances because you wanted to demonstrate that you could succeed without help.
- That you belong to or grew up in a culture in which problems are not openly discussed or disclosed to others. *This is not accepted as a good reason for non-disclosure of exceptional circumstances because it would be unjust to accept claims from some students but not others on the basis of assumptions about cultural norms based on a student's nationality, ethnicity or religious faith. The University does not discriminate against students on the basis of nationality, ethnicity, faith or any other protected characteristic under the Equality Act 2010.*
- If you make a conscious decision not to **self-certify** for short-term, acute illnesses or short-term unforeseen circumstances prior to submission of an open assessment or commencement of an examination, or **submit an exceptional circumstances claim** where this is more appropriate at the time of the assessment(s) you believe to have been affected by your circumstances, you have chosen to accept the risk of failure or poorer performance. The University will expect you to accept the responsibility for having taken that risk and to accept the consequences, as demonstrated by the examples in the boxes outlined above.

Many appeals are rejected on the basis that a student has not established a good reason for failing to have self-certified or submit an exceptional circumstances claim to their department at the time of the assessment they now believe has been affected.

### **3.4.4 Evidence of good reason for failure to submit a claim on time**

Your evidence should demonstrate that you could not have submitted an exceptional circumstances claim at the appropriate time (i.e. at the time of the assessments that you believe to have been affected by your circumstances). Your evidence should directly refer to your ability to engage with the exceptional circumstances process at the relevant time.

If your evidence does not confirm that your circumstances impacted you to the extent that you could not engage with the exceptional circumstances process, **it is highly unlikely that your appeal will be upheld.**

## **4. Appealing against a decision of an Exceptional Circumstances Committee**

Appeals against a decision of an Exceptional Circumstances Committee can only be made on the following grounds:

- (a) Relevant new evidence exists that could not reasonably have been brought to the attention of the Exceptional Circumstances Committee within the deadline for submission of evidence.
- (b) That the University's Exceptional Circumstances procedures were not followed properly.

When completing the form you must upload a copy of *both* the claim and the decision email/letter you are appealing against.

### **4.1 New Evidence (ECC Appeals)**

If you are appealing on the basis that you have new evidence which you could not have submitted before your exceptional circumstances claim was considered, you must select "Exceptional Circumstances" as the basis for your appeal and complete the Exceptional Circumstances section of the Appeal Form.

You should detail your exceptional circumstances, when they affected you and how they affected your ability to complete your assessments.

If you have provided new evidence which was not submitted with your exceptional circumstances claim, you should explain why you were unable to provide that evidence at the appropriate time to the Exceptional Circumstances Committee.

### **4.2 Procedural Irregularity (ECC Appeals)**

If you are appealing on the basis of procedural irregularity, you must select "Procedural Irregularity" as the basis for your appeal and complete the Procedural Irregularity section of the Appeal Form.

In order for us to understand the context of your appeal, when prompted to do so on the form, you should detail your exceptional circumstances, when they affected you and how they affected your ability to complete your assessments.

You must refer to the Exceptional Circumstances Policy and specify which element(s) of the policy have not been applied.

Disagreement with the decision of the Exceptional Circumstances Committee does not constitute grounds for an appeal. Equally, if you are unhappy with the content of the Exceptional Circumstances Policy, this is not a basis on which you can appeal.

This means that if your exceptional circumstances claim was rejected and you are unhappy with the decision, or the policy itself, you cannot appeal on this basis. You must demonstrate, with reference to the exceptional circumstances policy, that there has been a breach of procedure.

## 5. Appeals on the Basis Procedural Irregularity (Formal Stage)

### 5.1 Overview

A procedural irregularity or unfair/improper conduct of an assessment refers to an error or mistake in the way that an assessment has been carried out.

In order to appeal on the basis of procedural irregularity, a student must establish both:

- (a) That parts of the documented assessment procedure were not applied; and
- (b) That this procedural irregularity, which has disadvantaged the student, was significant enough to have materially affected the decision or recommendation made, rendering it unsound.

You are **strongly encouraged** to attempt to resolve your concerns informally with your academic department before submitting an academic appeal. You do not need to use a particular form to raise an informal concern, however, you should do so in writing to your academic department (usually via email).

Your department may be able to resolve your concern by providing an on-the-spot explanation of why the issue occurred and/or (where appropriate) an apology and an explanation of what will be done to stop a similar situation happening in the future.

You should be informed of the outcome of your attempt to informally resolve the issue in writing (usually via email). If you are dissatisfied with the outcome, you may choose to submit a Formal Stage appeal.

Please ensure you provide details of your attempts to resolve the issues informally and submit a copy of the response from your department when prompted to do so on the form.

If you believe that the examiners have not given you the mark you deserve, or you disagree with their opinion of some aspect of your work or the feedback you have received, this **does not** qualify as a procedural irregularity as it would be an appeal against the academic judgement of the examiners or of the members of a thesis advisory panel, which is not permitted under University Regulations 2.8.1(b) for research students, and 6.7.1(d) for taught students.

Students can submit neither an appeal nor a complaint against the academic judgement of the examiners.

If, by way of example, you were given insufficient time for an exam or you had evidence that the correct marking procedures had been breached, you might be able to appeal on this basis.

If you are dissatisfied with the *quantity or quality of feedback* you have received, this is not something that can be considered through the appeals process. Instead, this could be looked into via the Complaints Process. For further information see the guidance on the [Complaints and appeals web pages](#).

**Covid-19** - Please note that changes that have been made to the delivery of teaching and to assessment formats due to COVID-19 do not constitute procedural irregularities.

- If you are unhappy about a policy change in itself, such as the move to online teaching and exams or the safety net policy, you should use the Complaints procedure.
- If you feel that the policy has been incorrectly implemented and that this has caused you to be disadvantaged, you should use the Academic Appeals procedure.

## 5.2 Questions on the Form

### 5.2.1 *Please describe your attempts to resolve these issues informally with your academic department*

In this section you should describe the attempts you have made to resolve the issues with your academic department. Please also upload copies of any correspondence as evidence in support of your appeal.

### 5.2.2 *What is the nature of the procedural irregularity?*

When setting out the nature of the irregularity, try as clearly and concisely as you can to explain what you believe went wrong, and why this affected you. For example, *'I was given only two hours to complete a three-hour exam paper'*.

### 5.2.3 *On what dates did the irregularity affect you?*

Set out dates here as clearly and precisely as possible.

### 5.2.4 *Which assessments were affected?*

Ensure you include (1) the module code, (2) the module title, (3) the assessment component name where relevant, (4) the deadline, and (5) whether it was your first attempt or resit, e.g. *"SCT000021 Special Cases - Introduction to Special Cases Exam (60% component); Deadline 23 October 2023; First Attempt."*

You **must make clear** which assessments were affected. For example: *'I was unable to take the Social Policy Exams I and II (first attempt), on 25 May 2024, because I was in hospital'*.

Make sure you are clear which attempt at the assessment(s) you are referring to - i.e. the first attempt, the resit, or both, and provide dates for each.

If you miss out an assessment, it **may not be considered for a remedy** if your appeal is upheld.

### 5.2.5 Procedural Irregularity Evidence

Appeals are very rarely upheld without supporting evidence. You can upload supporting evidence with your appeal form, and/or submit evidence later. If you intend to provide evidence later, please indicate the approximate date when you will submit the evidence.

### 5.2.6 What supporting evidence should I provide?

Evidence to support a procedural irregularity will vary depending on the nature of the alleged irregularity. Appropriate evidence to support a procedural irregularity claim might include copies of email correspondence between you and your department demonstrating your efforts to clarify whether an error has occurred. If you are able to, it may be helpful to quote the relevant sections of the University's Regulations or Procedures, indicating which you believe have been breached.

If you are unsure what evidence might be appropriate you may contact York SU Advice & Support at [advice@yorksu.org](mailto:advice@yorksu.org).

## 6. Strike Action - Procedural Irregularity

### 6.1 Overview

If you wish to appeal about the impact of the UCU strike, you should be aware of the following:

If you have exceptional circumstances, such as ill health or a disability, and you feel that these were affected by the strike, you should select Exceptional Circumstances from the Appeal Grounds list. Any exceptional circumstances affected by the strike are subject to the same rules as any other exceptional circumstances claim, and the standard 'exceptional circumstances' questions on the appeal form are therefore appropriate.

The following circumstances have been identified as *possible* reasons for submitting an appeal on the basis of procedural irregularity relating to strike impact:

- I was required to answer questions for which I did not receive teaching.
- I was incorrectly or inadequately advised about changes made to assessment(s) and this led to disadvantage.
- I have specific needs which mean the strike response impacted me adversely.
- The response to the strike breached the University's own procedures.
- My cohort has a specific set of circumstances, and the response to the strike did not take account of these.

There may be other circumstances which merit investigation under the academic appeals process, but these would have to be along similar lines to the listed circumstances.

If you are unhappy with the standard of teaching, feedback, or supervision quality during the strike or are otherwise alleging breach of contract by the University, you should follow the [Complaints Procedure](#).

For example, moving from face-to-face to online teaching and the resit examination timetable showing all assessments are matters for the Complaints Procedure because it affects a number of students in your cohort and relates to service provision.

#### **6.1.1 Example A:**

A student was appealing on the basis that content was removed from a final assessment where the content was not taught due to strike action. The student alleged that they were inadequately advised about changes made to assessment(s) and this led to disadvantage. The appeal was rejected on the basis that students were clearly informed that any materials or content which was not taught would not be assessed. The student was unable to provide evidence demonstrating that they were given contradictory information, or that they were assessed on content that was not taught. Their appeal was unsuccessful.

#### **6.1.2 Example B:**

A student was appealing on the basis that their timetable showed all available resits, as opposed to only the resits they were eligible for/had selected.

The student was informed of the following in their outcome letter: *"There is currently no existing University policy that specifies the format in which exams must be selected or how they are displayed on student timetables. The decision to display all of the eligible assessments on your timetable did not give you any more or less of a choice than you would have had prior to 2023. In previous years, students would have had all eligible exams displayed to them in e:vision, and the assessments would only then be displayed on their timetable once the student had selected the assessments that they wished to take. In 2023, students still had to make the same decision as to which assessments they wanted to take out of all of those that they were eligible for, but instead these assessments were displayed on their timetable as opposed to on e:vision. Therefore the actual assessment decision process in 2023 was no different for students, it was just displayed in an alternative way to previous years."*

### **6.2 Questions on the Form**

#### **6.2.1 On what basis do you believe the handling of the strike resulted in academic disadvantage?**

Select an option or options from the list. You should note that although your circumstances may fall within the criteria listed, this will not automatically result in your appeal being upheld, as each case is considered on its individual merits. The details of your case will be considered and, if necessary, investigated with your academic department.

#### **6.2.2 Which of your modules were affected by the strike?**

Use this box to list all your modules which were affected by the strike, and for which you wish to appeal an academic outcome.

Ensure you include (1) the module code, (2) the module title, (3) the assessment component name where relevant, (4) the deadline, and (5) whether it was your first attempt or resit, e.g. *"SCT00002/ Special Cases - Introduction to Special Cases Exam (60% component); Deadline 23 October 2023; First Attempt."*



You **must make clear** which assessments were affected. For example: *'I was unable to take the Social Policy Exams I and II (first attempt), on 25 May 2024, because I was in hospital'.*

Make sure you are clear which attempt at the assessment(s) you are referring to - i.e. the first attempt, the resit, or both, and provide dates for each.

If you miss out an assessment, it **may not be considered for a remedy** if your appeal is upheld.

The following questions may be asked, depending on what circumstances you select:

### **6.2.3 Explain here what questions you were required to answer and what teaching it relates to**

Please explain clearly what questions, what exam paper, and specify the module if you are appealing about more than one paper. You should also clearly state which specific teaching the questions related to if you know this - for example, *the cancelled week 9 lecture for module 'SCT00002I Special Cases - Introduction to Special Cases' discussed a topic directly dealt with in question 4(a) of paper 1 of my exam.*

### **6.2.4 How did the requirement to answer these questions lead to academic disadvantage?**

Explain why you were disadvantaged by answering this question - for example, did you have no choice but to answer this question, or were other questions available for which you had received teaching?

### **6.2.5 Explain how you were advised about changes to assessment and what was incorrect or misleading about this advice**

Please upload any copies of the advice, such as emails, as evidence to support your appeal. You should explain how this advice led to a disadvantage.

### **6.2.6 What are your specific needs, and how did these lead the strike response to adversely impact you?**

If you have, for example, a long-term health condition which affects your ability to engage in your studies, how did the response to the strike impact you differently? If so, why was the strike response inadequate for you personally, and how were you disadvantaged by this? Be as specific as possible.

### **6.2.7 How did the response to the strike breach the University's procedures?**

If you believe some aspect of the strike response was in breach of University procedures, make reference to the specific procedure and explain why the response breached it. You should then explain why this led to disadvantage for you academically.

### **6.2.8 What are your cohort's specific circumstances, and how did the response to the strike fail to take account of these adequately?**

Explain as clearly as you can what aspect of the response was inadequate, what about your cohort requires a different response, and why this led to disadvantage.



### **6.2.9 Other circumstances - describe your circumstances and explain how they led to academic disadvantage**

If your circumstances do not apply to one of the grounds outlined in the list above, you should clearly explain your circumstances as they relate to strike action and explain how they led to you being academically disadvantaged.

### **6.2.10 You will always be asked: Do you intend to upload supporting evidence?**

Appeals are very rarely upheld without supporting evidence. You can upload your supporting evidence with your appeal form, and/or submit evidence later.

Supporting evidence could include emails sent to you about your assessments, or copies of feedback sheets.

If you are unsure what evidence might be appropriate you may contact the University of York Students' Union at [advice@yorksu.org](mailto:advice@yorksu.org). The Special Cases team can also be contacted by emailing [appeals@york.ac.uk](mailto:appeals@york.ac.uk).

## **7. Academic Misconduct**

### **7.1 Overview**

Academic Misconduct refers to any decisions taken by a Standing Academic Misconduct Panel (StAMP), implementing the [Academic Misconduct Policy](#). If you are appealing against a StAMP decision, you will have been subject to an investigation and decision regarding academic misconduct. For example, plagiarism, collusion, cheating (in an exam) or other forms of academic misconduct.

### **7.2 Questions on the Form**

#### **7.2.1 I am appealing on the basis that:**

There are five grounds on which students may appeal against academic misconduct decisions:

- 1) New evidence exists (of exceptional circumstances)
- 2) Procedural Irregularity
- 3) Unreasonableness
- 4) Bias
- 5) Disproportionate penalty / Procedurally incorrect penalty

Before explaining each of these grounds below, it is important that you are aware that students may **not appeal against academic judgement**.

Academic judgement is a judgement which can only be made by an academic in a given field, e.g. an academic in History for a History essay. For academic misconduct cases, there is usually academic judgement involved in the decision, for example a judgement that the quality of a student's work is inconsistent with their prior work and that it is not feasible for them to have written that work themselves. For plagiarism cases, the penalty decision may also involve some academic judgement, for example that the key ideas central to the work were plagiarised - only an

academic in your subject would be able to say what the key ideas central to the work were. This means that the question of whether or not the plagiarism affected 'key ideas' is a matter of academic judgement which cannot be appealed against.

In practical terms this means that you **cannot appeal if you simply disagree that you committed academic misconduct**. To appeal successfully, you would need to demonstrate that there were errors in the way the decision was arrived at, for example that you submitted relevant information which was ignored, that the penalty was not in line with the published penalty tables, that there was clear evidence that the academics involved in the StAMP were personally biased against you or that you had special exceptional circumstances.

The issue of academic judgement, and specifically what is covered and what is exempt, can be a difficult one to interpret and you are encouraged to contact the specialist advisers at the University of York Students' Union if you have further questions about it at [advice@yorksu.org](mailto:advice@yorksu.org).

Each of the five appeal grounds are explained in more detail below.

### ***7.2.2 What is the academic misconduct decision you are appealing against and what assessments were affected by it?***

State the decision you are appealing against as clearly and concisely as you can. This will usually be a decision to find you guilty of academic misconduct. Please ensure you list *all* affected assessments and set out the date they were taken/submitted.

### ***7.3 Exceptional circumstances (StAMP Appeal Ground)***

The exceptional circumstances policy is not applicable to cases of academic misconduct.

There are, however, two scenarios (outlined below) in which very serious circumstances may be relevant, as per the Academic Misconduct Policy. You must raise such circumstances to the Academic Misconduct panel **at the relevant time** (i.e. when invited to respond to the StAMP investigation).

If you do not disclose your circumstances to the Academic Misconduct to the panel at the relevant time, and instead later disclose them at appeal, you must **also establish that you had a good reason** for failing to raise those circumstances at the relevant time. The same criteria will be applied for good reason for not submitting an exceptional circumstances claim at the relevant time (as outlined in section 3.4 above).

#### ***7.3.1 Exceptional Circumstances as a Defence to Academic Misconduct***

Where academic misconduct is alleged or suspected, you cannot not use exceptional circumstances as a *defence* for the offence.

The only exception is where, in the professional opinion of an appropriate professional(s), your condition at the time of the offence was such that you were unable to differentiate between right and wrong in relation to your actions. Where the condition is longstanding, it can only be used as a defence where adjustments have not been made, and the lack of adjustments is not your fault.

Special Cases cannot infer the inability to differentiate between right and wrong from a more general diagnosis of mental health issues; the professional evidence presented to the panel must specifically address this question in relation to your psychological state at the time of the alleged offence.

This means that you must have **clear evidence from a qualified professional** (in most cases this would be medical evidence) specifying that, **at the time of the affected assessment, you were unable to tell right from wrong**.

An example of this would be a student who is diagnosed as experiencing a psychotic episode at the time of an assessment. Your evidence should clearly state that your condition would leave you unable to differentiate right from wrong.

You also must establish that you had a good reason for not submitting this evidence/raising these circumstances to the StAMP when invited to do so. You will be asked why you did not raise these circumstances to the StAMP when invited to do so. The same principles apply that are relevant for good reason for failing to submit an exceptional circumstances claim (see section 3.4 of this document).

If your appeal is upheld on this basis, it could provide a defence against the offence of misconduct itself, i.e. the remedy might be to waive the misconduct penalty altogether or to re-run the misconduct process, depending on the facts of the case.

### ***7.3.2 Mitigation of penalties in light of compelling personal circumstances***

Once the StAMP Investigatory Panel has decided that, on the balance of probabilities, academic misconduct has occurred, the StAMP Investigatory Panel will agree to a penalty in accordance with the Academic Misconduct Policy.

In deciding on a penalty, the StAMP may take into consideration other factors which, whilst not providing a defence for the academic misconduct offence, might provide mitigation when considering the penalty.

These circumstances can only be used to alter the level of penalty imposed for academic misconduct. They cannot be used to consider whether or not academic misconduct took place. Exceptional circumstances, as per the University Exceptional Circumstances Policy are, again, not relevant.

As noted above, if you do not disclose your circumstances to the StAMP at the relevant time, and instead later disclose them at appeal, you must **also establish that you had a good reason** for failing to raise those circumstances at the relevant time. The same criteria will be applied for good reason for not submitting an exceptional circumstances claim at the relevant time.

The only two circumstances in which mitigation of the penalty will be considered are as follows:

- a) Your personal circumstances were of such severity that their impact on your judgement at the time that the academic misconduct offence occurred makes it appropriate, in the opinion of the Panel, to impose a less serious penalty by reason of those circumstances.

- b) A specific disability, or other chronic condition, which clearly impacted your judgement, or your capacity to comply with academic standards. This may be taken into account where, through no fault of your own, such a disability has not been accounted for through a reasonable adjustment or where that adjustment was not made in time for the assessment. If the specific disability, or its impact, has not been declared to the University, and hence is not addressed in a university Student Support Plan (SSP), a compelling, and evidenced, explanation for this will need to be provided.

In order for either of the above circumstances to be considered, **compelling evidence** would need to be provided which must show that your circumstances were sufficiently significant that it would be, in the opinion of the panel, inappropriate to impose the penalty which would otherwise be indicated by the Academic Misconduct Policy.

An example of this defence would be a student who commits plagiarism but has recently been diagnosed with severe depression and anxiety. Their GP confirms that they were still able to differentiate right from wrong, but their judgement would have been affected by the nature of their medical condition. In this scenario, the student would still be considered to have committed plagiarism, but the severity of the penalty would be reviewed in light of their GP's evidence. Special Cases might refer the case back to the Standing Academic Misconduct Panel to review the penalty, depending on the facts of the case.

### 7.3.3 Evidence

As you will see from both of these categories, **you will need to provide suitable evidence** (i.e. from a suitably qualified independent third-party) which specifically addresses the impact of your circumstances - either on your judgement, ability to avoid committing misconduct or ability to tell right from wrong.

If you are appealing on the basis of one or both of these defences, you should indicate that you are appealing on the basis of "Exceptional Circumstances".

As noted previously, you also must establish that you had a good reason for not submitting this evidence/raising these circumstances to the StAMP when invited to do so.

You should then indicate that you have supporting evidence and upload it with your appeal.

## 7.4 Procedural irregularity (StAMP Appeal Ground)

If you are appealing on the basis that there was a procedural irregularity in the investigation, you will need to explain the procedural error(s) in the misconduct investigation, and why this should change the decision.

You must refer to the [Academic Misconduct policy](#) and specify which element(s) of the policy have not been applied.

Disagreement with the decision of the StAMP does not constitute grounds for an appeal. Equally, if you are unhappy with the content of the Academic Misconduct Policy, this is not a basis on which you can appeal.

This means that, if a penalty was applied to your assessment as a result of a StAMP decision and you are unhappy with the decision, or the policy itself, you cannot appeal on this basis. You must demonstrate, with reference to the Academic Misconduct Policy, that there has been a breach of procedure.

### **7.5 Unreasonableness (StAMP Appeal Ground)**

This appeal ground is that the decision was unreasonable in all the circumstances. Whilst this appeal ground sounds quite broad, you would need to *demonstrate* that the StAMP failed to act reasonably, rather than just that you disagreed with the decision. Just because you disagree with a StAMP, that does not mean the StAMP must have acted unreasonably.

An example of unreasonableness would be to exclude some highly relevant piece of information from a decision, or to include something totally irrelevant.

A theoretical example of an unreasonable decision could be that a student was told specifically, via email, by a module leader that they could re-submit a previously submitted assignment again for assessment. The student is found guilty of self-plagiarism, but submits the module leader's email to the StAMP to explain what happened. The StAMP ignores the email and finds the student guilty of self-plagiarism.

### **7.6 Bias (StAMP Appeal Ground)**

This appeal ground is that the decision of the panel was affected by either bias or a reasonable perception of bias. This means that one or more members of the StAMP panel were personally biased against you when the decision was made.

The fact that you were found guilty of academic misconduct does not mean that the StAMP must have been biased. You would need to provide some specific evidence of bias, such as personal correspondence or remarks about you as an individual which would demonstrate the StAMP decision was not made in a fair way.

### **7.7 Disproportionate penalty / Procedurally incorrect penalty (StAMP Appeal Ground)**

This appeal ground relates solely to the penalty, rather than the decision itself.

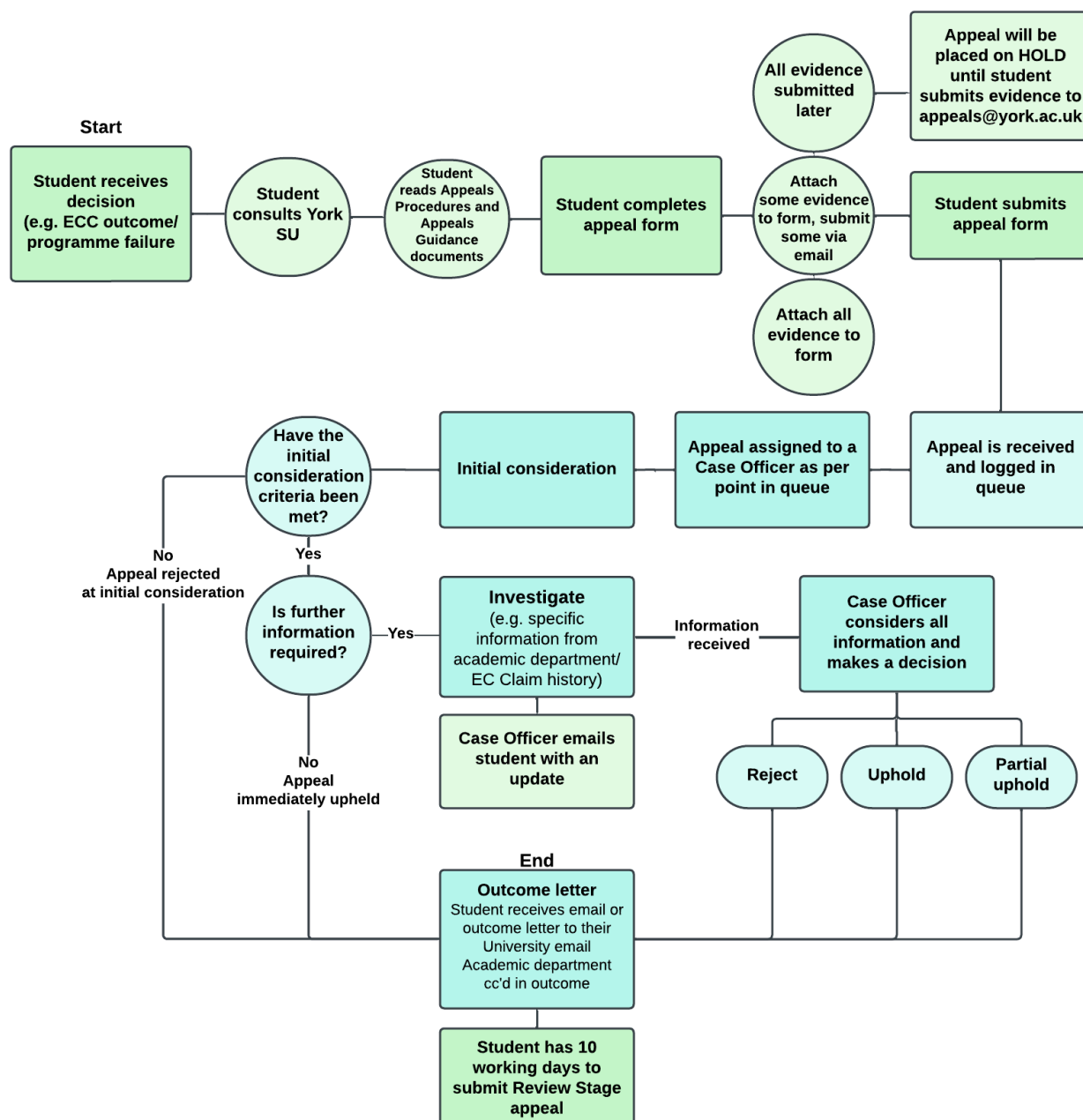
You can only appeal on this ground if you can demonstrate that the StAMP applied the wrong penalty. You must make reference to the penalty tables in the [Academic Misconduct policy](#) if you are appealing on this ground.

You cannot appeal on this ground if you are unhappy with the penalty or disagree with the decision made. Equally, academic judgement is often required to determine the extent of academic misconduct, meaning that you cannot appeal on the basis that you disagree with the penalty because you do not agree with the StAMP's academic judgement regarding the extent of the misconduct.

This ground does overlap with the reasonableness and procedural error grounds, but if you are specifically appealing against the penalty we suggest you use this ground instead as it helps the appeals handlers understand the different elements of your appeal.



## 8. Formal Stage Process Map



If you require an accessible PDF version of this flowchart, please email [appeals@york.ac.uk](mailto:appeals@york.ac.uk).

## Review Stage Appeals

The Review Stage is the second stage of the appeals process. Review Stage appeals must be submitted within ten working days of the date of the Formal Stage outcome letter. The request for review will be considered by the Special Cases Manager, a Senior Manager in Student Education and Experience, or their nominee.

If your request for review is against a decision of a Special Cases Officer, a different Special Cases Officer will present your case to the Special Cases Manager, a Senior Manager in Student Education and Experience, or their nominee. This means that no officer will be involved in reviewing a decision which they themselves made. This is to ensure that there is no perceived or actual conflict of interest.

You cannot raise new issues at the Review Stage that have not been raised at the Formal Stage. You will have been required to confirm, when submitting your Formal Stage appeal, that you were providing a full account of your circumstances and that you understood you would not be able to raise new circumstances at Review. You will also have been reminded of this in your Formal Stage appeal outcome letter.

You can only appeal to the Review Stage if you are able to establish valid grounds for doing so. Those grounds will have been outlined in your Formal Stage outcome letter/email. Simply disagreeing with, or disliking, the decision made at the Formal Stage, is not a ground on which you can appeal to the Review Stage.

You should use the same Review Stage form if you are submitting a further Review Stage appeal against the remedy offered in a Review Stage outcome letter. This will only be relevant where you have previously submitted a Review Stage appeal which has been upheld. Different questions will appear on the appeal form if you select this appeal ground; please ensure you complete these questions fully.

## 9. A Guide to using the Review Stage Academic Appeal Form

### 9.1 The Basics

We also use Formstack for Review Stage appeal submissions. You are required to submit your appeal using the relevant form, and either attach your supporting evidence when you submit your form, or indicate that you intend to submit evidence at a later date.

- *Navigation* - Navigate through the form using the 'Previous' and 'Next' buttons at the foot of each page.
- *Saving your data* - The form will not save your data automatically. If you close your window or your phone/PC crashes before you press 'Submit' the form will be lost.
- It is a good idea to draft detailed answers elsewhere, and copy and paste them into the form when you are ready to submit.
- *Save and Resume Later* - There is a 'Save and Resume Later' button at the bottom of the form. When you select 'Save and Resume' you will be asked to enter a password; your form will then be encrypted and you will be provided with a link.



- Do not lose your password or link. **If you cannot remember your password, your form will remain encrypted and irretrievable.**
- Any evidence you have uploaded will be lost if you 'Save and Resume'. Only upload evidence when you are sure you are ready to submit the form.
- *Compulsory fields* - Compulsory fields in the form are marked with an \*. You won't be able to submit your form until you have filled in all the compulsory fields.

Once you have submitted your form, you won't be able to edit it, so make sure you are happy with it before you press 'Submit'.

## 9.2 Completing the Form

This form is for submitting an appeal to the Review Stage of the appeal process. You are only able to do this if you have been issued with either:

- a) A Formal Stage appeal outcome letter, or
- b) A Review Stage appeal outcome letter, where your appeal is upheld and you have been told you have the right to appeal against the remedy.

The form will therefore first ask whether you have received a Formal Stage appeal outcome. If you have not, you will not be able to proceed with the appeal form.

If you select yes, you will be asked what the outcome was - select the relevant outcome from the drop down menu. This will also enable you to select further review stage appeal against the remedy if this is applicable to you.

You will then need to enter the date of your outcome letter/email.

The rest of the Form is in nine parts:

1. Confirmation that you are eligible to submit a Review Stage appeal (or further Review Stage appeal) and details of the decision you are appealing against.
2. Important Information and confirmation that no new circumstances/issues will be raised.
3. Appeal Deadline - you will be asked whether your appeal is on time. If it is not, you will be asked to explain why. It is essential that you answer this accurately as your appeal may be rejected if it is late without good reason.
4. Your Details - Fill in your personal details.
5. I am appealing on the basis that... - Select the option(s) that describe the basis for your appeal:
  - I have evidence that the Student Academic Appeals Procedures were not followed at the Formal Stage of the Appeals Process (you must provide a specific example of this procedural irregularity)
  - I am now able to provide new, valid supporting evidence which I have good reason for not presenting at the Formal Stage of the appeals process

- I can demonstrate that the decision made at the Formal Stage was a decision which no reasonable person would find comprehensible. Note - disagreement with the decision made does not make it unreasonable

For each option you select, a new section will open for you to set out the full details of your appeal.

6. Evidence upload section.
7. Appeal Remedy section - for further information about the remedies available, please see section 15 of this advice guidance document.
8. Appeal Summary - Summarise your appeal, and tell us about anything else you think is important that you could not include earlier in the form.
9. Confirmation of full disclosure, the University of York Students' Union permissions and Form Submission - Confirm that you are happy for the University of York Students' Union to have access to your appeal. You won't be able to submit your form until you have filled in all the compulsory fields. Once you have submitted your form, you won't be able to edit it, so make sure you are happy with it before you press 'Submit'.

### 9.3 Help with filling in the Form

You are strongly encouraged to ask for advice and support from the University of York Students' Union [advice@yorksu.org](mailto:advice@yorksu.org). They can provide free, confidential and independent advice, help provide guidance on completing the form and support you through the Appeal process.

## 10. Review Stage Appeal Form Information

### 10.1 I am appealing against...

In this section of the form, you can tell us what kind of decision you are appealing against. There are only three decisions you can appeal against at the Review Stage:

#### Decision Types (Review Stage):

- My Formal Stage appeal was rejected - select this if your Formal Stage appeal was fully or partially rejected.
- My Formal Stage appeal was upheld but I am unhappy with the remedy offered - select this if you are appealing solely against the remedy you were offered after your Formal Stage appeal was upheld.
- My Review Stage appeal was upheld but I am unhappy with the remedy offered - select this if you are appealing solely against the remedy you were offered after your Review Stage appeal was upheld.\*

\*Please note - if you are appealing against a Review Stage remedy, you will have been told in your outcome letter that you have the right to appeal against this. You should ONLY appeal against the

remedy itself. If you attempt to appeal against the substance of the decision, this will not be considered by Special Cases.

## 10.2 I am appealing on the basis that...

You can only appeal to the review stage on the following grounds:

- a) You can evidence that the procedures outlined in the Student Academic Appeals Procedures document were not followed at the Formal Stage of the appeals process. You must provide a specific example of this procedural irregularity;
- b) You have new evidence which you have a good reason for not presenting at the Formal Stage of the Appeals process;
- c) You can demonstrate that the decision made at the Formal Stage was a decision which no reasonable person would find comprehensible. Disagreement with the decision does not make it unreasonable. To apply on this ground you must provide substantive argumentation as to why no reasonable person could have arrived at the decision that was made.

You cannot raise new issues at the Review Stage that have not been raised at the Formal Stage.

If you think you might have a case on one or all of these grounds, try selecting them then proceeding through the form - you can try out the questions and work out which you think are most applicable to you. If you change your mind, just come back to this list and amend your choice. The form will then update the later questions based on your choices here.

## 11. Procedural Irregularity (Review Stage)

### 11.1 Overview

Requests for review on this basis must relate to a Procedural Irregularity **in the way in which your Formal Stage appeal was dealt with**. As a result you should set out in what way your Formal Stage appeal was not handled according to the Student Academic Appeals Procedures. You should explain:

- 1) Which of the *Academic Appeals Procedures* have been breached - you should quote from the Formal Stage outcome letter wherever possible, as well as quoting from the *Academic Appeals procedures*. You are not required to respond to every point on the Formal Stage outcome letter. It is better to focus on that part of the decision which you feel demonstrates a procedural irregularity has occurred.
- 2) Why this breach has materially affected the outcome of your appeal. If there is a minor breach of protocol which would not have had any impact on the outcome of your appeal, then your request for Review will not be upheld.

If, for example, you failed 6 modules and the Special Cases Officer wrongly failed to notice that you might otherwise have had a resit opportunity in just one module, this would have no bearing on your appeal outcome since passing one module out of six would still result in the failure of your programme.

You should not restate your Formal Stage appeal details here, since the Special Cases team will have access to the content of your Formal Stage appeal.

## 11.2 Case Studies

Case Studies : Request for Review on the basis of Procedural Irregularity (not real cases).

### ***Case Study 1 – Unsuccessful request for Review (procedural irregularity):***

- T submitted a Formal Stage appeal against her degree classification on the basis of procedural irregularity. She had achieved an overall mark of 63 in her second year but had struggled academically in her final year and had been awarded a mark of 47. This left her with an overall programme mark of 53 and a lower-second class degree classification (2:2). T wanted to be awarded a 2:1-class degree as she felt that the degree classification rules were unfair and should use the marks from the best of the two years.
- T's appeal was rejected at initial consideration by a Special Cases Officer, on the basis that the degree classification rules had been correctly applied in her case.
- T submitted a request for a Review Stage appeal against the outcome of her Formal Stage appeal on the basis that her appeal should have been fully investigated rather than being rejected at the initial consideration stage.
- The Special Cases Manager did not uphold the Review Stage appeal since T had not established grounds for appeal at initial consideration, and there was no procedural irregularity in the manner in which her appeal had been considered at the Formal Stage.

### ***Case Study 2 – Successful request for Review (procedural irregularity):***

- Y submitted a Formal Stage appeal against failure on the basis of procedural irregularity. She indicated that she had been granted only 2 hours for an examination but the rest of her cohort had been granted 3 hours, and that this was because of an error. She provided correspondence which showed that her academic Department and the Examinations Office agreed an error had occurred, and attached this to her appeal when she submitted it.
- Y's Formal Stage appeal was rejected by the Special Cases Officer on the basis that no evidence had been provided with the appeal. Y then submitted a request for Review, forwarding on her original email as evidence to show that she had provided evidence with her Formal Stage appeal. The Special Cases Manager upheld her Review Stage appeal on the basis that an error had occurred in handling her appeal at the Formal Appeal stage.

## 12. New Evidence

### 12.1 Overview

You can appeal against a Formal Stage decision (or remedy) on the basis of new evidence. In order to do this successfully, you need to:

- a) Provide new evidence which would have changed the Formal Stage decision **AND**;
- b) Establish that you had a good reason for failing to submit this evidence in support of your Formal Stage appeal.

You cannot raise new issues or circumstances at the Review Stage that have not been raised at the Formal Stage. You will have been required to confirm, when submitting your Formal Stage appeal, that you were providing a full account of your circumstances and that you understood you would not be able to raise new circumstances at Review. This means that the new evidence you submit should not relate to new circumstances that you did not disclose at the Formal Stage - but it could provide further detail/information about circumstances you did raise.

## **12.2 Questions on the Form**

### ***12.2.1 Which of the circumstances (previously raised at the Formal Stage) does this evidence relate to?***

Use this to explain which of the circumstances your new evidence relates to.

### ***12.2.2 Why should this evidence alter the Formal Stage appeal decision?***

Try to relate this to your appeal outcome letter if possible. For example, if your appeal was rejected because you did not have evidence of valid exceptional circumstances, you could submit a new doctor's letter which demonstrates that you did, in fact, have serious ill health at the time of your failed assessments. You should explain this here, noting why this should therefore change the Formal Stage decision.

### ***12.2.3 Why could you not provide this evidence with your Formal Stage appeal application?***

You might have seen at the Formal Stage that you needed to show a good reason for failure to submit an exceptional circumstances claim at the relevant time - the same principles apply at the Review Stage (see section 3.4 of this document). You must establish that you had a good reason for not submitting this evidence in support of your Formal Stage appeal. If you do not, the new evidence you have submitted will not be considered.

You will have been required to confirm, when submitting your Formal Stage appeal, that you were providing a full account of your circumstances and that you understood you would not be able to raise new circumstances at Review. This means that the new evidence you submit should not relate to new circumstances that you did not disclose at the Formal Stage - but it could provide further detail/information about circumstances you did raise.

In most cases, students who provide new evidence have done so because they had already provided evidence at the Formal Stage but that evidence was not sufficient to uphold their appeal. If you have therefore acquired new evidence specifically in response to the Formal Stage outcome, you should explain that here.

If, however, you have always been aware of a specific circumstance, could have evidenced it at the Formal Stage but chose not to, your Review Stage appeal will be rejected on that basis.

## **12.3 Evidence Requirements**

You will be asked when you intend to submit your evidence in the Evidence section of the form.

You should list each item here. Please **do not** include evidence you have submitted at the Formal Stage. This will already be available to the Special Cases Team.

If you are appealing against more than one aspect of your appeal, please explain which aspect your evidence relates to. For example, if you are appealing against paragraphs 3 and 5 of your Formal Stage letter, please note this after your evidence - e.g. GP Evidence (against para.3), Council Evidence (against para.5).

### ***What supporting evidence should I provide?***

The same evidence requirements apply to Formal and Review Stage appeals. This means that, if you are appealing on the basis of exceptional circumstances, the evidence you submit in support of your appeal must:

- Be from an independent and relevantly-qualified third party professional.
- Give direct confirmation of your circumstances and the impact on your ability to engage with work in general, or assessment tasks in particular, at the time of the assessment(s) you are appealing in respect of.
- Indicate the period of disruption and duration of impact. A doctor, for example, may be willing to report a retrospective account given to them by the student after the event, but in itself this does not carry weight as evidence if the doctor simply notes that a student reports the impact. Similarly, the University's Open Door Team is only able to provide the type of evidence required when a student has used, or is currently using, the services provided by the team to address the circumstances.
- In the event that the professional concerned did not see the student at the time of the assessment but believes that their condition would have prevented them from engaging not only with assessment, but also with professional support services, a claim can still be considered. The professional's evidence in such a case would need to explain the extent to which the circumstances would have prevented engagement with professional services.
- The evidence submitted must also refer to the student's ability to engage with the exceptional circumstances process at the time of those assessments. In some cases, where the circumstances are sufficiently severe, it may be possible to infer good reason from the evidence submitted.
- Evidence must be provided in English or, where the original evidence is in a different language, with a translation by an independent professional third party into English. Translations by students will not be accepted.

If you are submitting new evidence which relates to a procedural irregularity, whilst the type of evidence varies, it might include copies of email correspondence between you and your department demonstrating your efforts to clarify whether an error has occurred. If you are able to, it may be helpful to quote the relevant sections of the University's Regulations or Procedures, indicating which you believe have been breached.

## **12.4 Case Studies**

Case Studies : Request for Review on the basis of new evidence (not real cases).

***Case Study 1 – Unsuccessful request for Review (new evidence):***

- G submitted a Formal Stage appeal against programme failure (lower exit award) on the basis of exceptional circumstances. G was appealing in relation to their August resits, which had been impacted by the passing of a relative in the days leading up to the assessment period. G was requesting for further resits of the affected assessments. G submitted as evidence a letter from their mother, who confirmed that a family member had passed, when it occurred, and spoke about the impact on G.
- G's appeal was rejected at initial consideration by a Special Cases Officer, on the basis that the evidence submitted was not valid evidence as it was not from an independent professional.
- G submitted a request for a Review Stage appeal against the outcome of their Formal Stage appeal on the basis that they had new evidence. They noted in their Review Stage appeal that they suffer with anxiety and that they were on medication for this. G noted that their anxiety was particularly difficult to manage around the August resit period. G submitted copies of their medication record, which confirmed G had a prescription for medication to help with their anxiety. G also submitted a letter from their Grandfather, who also confirmed that a family member had passed and spoke in more detail about the impact on G and their family.
- G noted in their Review Stage appeal that they did not submit the evidence of anxiety at the Formal Stage because they were too embarrassed, and that they did not submit the letter from their Grandad because they felt the letter from their mother would be sufficient.
- The Special Cases Manager did not uphold the Review Stage appeal.
- This was because G did not present a good reason for failing to submit this new evidence at the Formal Stage - they indicated reluctance/embarrassment to disclose anxiety, which is not considered to be a good reason for failing to disclose these circumstances. G had also raised a new issue at the Review Stage despite confirming that they had raised all of the circumstances they intended to at the Formal Stage.
- With reference to the new evidence from their Grandfather, G noted that they thought the evidence from their mother would be sufficient. This was not accepted as a good reason, because the evidence requirements for exceptional circumstances appeals are clearly outlined in the Student Academic Appeals Procedures.
- The Special Cases Manager also noted that, even if G had established a good reason for failing to raise these circumstances and submit this evidence at the Formal Stage, the new evidence was not sufficient to change the outcome of the Formal stage appeal. The letter from their Grandad was not from an independent source, and the proof of anxiety medication, whilst confirming G may have been struggling with anxiety, did not address their ability to engage with the exceptional circumstances process in relation to their resits.

***Case Study 2 – Successful request for Review (New Evidence):***

- J submitted a Formal Stage appeal against their mark for their dissertation, They stated that a procedural error had occurred because their research topic had been approved by their supervisor, but when they received their feedback, it stated that the content of the dissertation was not relevant to their degree and therefore they had not met the learning



outcomes. J submitted their feedback as evidence, but they did not submit any evidence that their research topic had been approved.

- J's Formal Stage appeal was investigated, however, their dissertation supervisor had left the University and their supervision meeting notes stated "lengthy discussion about research topic - to be continued." As there was no evidence that the student's research topic had been approved by their supervisor, and the question of whether the programme learning outcomes were met was academic judgement, their Formal Stage appeal was rejected post-investigation.
- J submitted an appeal to the Review Stage on the basis of new evidence, and submitted an email chain as evidence which confirmed that their supervisor had explicitly approved their research topic. They had deleted this email, but after receiving their Formal Stage appeal outcome, they contacted their supervisor who was able to provide them with a copy of this email. They explained in their Review Stage appeal that this is why they could not submit this evidence in support of their Formal Stage appeal. Their Review Stage appeal was upheld on the basis of this new evidence, given it established a procedural error had occurred.

## 13. Reasonableness

### 13.1 Overview

#### The decision was not reasonable in all the circumstances

In order for a Review Stage appeal to be successful on this basis, you will need to demonstrate that the decision made at the Formal Stage was a decision which no reasonable person would find comprehensible.

Disagreement with the decision does not make it unreasonable. If you submit an appeal on the basis that you do not agree with the decision made, but it was made in-line with the Student Academic Appeals Procedures, **your appeal will be rejected.**

To apply on this ground you must provide substantive argumentation as to why no reasonable person could have arrived at the decision that was made.

You should follow these points when drafting a request on this ground:

- 1) When setting out an appeal on this basis, you should write your appeal as clearly and concisely as possible, focusing very specifically on the aspect of the Formal Stage appeal decision which you feel was not reasonable.
- 2) You should focus on the Formal Stage decision itself, rather than repeating issues you previously covered in your Formal Stage appeal.
- 3) You should quote your Formal Stage appeal outcome letter when writing your statement, but you do not need to respond to every point made in your outcome letter. It is better to focus on that part of the decision which you feel was not reasonable in all the circumstances.



## 13.2 Case Studies

Case Study: Review Stage Appeal on the basis that the decision made at the Formal Stage was not reasonable in all the circumstances.

### ***Case Study 1 – Unsuccessful request for Review (unreasonableness):***

- P submitted a Formal Stage appeal against an ECC decision not to uphold his exceptional circumstances claim. P felt that a procedural irregularity had occurred because his evidence was determined to be insufficient.
- P's Formal Stage appeal was rejected on the basis that the University Exceptional Circumstances procedures were applied correctly by the ECC, the evidence did not meet the requirements as it was not from an independent source.
- P submitted a Review Stage appeal on the basis of unreasonableness. P felt that the decision to reject his Formal Stage appeal was unfair and did not properly consider the extent of his circumstances.
- P's Review Stage appeal was rejected on the basis that he simply disagreed with the decision made at the Formal Stage - there was no indication that the decision itself was unreasonable in all the circumstances.

### ***Case Study 2 - Successful request for Review (unreasonableness):***

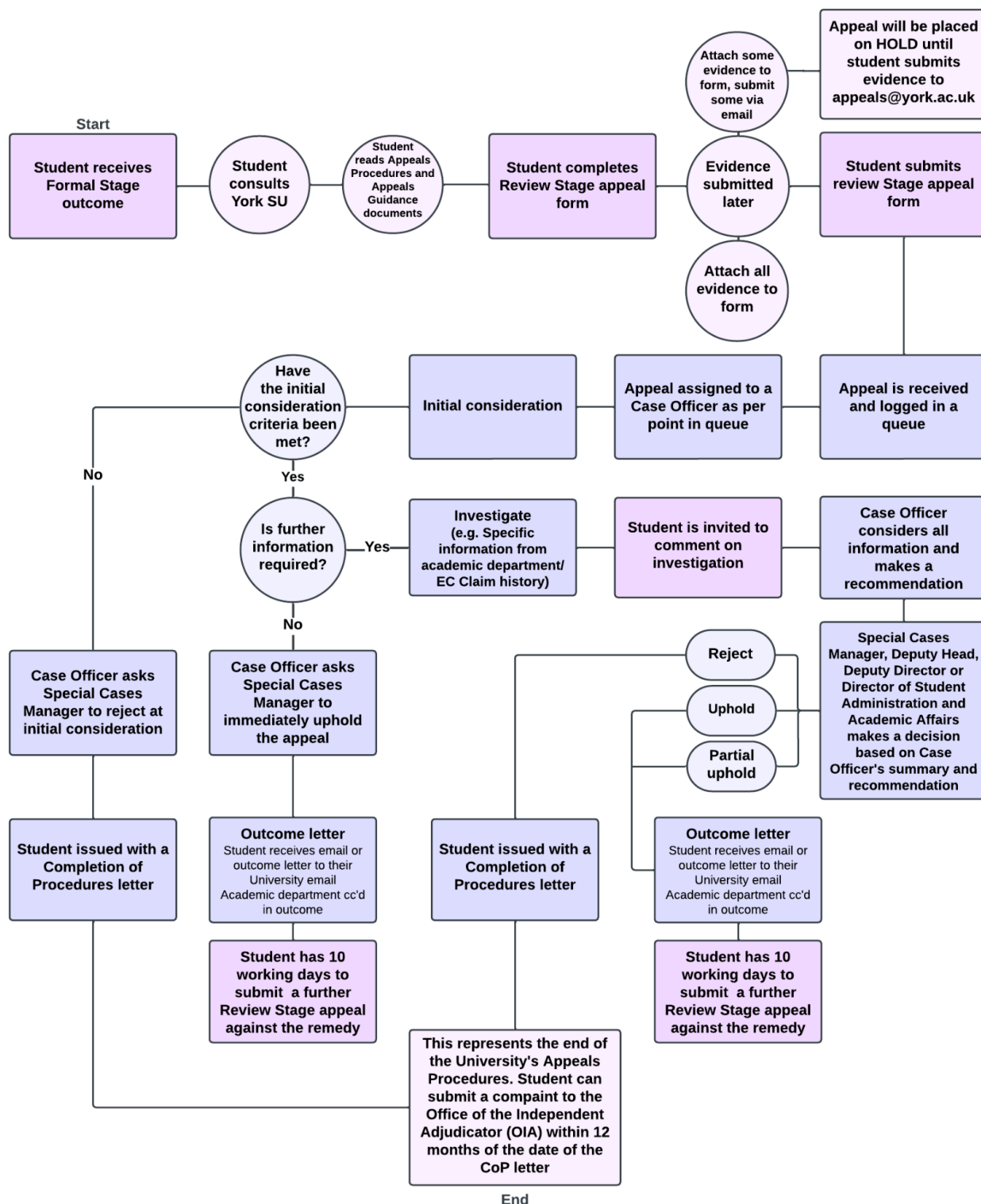
- R submitted a Formal Stage appeal against an ECC decision not to uphold their exceptional circumstances claim. The exceptional circumstances claim was submitted on the basis of anxiety and computer failure. The claim was not approved on the basis that R provided insufficient evidence of the assessment having been affected by anxiety. R did not establish, therefore, that they had valid exceptional circumstances.
- R's Formal Stage appeal was rejected on the basis that computer failure does not qualify as a valid exceptional circumstance and that the decision of the ECC to reject the claim was reasonable.
- R submitted a Review Stage appeal on the basis that they believed they presented sufficient evidence at the Formal Stage that their assessment was affected by anxiety. R believed that the evidence of their anxiety was not fully considered at the Formal Stage, as the evidence was not referred to in the outcome letter, and the decision was therefore unreasonable.
- The evidence submitted with R's Formal Stage appeal was reconsidered. R's Review Stage appeal was upheld on the basis that the medical evidence provided at the Formal Stage demonstrated that the computer failure led to significant anxiety, which did qualify as an exceptional circumstance. The student was permitted the opportunity to submit the affected assessment "as if for the first time".

### ***Case Study 3 - Successful request for a further Review Stage appeal against the remedy offered:***

- X submitted a Formal Stage appeal against failure on the basis of procedural irregularity. Her circumstances were that she had suffered from severe anxiety attacks and that she needed extra time in examinations. Disability Services had recommended to her department that she be offered 25% extra time and her department had agreed, but this had not been implemented in three of her summer examinations.

- X's appeal was upheld and she was granted permission by Special Cases to retake three examinations, but without the 25% extra time. X requested a Review of the decision on the basis that this was not reasonable in all the circumstances.
- The Special Cases Manager agreed that the decision was not reasonable in all the circumstances since X had established the right to be offered 25% extra time. The Review Stage appeal was upheld and permission to retake the three examinations in question, with 25% extra time, was granted.

## 14. Review Stage Process Map



If you require an accessible PDF version of this flowchart, please email [appeals@york.ac.uk](mailto:appeals@york.ac.uk).

## 15. Academic Appeal Remedies and Timescales

### 15.1 Timescales and Progression

The appeals process aims to resolve appeals (including both appeal stages) within 90 days of receipt. This 90 days does not include days when case officers are waiting for students to provide evidence, during which time the 90 days is paused and the appeal is placed on 'hold'.

Triaging, investigating and providing a considered response to appeals is a detailed and time-consuming process. Whilst the Special Cases team resolves appeals as quickly as it can, there are currently significant delays to the appeals process due to the unprecedented volume of appeals received during the last two academic years.

Once an appeal is upheld, the University requires several weeks of advance notice to make arrangements for exams to be set. It is important to be aware of these factors when considering the timing of any appeal remedy.

As a result, **students submitting appeals in June or July should not expect to be offered resits in the August assessment period**. Similarly, students submitting appeals in autumn should not necessarily expect to be taking assessments the following January. The most likely remedy in such cases is to be offered a leave of absence for the next academic year or to be offered repeat study.

Students cannot progress to the next academic year until they have passed the preceding year, e.g. students must pass year 1 before progressing to year 2. This means that any student appealing against failure in summer should not expect to progress to the next academic year in the same autumn - e.g. programme failure in summer 2024 will mean a student cannot progress to the next academic year in autumn 2024.

*For example:* A student fails their programme in late June 2024, submits an appeal in late July 2024 - the appeal is upheld in September 2024 and the remedy is a leave of absence until autumn 2025, during which time the failed assessments can be taken again 'as if for the first time'.

### 15.2 What to expect if your appeal is upheld

If you are considering submitting an appeal, it is important to be aware of what outcomes may be possible if your appeal is upheld. Depending on the nature of an appeal, it is not always possible to offer the outcome being requested.

Please be aware that there is no guarantee that your appeal will be upheld, and that a significant number of appeals are unsuccessful at the Formal Stage.

This document outlines what possible outcomes you can expect if your appeal is upheld.

### 15.3 Remedies available to Special Cases

You should be aware that Special Cases cannot alter marks and cannot simply award a higher degree classification. Students' marks will always reflect the academic judgement of the examiners. This means that the most common remedy is to offer further attempts at assessment or repeat study.

If your appeal is upheld, the most common remedies for each type of appeal are:

### **For appeals against failure of programme**

- The offer of sits 'as if for the first time' or further resits of the affected assessments, usually whilst on a leave of absence (*see bottom of this document for an explanation of resits and sits 'as if for the first time'*).
- Repeat study of some or all of an academic year.
- For research students or postgraduates who only have the dissertation remaining, to revise and resubmit whilst on leave of absence or a programme extension.

### **For appeals against degree classification**

- The offer of sits 'as if for the first time' or further resits of the affected assessments, usually whilst on a leave of absence or programme extension.
- The application of the 1:3 ratio for undergraduate degree classification (for example if Stage 2 is affected by ill health which is later treated and has less impact on Stage 3). This more heavily weights the degree classification calculation towards Stage 3. It is not possible to more heavily weight the classification towards Stage 2. Or for Integrated Masters degrees, the application of the 2:3:8 ratio, to more heavily weight towards Stage 4.
- For research students or postgraduates who only have the dissertation remaining, to revise and resubmit whilst on leave of absence or a programme extension.

### **For appeals against Exceptional Circumstances Committee decisions**

- The offer of sits 'as if for the first time' or further resits of the affected assessments, usually whilst on a leave of absence or programme extension.

### **For appeals against academic misconduct decisions**

- If you are appealing an academic misconduct decision on the basis of mitigating circumstances, the most common remedy is for your appeal to be referred to a Penalty Mitigation Panel, which will then assess whether the misconduct penalty should be reduced.
- If you are appealing an academic misconduct decision on the basis of procedural irregularity in the academic misconduct process, the most common remedy is to refer the appeal back to a Standing Academic Misconduct Panel to re-run the misconduct process.

### ***Other remedies***

Additional remedies are available to Special Cases in response to appeals. All remedies available to Exceptional Circumstances Committees are also available as an appeal outcome. These are:

- To offer sits 'as if for the first time' or further resits for assessments (*see below for explanation*). This is very rarely an option for earlier Stages, e.g. if you are appealing against a Stage 3 outcome, remedies will usually apply to Stage 3 but not Stage 2.
- To offer an extension on a currently-outstanding piece of work.

- The removal of a late penalty (imposed when work is submitted beyond the submission deadline).
- The offer of a different mode of assessment (this is very rarely offered and is subject to approval by the Standing Committee on Assessment. This is normally only a remedy as an adjustment for disability).
- To use a new degree classification ratio when calculating degree classification. For undergraduates, the 2:3 ratio is the standard ratio, though the 1:1 and 1:2 ratios are also used in borderline cases. The only additional ratio available is the 1:3 ratio. For Integrated Masters Students, the 2:3:3 ratio is the standard ratio and the borderline ratios are 1:3:3 and 4:3:8. The only additional ratio is the 2:3:8 ratio.
- Waiving up to 20% of a module, i.e. if an assessment forms up to 20% of a module's total assessment, it can be waived - but only where the learning outcomes for the module can be assessed by the remaining assessments.
- Permission to revise and resubmit previously-submitted work. This can be used as a remedy for dissertations or in some PhD appeals.
- Permission to progress to the next Stage ("year") of a programme and take sits 'as if for the first time' alongside that next Stage - only available where a student has passed an academic year but wishes to improve their marks on up to 40 credits. In this circumstance, permission might be granted to progress to the next Stage whilst taking credits alongside it, but this entails a heavier workload for students. This remedy is rare, but occasionally relevant.
- In those rare cases where an appeal reveals issues affecting an entire cohort of students, for example a procedural error affecting all exams in a cohort, the matter can be referred to the Standing Committee on Assessment. In such cases, group remedies - such as rescaling of marks - are a possibility. Marks cannot be rescaled in the case of individual appeals, however.

#### **15.4 Remedies which are never available**

Some remedies are beyond the authority of Special Cases to offer:

- X** Marks are never altered in response to an appeal.
- X** Degree classifications are never simply uplifted. The only special ratios available within the University's rules are the 1:3 ratio (undergraduate) and 2:3:8 ratio (Integrated Masters).
- X** The appeals process cannot offer financial compensation.

#### **15.5 Options for challenging the remedy**

If your appeal is upheld but you are unhappy with the remedy, you will have the chance to submit a Review Stage appeal specifically against the remedy offered. Please be aware that at the Review Stage the Special Cases team is still limited to the remedies listed above.

### 15.6 Sits 'as if for the first time' and Resits

A sit 'as if for the first time' is another attempt at assessment, but on the basis that this is like a first attempt. This is different to a resit attempt:

#### Sit 'as if for the first time'

- The new mark awarded from this sit is used in your degree classification calculation (unless this is for a Stage 1 undergraduate degree). This is because Stage 1 marks do not count towards your final degree classification.
- If you have not otherwise failed too many credits elsewhere in your programme, you will be able to resit this assessment if you fail it.
- There is no limit on the number of assessments students are permitted to sit 'as if for the first time', provided the University has granted you permission to take these as an appeal outcome or Exceptional Circumstances Committee decision.

#### Resit

- The mark awarded for a resit is not used in the degree classification calculation - it is only used to assess whether you have passed the module and met the progression requirements for the programme.
- If you fail this assessment there is no further right to try again.
- There are limits on how many modules can be taken at resit - these vary by programme.