

# PROCEDURE FOR APPEALS AGAINST DECISIONS OF BOARDS OF EXAMINERS

## Introduction

1. The College's Regulations for Taught Programmes of Study state that:
  - 38.1 The College will consider representations made on the grounds of administrative error or where there is concern that the assessment may not have been conducted in accordance with the relevant regulations and/or module specification.
  - 38.2 Any representation should be addressed in the first instance to the Registrar of the College in the case of College-based assessment.
  - 38.3 Any representation by or on behalf of a candidate must be submitted in writing within six weeks of the date of notification of results to the candidate.
  - 38.4 There is no right of appeal on academic grounds against any assessment, module or degree result.
2. In addition, the College will consider representations against decisions of Boards of Examiners where the candidate has, in the judgement of the College, mitigating circumstances that s/he was unable, or for valid reasons, unwilling, to divulge to the relevant Sub-Board by the appropriate deadline.
3. This procedure details how the College will assess any representation, made in accordance with the regulations and provisions specified above, against a decision of a Board of Examiners. Representations that are not made in accordance with these regulations or provisions cannot be considered.
4. University of London Regulation 1 paragraph 7 states that the College “,, is authorised to award ... degrees and other awards of the University of London... in accordance with its degree regulations and quality assurance procedures, to persons registered by the College as Students...”. This procedure applies to all students registered on all such programmes as well as students registered to taught programmes of study leading to Birkbeck awards, and to students registered on individual taught modules.
5. This procedure does not apply to students registered to University of London research degrees, for whom separate appeals processes are in place.
6. Separate provisions and procedures exist for complaints concerning the quality of teaching or tutors, course-related resources or other College facilities and resources, and such complaints will not be permitted as the basis of requests for review of decisions of Boards of Examiners.
7. In accordance with the Data Protection Act, privacy and confidentiality will be assured for each case unless disclosure is necessary to progress the case, in which case the candidate will be notified in advance of the disclosure.

## Procedure

8. Any representation which a candidate may make in connection with her/his assessment must be put in writing and be referred to the Academic Registrar within six weeks of the date of notification of results to the candidate. The request must cite the grounds on which it is made, with reference to paragraph 9 of this Procedure, and *must* include any relevant, available evidence.
9. Such representations will be referred to the Chair of the relevant Sub-Board of Examiners in the following circumstances:
  - (a) if a *prima facie* case is established that the candidate's assessment was adversely affected by illness or other factors which s/he was unable, or for valid reasons unwilling, to divulge before the sub-board of examiners reached its decision;
  - (b) if a *prima facie* case is established that there has been an administrative error. Such error could include, for example:
    - omission of an assessment or mark;
    - incorrect aggregation of assessment marks;
    - incorrect application of any special assessment conditions or penalties that may apply to the case;
  - (c) if a *prima facie* case is established that the assessment was not conducted in accordance with the relevant regulations;
  - (d) if a *prima facie* case is established that the assessment was not conducted in accordance with the relevant College policy *and* that the subsequent mark could have been affected as a result.
10. In each instance it will be a matter of judgement for the Academic Registrar as to whether a case has been sufficiently established. Where the judgement of the Academic Registrar is that no such case has been established then the request for review will be referred back to the originator; if no subsequent representation is received within 6 weeks of notification of the results or 10 working days of the matter being referred back (which ever is the later) then the request will be judged to have lapsed.
11. This procedure does not provide for requests for a review of the academic judgement of Sub-boards of Examiners to be considered. In addition, representations on the basis of administrative error will not normally be heard where the evidence consists solely of the candidate's belief that their performance merited a higher mark than that awarded. Representations may however be considered on the basis of possible administrative error where candidates supply clear evidence that an individual mark appears to be unrepresentative (for example by comparing an individual result with the candidate's overall mark profile).

## Action by the Academic Registrar

12. The Academic Registrar will refer all cases that meet the criteria outlined in paragraph 9 of this Procedure to Sub-Boards of Examiners within 10 working days of receipt. Sub-Boards will be asked to respond within 10 working days of referral.

The Academic Registrar will keep any candidate informed of the progress of any case s/he has submitted.

13. The Academic Registrar will record all requests submitted to her/him by candidates and will keep a record of the action taken, progress and the outcome in each case. Reports on each case will be made available for consideration by the relevant College Board of Examiners and Academic Board, with a Report on Appeals Against Decisions of Boards of Examiners submitted on an annual basis to Academic Board or its designated Committee.

#### **Action by Sub-Boards of Examiners**

14. A Chairman of a Sub-Board of Examiners or other appropriate officer acting on behalf of the Chairman may consult members of the Sub-Board or Board as and by whatever means s/he sees fit in order to deal with the case and in the interests of minimising delay in resolving the case.
15. A written response on behalf of the Sub-Board will be sent to the Academic Registrar, which will indicate the extent to which the Board was able to take into account the grounds on which the request was made and the evidence submitted. A Sub-Board in its response will give reasons for its decisions and may:
  - i) re-affirm its original recommendation on the grounds that the matters raised in the case presented were previously known to the Board and were taken into account and given due allowance;
  - ii) re-affirm its original decision on the grounds that the matters raised in the case and the evidence presented, although not previously known, were such as not to alter the outcome of the decision;
  - iii) review its decision and report an amended recommendation; any such recommendation should be referred to the Chair of the relevant Board of Examiners for ratification. Any amended recommendation which would result in a recommendation to raise the classification of a degree, or to award a degree where no award was previously recommended must be endorsed by the appropriate external examiner.
  - iv) report a description of any administrative error found, together with revised, re-compiled or corrected mark(s), grade(s) or result(s);
  - v) make recommendations where it considers appropriate to permit the student to undergo further assessment, subject to the provisions of the regulations or exceptionally subject to special approval by or on behalf of the Academic Board; any such recommendation should be referred to the Chair of the relevant Board of Examiners for ratification.
  - vi) report its response to any allegation and evidence submitted of regulatory irregularity or irregularity in the application of policy in the conduct of the relevant assessment(s), and if appropriate its recommendations for action to remedy the matter. Any such recommendation should be referred to the Chair of the relevant Board of Examiners for ratification.

## Notification of outcome

- 16 Following receipt of a response on behalf of a Sub-Board in accordance with paragraph 15 (i), (ii) or (iv) the Academic Registrar will within ten working days write to the student to inform her/him of the outcome.
- 17 Following receipt of a response on behalf of a Board which is in accordance with paragraph 15 (iii), (v) or (vi) above the Academic Registrar will within five working days take steps to seek by the most expedient means approval as may be necessary of recommendations made. The Registrar will then within ten working days of confirmation of the outcome, inform the student in writing.
- 18 Any response not in accordance with paragraph 15 above will be referred back to the relevant Sub-Board of Examiners.

## Appeals

19. Where a candidate is notified in writing of the outcome of any review by the Sub – Board or Board of Examiners, s/he will be informed that any request for appeal against the outcome reported must be submitted in writing to the Academic Registrar within twenty one days of the date of the notification. Any request for appeal must be based on and include written evidence that:
  - (a) the handling or consideration of the case was not in accordance with the procedure outlined in this Procedure for Appeals Against Decisions of Boards of Examiners;

or

  - (b) the decision of the Sub-Board or Board of Examiners in response to the representations made contravenes programme regulations;

or

  - (c) given the evidence, the decision of the Sub-Board of Examiners in response to the representations made could not reasonably be sustained.
20. Appeals received on the basis of the grounds outlined in paragraph 19 (a) or (b) will be considered by the Academic Registrar; where, in the judgement of the Academic Registrar, a *prima facie* case is established in accordance with paragraphs 19 (a) or (b) cases may be referred back to Sub-Boards or Boards of Examiners for further consideration, or an Appeals Panel may be convened in accordance with paragraphs 23-29 of this Procedure.
21. Any request for appeal received by the Academic Registrar under the provisions of paragraph 19 (c) above will be reported to the Chairman of the Academic Board. If, in the judgement of the Chairman of Academic Board, a *prima facie* case is established in accordance with paragraph 19c, an Appeal Panel will be convened in accordance with paragraphs 23-29 of this Procedure. Where the judgement of the Chairman of Academic Board is that no such case has been established then the appeal will be rejected. In particular, any case made solely on the basis that the candidate disagrees with the decision of the Sub-Board of Examiners will normally be rejected.

22. Any request for appeal that does not confirm to the requirements of paragraph 19 will normally be rejected.

### **Appeal Panel**

23. The Appeal Panel will comprise members of the Academic Board who are independent of the case, who are not members of the same Department as the candidate making the appeal and who are not personally acquainted with the candidate. The membership of the Appeal Panel will normally be
- i) a Professor or Assistant Dean in the Chair;
  - ii) one member of the relevant Board of Examiners who is not a member of the relevant Sub-Board;
  - iii) one other member of a Sub-Board of Examiners other than the Sub-Board responsible for the decision being appealed against
24. The Students' Union may nominate an observer for each Appeal Panel, who will be entitled to observe the Hearing, including any session not including the student and programme team, but who will not be entitled to cross examine the parties to the appeal, or to cast a vote when the Panel considers its decision. The observer may comment upon proceedings during the Panel discussion to consider its decision, at the discretion of the Chair of the Panel.
25. Where the Observer considers that any part of the Hearing has been conducted in contravention either of this procedure or established principles of natural justice then they may submit a report to the Chairman of Academic Board to request that the Panel's decision be quashed and a new panel be convened. A decision as to whether such a request should be granted will be a matter of judgement for the Chairman of Academic Board.
26. The Appeal Panel will convene as soon as practicable and normally within twenty one days of the receipt of the appeal.
27. The candidate will be invited to provide written evidence to the Appeal Panel, and will be invited to attend the meeting in person if s/he so wishes. The candidate may be accompanied at the meeting by any Member of the College staff, student body or officer of the Students' Union. The Chairman of the relevant Sub-Board of Examiners will be invited to provide written evidence in response to the Appeal, and to attend the meeting if s/he so wishes; the Chairman may delegate production of any response and/or attendance at the meeting to any appropriate member of staff of the College.
28. The Appeal Panel will confine its consideration of the appeal to the case made by the student as outlined in paragraph 19 of this procedure.
29. The Appeal Panel shall make its report in writing stating its decision whether the appeal is upheld or not and with reasons. The report, together with its recommendations will normally be produced within ten working days of the meeting.
30. The Panel's report will be communicated in writing by the Academic Registrar to the candidate, the Chairmen of the relevant Board and Sub-Board of Examiners, the Assistant Dean with responsibility for the relevant Department and the Chairman of

the Academic Board. If the appeal is upheld the Panel's report will also recommend to the Chairman of the Academic Board the action to be taken to achieve a fair and reasonable outcome.

31. Final responsibility for endorsement of recommendations will be for the Chairman of Academic Board, whose decision will be final.
32. The decision of any Board of Examiners will normally stand until such time as an appeal is upheld and recommendations approved by the Chairman of Academic Board.

### **Sources of advice**

33. Students may wish to consult with the following officers when considering their appeal:

College Dean – Dr Kate Mackenzie-Davey, email [k.mackenzie-davey@bbk.ac.uk](mailto:k.mackenzie-davey@bbk.ac.uk)  
Students Union Advice Centre Co-ordinator Officer – Simon Upton, email [advice@bscu.bbk.ac.uk](mailto:advice@bscu.bbk.ac.uk)  
Deputy Academic Registrar (Academic Services) – Trevor Pearce, email [t.pearce@bbk.ac.uk](mailto:t.pearce@bbk.ac.uk)

### **Confirmation of marks or results**

34. Candidates who wish simply to request confirmation of the correctness of marks/results communicated to them or the implications of results for the purposes of re-entry to assessment may write to the Examinations Section, Registry, Birkbeck College, who will give a written reply to all such requests normally within ten working days.

### **Notification of illness or other factors before the Examiners' decisions**

35. Candidates who consider that their performance in an examination or other form of assessment has been adversely affected by illness or other factors should proceed according to the Mitigating Circumstances Policy or Policy on Late Submission.

Academic Board  
February 2010