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Appealing An Academic Decision

What to do if you want to challenge a decision about your studies

What is an appeal and is it the right option for me?

Academic appeals can be submitted against decisions or outcomes related to your academic progress such as failure of programme or degree classification - for example, a decision by the Board of Studies, Board of Examiners, Exceptional Circumstances Committee, Fitness to Practise or Academic Misconduct panel.

All students have a right to appeal an academic decision, but you can only appeal on specific grounds, and in some cases submitting a complaint might be a more appropriate or viable option. In this guide we will take you through what is required to make an appeal, so that you can effectively judge if this is the right option for you.

There are particular issues that would not be considered grounds for appeal. It is not possible to appeal against:

- **Academic judgement** - this is a judgement that is made about a matter where the opinion of an academic expert is required (and where, therefore, an objective opinion cannot reasonably be provided by someone without that specific academic expertise). Such academic judgement would normally be required, for example, in determining marking criteria, applying this marking criteria and providing feedback for academic assignments
- **Quality of teaching or supervision** - dissatisfaction with quality of teaching should be raised within your academic department in the first instance, following the University's complaints process

The [complaints process](#) is in place to consider issues related to dissatisfaction with the University's provision of services, both academic and non-academic. Complaints will not normally result in a change to an academic decision.

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Grounds for appeal

An appeal can be submitted against an academic decision on one or more of three possible grounds:

- **Procedural irregularity** - where the department or University has failed to follow its own policies and procedures, and this has affected your academic studies or performance
- **Exceptional circumstances** - where exceptional circumstances (i.e. unforeseen health or personal circumstances) have affected your ability to study, or to complete your assessments, and you were demonstrably unable to raise this at the time via submission of an Exceptional Circumstances claim.
- **UCU Strike Action** - where a procedural irregularity occurred in relation to the handling of UCU strike action, and where this directly affected your ability to study or academic performance

Things to consider before submitting an appeal

It may be helpful to consider the following questions and points prior to drafting and submitting your appeal:

- Is the decision or outcome that you're seeking to appeal related to academic progress and do you have potential grounds for appeal on the basis of a procedural issue, exceptional circumstances or the impact of the UCU strike action on your academic studies?
- Have you received official confirmation, via email or letter, of the decision (e.g. formal notification of failure of programme or assessment results, ratified by your department's Board of Examiners)?
- If appealing on the basis of exceptional circumstances, are you able to provide contemporaneous, independent, professional supporting evidence (i.e. from a medical or support professional) to demonstrate a) the impact of your circumstances on your ability to study and the time in question and b) why you were not able to submit an Exceptional Circumstances claim at the time
- If appealing on the grounds of procedural irregularity are you able to specify the particular procedural issue and explain how it had a substantive impact on the academic outcome or decision that you wish to appeal?

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- For an appeal on the basis of the UCU strike action, are you able to demonstrate that you have particular circumstances or needs, or that the University's response to the strike action or application of procedures has disadvantaged you and your academic studies?
- Have you considered what outcome you would like as a result of submitting your appeal? E.g. to have the opportunity to resit/resubmit or 'sit as if for the first time' one or more assessments, or the removal of a penalty (such as a penalty for late submission or a marks cap resulting from and academic misconduct investigation)

You have **28 days** from the date of the formal decision letter or email from the University in which to submit an appeal, via the online Formal Stage Appeal Form. Late appeals will only be accepted where a student can demonstrate good

reasons for the delay. (e.g. if health or personal circumstances have prevented you from being able to submit the appeal by the usual deadline)

The University's guidance notes that it can take **90 days** for an appeal to be processed and for an outcome to be issued. If your appeal is particularly complex, if there is a delay in submitting your evidence or, occasionally, if the volume of appeals being processed is especially high, you may be advised that your appeal will not be resolved within this timeframe and an explanation should be provided.

Due to these timeframes it is very possible that, even if your appeal is successful, you may be required to take a break from studies/Leave of Absence prior to resuming your studies. For example, when a student is appealing against a programme failure following results from the late summer/August assessment period it is highly unlikely that an appeal would be able to be submitted and processed in time for that student to return at the start of the next academic year.

Independent and confidential advice and guidance about the appeals process is available via either [YUSU's Advice and Support Centre \(ASC\)](#) or the [Graduate Students' Association's \(GSA\) advice service](#) (for postgraduate students) to help guide you through the process. Both services can provide advice on possible grounds for appeal and key information and evidence that may need to be included, and can also provide feedback on draft appeal content prior to submission. They can also signpost to other relevant support and guidance where applicable. If you are asking advisers to look over draft appeals, please ensure you allow enough time (at least 2 working days before your submission deadline) for an adviser to provide feedback.

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Writing your appeal

When completing the online form for submitting your appeal you can save and return your form (by clicking to 'save and resume', and you will then be sent a password and a link to your saved version of the form - you must ensure that you keep this password and link) but the form does not save your data automatically. It can be very easy to lose your data, therefore we strongly recommend drafting your appeal in a word/google document before going to the submission stage in order to keep your appeal draft safe. By drafting your appeal in a separate document this will also enable you to be able to share your draft with the YUSU or GSA advice services, should you wish to request guidance/feedback before you submit it.

To create a template for your draft, we suggest going through the [online form](#) as if you were filling it out, taking note of the headings of each section you will need to complete. As the form is dynamic, the sections you need to complete will be different depending on your situation.

Your appeal will be considered by the University's Special Cases Committee, which are separate from your academic department and will have no prior knowledge of, or information about, your case. So when writing your appeal it is important to provide sufficient detail to help them make a clear and informed decision.

Some general principles that apply to all appeals are as follows:

- Be as specific as you can, outlining the details of your situation in chronological order and include dates where applicable. This will help to clarify the sequence of events and also provide a link between the circumstances you describe and the particular academic outcome in question.
- Include names, job titles (e.g. of people you raised issues with), and dates of contact with any relevant departments or services
- Be sure to specify any relevant assessment or module titles and dates of assessments
- Specify clearly the impact the procedural irregularity or your exceptional circumstances have had on your ability to study or your performance in assessments.
- Only upload your evidence when you are ready to submit your appeal

On the appeal form you would first be required to fill in your personal details and information such as your academic department and subject.

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You then need to specify the decision which you are appealing against, from a range of options provided including:

- Programme failure (or receipt of lower exit award)
- Unhappy with degree classification
- An decision of an academic misconduct panel
- The outcome of an exceptional circumstances claim
- I failed my programme (or got a lower exit award like a DipHE)
- Other (including a decision about a Leave of Absence or Transfer of Course request, a Fitness to Practise outcome, a decision about a requirement to resubmit or retake an assignment)

You can tick any of the above options that apply to your particular situation.

It is then necessary to select your grounds for appeal, from the three available options:

- **'Exceptional Circumstances** - I have exceptional circumstances which I could not have disclosed at the time of the affected assessments.'
- **'Procedural Irregularity** - A procedural irregularity occurred which means the decision I am appealing against should be changed'
- **'UCU Strike** - A procedural irregularity occurred in relation to the handling of the UCU strike'

Again, you can select more than one grounds for appeal if applicable.

You will then be required to complete a number of sections of the form, which will differ slightly depending on the grounds for appeal that you specify, but the first section following selection of your grounds for appeal will require you to provide details of your specific situation and the issue about which you are appealing.

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For each type of appeal you may wish to consider the following tips and suggestions when drafting your appeal.

Appeals on the grounds of exceptional circumstances

- Outline the particular issues that affected your studies, when they first arose and if and how they progressed over time
- Include details of who you spoke to and when about these issues and when, if applicable. This may include your academic supervisor or other department staff, or medical or support services, such as your GP, the University's Open Door Team or counselling services
- Provide practical examples of how these circumstances affected your ability to engage with your studies and/or your academic performance. For example, did your circumstances affect your attendance, focus/concentration, ability to manage or prioritise workload. And were you unable to attend exams or submit assignments or were your results otherwise negatively impacted?
- Specify if and when you submitted an exceptional circumstances claim and what the outcome was.

It is necessary within one of the following sections to explain why you did not, or were not able to, submit an exceptional circumstances claim in relation to these circumstances within the prescribed time frame. This is an important part of the appeal form as it will not be sufficient within your appeal to demonstrate that you were experiencing exceptional circumstances but also to provide a clear and compelling reason for not having submitted an exceptional circumstances claim at the time that you experienced difficulties. The University would expect that, as students are provided with information about the exceptional circumstances process at various points and in various formats throughout their programme of studies, they ought to make use of the exceptional circumstances process at the time that their work was affected. So it is required to provide 'good reason' for not having done so (supported by evidence, where possible) within this section of the form. Lack of knowledge or understanding of the process, or choosing actively choosing not to submit a claim (for example, because you hoped that you could manage or do well enough in your assessments without doing so, or reluctance/embarrassment about submitting a claim would not be considered 'good reason'.

For more information about what the University may consider 'good reason' for not submitting a claim, guidance is available [here](#)

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Usually*, any appeal on the grounds of exceptional circumstances would require independent, third party supporting evidence from an appropriate professional (e.g. GP, counsellor, health or support professional), in the form of a letter or official record that would ideally:

- Provide a brief outline the particular circumstances you experienced and when (providing dates will help to establish a clear link to the period of study in question)
- A professional opinion about whether a) the circumstances are likely to have affected your ability to study at that time and b) they also prevented you from submitting an exceptional circumstances claim/raising the issue

Evidence that is not contemporaneous to the circumstances themselves may not be considered sufficient (i.e. where a student has only had contact with a medical or support professional at a time subsequent to the impact on their academic studies and the professional opinion is necessarily based on either what the student has told them or their presenting circumstances/symptoms at this later date).

***COVID-19 UPDATE- important.** *The University recognises that ability to access medical support, and to obtain medical evidence usually required for some University processes, has been necessarily limited during the current Covid-19*

*situation. Indeed, requirements for the provision of evidence for Exceptional Circumstances claims have been eased during this time to account for this situation and students are advised **not to contact medical practitioners** solely to acquire supporting evidence for an exceptional circumstances claim or academic appeal at this time.*

Therefore, for appeals on the grounds of exceptional circumstances affecting assessments during the Covid-19 outbreak you are not required to provide evidence that they had exceptional circumstances during this period. It is also not necessary to provide evidence of 'good reason' for not submitting an exceptional circumstances claim, however you would still need to provide a good explanation as to why you did not use that process.

If your appeal relates to assessments prior to the Covid-19 outbreak it would be expected that you would provide appropriate supporting evidence (e.g. letter from GP,

Open Door Team or other support professional) where the evidence has already been obtained (e.g. if it was requested and submitted for a previous exceptional circumstances claim). Where it is not possible to provide such evidence, you should provide contextual

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information, such as communications with supervisors, or other University staff or support services.

Students also have the option of placing their appeal on hold until the conclusion of the Covid-19 outbreak, to enable them to obtain supporting evidence for submission with their appeal at that point.

Appeals on the grounds of procedural irregularity

- Outline the nature of the procedural irregularity, and how the procedure or process was misapplied or incorrectly followed
- Specify the relevant University procedure or process where possible, and include reference to, or directly quote, relevant sections where relevant
- Explain how the procedural irregularity directly impacted on you and the academic outcome or decision in question

Where a procedural irregularity is determined to have occurred an appeal may not be upheld if that irregularity did not affect the academic decision or outcome.

In addition, where a student is dissatisfied with a University process that has been correctly applied, this would not constitute a procedural irregularity and the appeal is unlikely to be upheld.

- Provide details of any contact that you had with your department or other University staff about these issues and the response that you received, if applicable.

Possible evidence in support of appeals on the grounds of procedural irregularity may vary, but might include, for example:

- Excerpts from relevant policies or procedures
- Emails or other records of communications with your department if you've had contact with them about the issue/s

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Appeals on the grounds of UCU strike action

- Outline the particular issue or issues that you experienced as a result of the strike action, and how you feel your department's response did not mitigate against the impact. Examples of possible issues relating to strike action might include:
 - If you were required to answer questions for which you did not receive teaching
 - If you were incorrectly or inadequately advised about changes made to assessment(s) and this led to academic disadvantage
 - If you have specific needs or academic adjustments which mean the strike response impacted you adversely
 - The response to the strike breached the University's own procedures in any way *Academic departments were required to mitigate against, and minimise, the potential impact of strike action by making some necessary adjustments to teaching and assessment. Changes to the delivery of teaching and assessments would not in themselves be sufficient grounds for appeal. It is helpful to highlight how such changes have led to an academic disadvantage for you specifically, for example if you have individual circumstances or needs which meant that you were unable to engage with or benefit from teaching and which were not taken into account.*
- Detail any communications that you have had with your department or the University about these issues, if applicable. For example, did you raise concerns with your supervisor or Chair of Board of Studies or did you submit a complaint, and if so what was the response and how do you feel this did not address these concerns.

Evidence for an appeal in relation to the strike action might include email communications from your academic department about changes or adjustments to teaching and assessment, and any individual communications between you and your department. Additionally, in some cases you may wish to provide a supporting letter or statement from a relevant medical or support professional if they are able to verify that you have circumstances that meant the strike action had a specific impact on you individually.

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Requesting a remedy

You are required to propose the outcome that you would like as a result of your appeal. It is important to note that **marks cannot be altered as a result of an appeal**. Possible outcomes for an appeal include, but are not limited to:

- Being able to resubmit work, or submitting or take an assessment again 'as if for the first time'
- Repeat of study
- Removal of a penalty that has been applied to a piece of work
- where you have completed your programme and a year other than the final year has been affected, having your degree classification re-calculated using alternate weighting ratios

Guidance on the range of possible remedies that can be offered can be found [here](#).

Appeal Summary

This section provides the opportunity to give a short summary of your appeal (maximum 1500 characters), outlining the key points of the appeal as previously detailed in the earlier sections. You may want to include a sentence or two on each of the following points:

- The decision that you are appealing against
- A brief overview of your grounds for appeal (i.e. what occurred that had an impact on this academic decision/outcome)
- The resolution that you are seeking

Additional information

Before you complete your appeal you have the option to tick to confirm whether you have had contact with either the YUSU or GSA advice services and also if you consent for them to be copied in to your appeal outcome.

Important - sometimes students may experience difficulties in obtaining and submitting evidence in support of their appeal before the 28-day deadline. If this is the case, please ensure that you submit your appeal within the deadline, as you can still subsequently submit evidence that you are still waiting for and would just need to specify your intention

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to submit further information within the evidence section of the appeal form. Your appeal will be put on hold until all your evidence is received.

If, having submitted an appeal, you later decide that you wish to withdraw the appeal, you can do so by emailing the Special Cases team at appeals@york.ac.uk to notify them.

Next steps

When a student submits their appeal they should receive a confirmation of receipt email which will also include a transcript of their appeal submission.

It is possible for an appeal to be rejected at an early stage - without going through the full appeal process and consideration by the Special Cases Committee - where it is evident that the student has not established any prima facie case grounds for appeal (for example, evidence clearly does not support the student's appeal, there is no good reason presented for the appeal being submitted late, or they are seeking to appeal against academic judgement). In such cases the student will be issued with a formal outcome letter and would still have the option to submit a Review Stage Appeal (see details of this stage below).

In most cases, where it is accepted that the student has established grounds for appeal, consideration of the appeal will take up to 90 days. For the duration of the appeal process the student's University of York email account will remain active (even if they have failed their programme of studies and are no longer registered as a current student as a result) and communications about their appeal will be sent to this email address. It is common that a student will not receive communications until their outcome is issued to them. However, in some cases they may be contacted by the Special Cases team if, during the consideration of their appeal, further information is obtained which it is deemed ought to be shared with the student to provide them with the opportunity to provide further comment or response (e.g. if there are differing accounts about what occurred from the student and their department). A student might otherwise be contacted to notify them of any possible delay in issuing an appeal outcome.

If you have questions or queries about the progress of your appeal, you can email the Special Cases team at appeals@york.ac.uk to ask for an update. You should also contact them if there are any delays to submitting evidence or changes to your circumstances.

An appeal can be upheld, partially upheld or rejected.

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Common examples of outcomes that may be offered when an appeal is upheld include (though a wider range of outcome are potentially available)

- The chance to resubmit work, or submit one or more assessments 'as if for the first time'
- an element of repeat study
- the removal of a penalty applied to a piece of work

Depending on the timing of your appeal decision, you may be required to take a [Leave of Absence](#) and complete assessments "out of residence" (ie away from university) before progressing onto the next stage of your programme.

If all or part of your Formal Stage appeal has been rejected, or indeed if your appeal has been upheld but you are dissatisfied with the remedy offered, you have the option of submitting a Review Stage Appeal.

Review Stage Appeal

You have the option of submitting a [Review Stage Appeal](#) if you are dissatisfied with the outcome of your Formal Stage Appeal, if:

- You can demonstrate that a procedural irregularity occurred in the consideration of your Formal Stage Appeal; and/or
- You have new supporting evidence, and good reason why this could not have been presented at the Formal Stage ;and/or
- The Formal Stage Appeal decision was 'unreasonable in all the circumstances'

Review Stage Appeals must be submitted **within 10 calendar days** of receiving the outcome for your Formal Stage appeal.

Independent advice and guidance is available from YUSU and the GSA's advice services for students submitting their Review Stage Appeal.

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Office of the Independent Adjudicator for Higher Education (OIA)

If you have exhausted the University's internal appeals procedures (i.e. have submitted Formal Stage and Review Stage Appeal forms but remain dissatisfied with the outcome), you may be able to make a complaint to the Office of the Independent Adjudicator for Higher Education.

The [Office of the Independent Adjudicator](#) is an independent body, separate from the University, which can review decisions made by University's in relation to various academic and non-academic procedures and policies, including academic appeals. In reviewing a complaint it will consider whether the University has followed its procedures and whether those procedures themselves are fair, and also whether the student has been treated fairly in their particular circumstances. They will not re-investigate an appeal or consider new or additional evidence that was not submitted to the University.

For the OIA to be able to review your complaint you would need to:

- **Have a Completion of Procedures (COP) Letter**
Once you have exhausted the university's appeals process, they will issue you with a Completion of Procedures Letter. This letter should set out clearly the matters that have been considered and the university's final decision.
- **Ensure your complaint is submitted within 12 months of the date of your COP letter.**

There are [specific guidelines](#) about what matters the OIA can investigate, as determined by their rules. You should review these to ensure your complaint fits into one of these categories.

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Key documents & info

- Academic appeals and complaints webpage
york.ac.uk/students/help/appeals/
- Academic appeals webpage
york.ac.uk/students/studying/progress/appeals/
- The University has a comprehensive set of guidance documents to help you navigate the appeals process, which are linked within the online form. For the full list and guidance notes see: york.ac.uk/students/studying/progress/appeals/
- Exceptional Circumstances webpage:
york.ac.uk/students/studying/progress/exceptionalcircumstances/
- University Guide to Assessment, Standards, Marking and Feedback:
york.ac.uk/students/studying/assessment-and-examination/guide-to-assessment

Further Advice and Support

The advice services at YUSU and the GSA can provide confidential and independent advice and guidance about the appeals process. At this time, while access to both student unions' offices is limited, they are offering advice to students via email, phone or Google Meet appointments.

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