

**Executive Summary of Business
for Teaching and Learning Committee**



Title	Sussex Appeals Board report
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Type	
Date	May 2012
Strategic context	
Summary	Report from the 12 th meeting of the Appeals Board held on Monday 23 rd April 2012
Recommendation	To note

UNIVERSITY OF SUSSEX

TEACHING AND LEARNING COMMITTEE

Report from the 12th meeting of the Appeals Board held on Monday 23rd April 2012 at 2pm in Sussex House Room 320

1 MATTERS ARISING FROM THE MINUTES

Relevant actions and developments since last year's meeting were noted as follows:

i) Following the meeting, the Secretary requested responses from other HEIs regarding the percentage of appeals upheld: the main finding was that the 61% of appeals upheld at Sussex is appreciably higher than the average figure of 33% among the institutions providing a response: the more detailed findings were presented in a report to Teaching and Learning Committee which is included as an appendix for information in this year's annual report (minute 6 i) refers);

ii) A proposal to extend the pool of student members available to serve on university-level panels by standardising this¹ to allow for student members to be drawn from the team of elected officers of the Students' Union was recommended to Teaching and Learning Committee, and subsequently approved by Senate (minute 6 ii) refers);

iii) The proposed revisions to the regulations relating to appeals for taught programmes recommended to last year's meeting of the Appeals Board (minute 8 refers) were subsequently endorsed by Teaching and Learning Committee and approved by Senate;

iv) Following further discussion with the USSU Education Officer after last year's meeting, it was agreed that the 21 day deadline for appeal should be retained but it was agreed that the Appeals Procedures be amended to state that the 21 day period excludes Bank Holidays and any other days upon which the University is closed (minute 8 refers).

2 ANNUAL REPORT ON TAUGHT PROGRAMME APPEALS

The Board received a report on the outcomes arising from taught programme appeals during 2010-11 (AB/12/3). The Secretary highlighted the key points to have emerged as follows:

- A small increase in the number of appeals submitted compared to the previous year (149 during 2010-11 compared to 146 during 2009-10), but failing short of the peak of 166 submitted during 2008-9;
- There was a big increase in the number of appeals submitted in relation to UG finalists (46 to 69) and PGT students (22 to 32), but these increases were offset to a large degree due to a reduction in the number submitted in relation to the UG September resits (from 52 to 26);
- The halving in the number of appeals submitted in relation to the September resits was largely due to the more liberal approach adopted by Examination Boards in considering the offer of a repeat year where a student had not met the progression requirement – this was reflected in the much lower number of

¹ For Panels relating to appeals, misconduct and student discipline.

students who appealed requesting a repeat year (just 9 during 2010-11 compared to 29 during 2009-10);

- Among all appeals submitted, the proportion upheld of 61% was exactly the same as the previous year;
- As in 2008-9 and 2009-10, resolution of *all* cases during 2010-11 without the need for a hearing of an appeals panel – i.e. all cases were concluded as either inadmissible or decided in favour of the appellant on the basis of the evidence available (during 2007-8 14 cases were referred to a hearing of an appeals panel, representing 10% of appeals submitted)
- As in previous years, the overwhelming majority of appeals (90%) are based on ground a) in the appeal form relating to circumstances of which the examiners were not aware and which could not reasonably have been presented. A more modest number (23%) included ground b) relating to procedural error or irregularity and a very small number (2%) included ground c) relating to bias or prejudice on the part of an examiner.
- Data with respect to the number of appeals submitted by, and proportion upheld, in relation to minority groups (i.e. gender, disability, ethnicity, home/overseas status) suggests no cause for concern with respect to the impartiality of internal processes.
- A pleasing reduction in the number of cases taken on to the OIA for external review (5 in relation to 2009-10 and 2010-11 cases compared to 10 during 2008-9) at the same time as the OIA itself has reported a year-on-year rise in the number of complaints it has received (900 during 2008 increasing to 1007 during 2009 and 1341 during 2010). Of the 2009-10 cases, 4 have been found to be not justified and the other case is still outstanding (all of the 2010-11 cases are still outstanding).

During discussion, the key points raised were as follows:

i) The most likely explanations for the big jump in appeals from UG finalists during 2010-11 were related to changes in the MEC process during that year, namely significant transitional factors relating to the re-location of student advisors in a new Student Life Centre and the introduction of an online system for submission, and also a more general tightening of the rules. It was agreed that figures from UG finalists for 2011-12 be monitored closely to assess whether the markedly higher figures during 2010-11 were indeed likely to be a result of these transitional factors, or attributable to more long-term trends;

ii) Given the very large number of appeals cases that are related to mitigating circumstances that the appellant has not been able to present via the MEC process at the relevant time (around 90%), it was also questioned more generally whether the appeals process is the fairest and most efficient means of resolving these cases. It was also noted however that Sussex is not alone in allowing appeals on the basis of this ground, and that appeals on this ground are only likely to be upheld if it is judged that the appellant has provided an acceptable explanation for why details of the circumstances could not have been presented at the relevant time;

iii) Two areas of concern with respect to existing assessment rules, evident from 2010-11 cases, were highlighted in the third section of the annual report: that resits are not currently available to finalist students to enable them to get an Honours degree, and also that an MSc student who fails a single 15-credit course (and has a grand mean between 40% and 50%) is in many cases not entitled to the award of an MSc. The Appeals Board was pleased to discover that Teaching and Learning Committee had already approved during the current year changes in principle that

would be likely to address these two aspects, at least from 2012-13, though further work on the detail remained. The Board noted that assessment policy changes such as these were likely to impact at the margin on the number of appeals submitted, and there was already clear evidence that the change in policy regarding the more liberal approach in relation to the offer of repeat years by Boards had reduced the number of appeals by around 20 per year. It was agreed that the Secretary should continue to monitor closely the impact of policy changes such as these on the overall number of appeals;

iv) The Board observed two changes to practice during the last 3 years which had enabled a significant improvement in the efficiency and effectiveness with which appeals cases had been considered:

- The resolution of all cases by a decision of the Chair of the Appeals Board on the basis of the evidence available and advice from relevant Officers, rather than a significant proportion of cases being referred to Appeals Panels;
- A pre-appeal meeting in which students are required to discuss their case with the Curriculum and Assessment Administrator relevant to their subject area, in order that the basis of their appeal can be clarified (and whether in fact they do have valid grounds), prior to an appeal being submitted.

A full copy of the annual report on taught programme appeals for 2010-11 is attached for information as Annex A.

3 ANNUAL REPORT ON BSMS ACADEMIC APPEALS AND COMPLAINTS

A report on academic appeals and complaints from students within the Brighton and Sussex Medical School (BSMS) for 2010-11 was received (AB/12/4).

There had been an increase in the number of appeals during 2010-11 compared to previous years (10 in 2010-11 compared with 6 in 2009-10 and 4 in 2008-9) but this mirrored the general upward trend in cases witnessed across the sector, and the steadily rising number of cases presented to the OIA. Of the 10 cases during 2010-11, 7 had been upheld with the student being allowed to repeat the year, or elements of the year.

Two BSMS students had raised complaints with the OIA during 2010-11, both arising from academic appeals, one of which had been found to be not justified and the other case was still under investigation by the OIA at the time of this report.

It was noted that the minor proposed changes to the appeal procedures, referred to at the end of the report, had subsequently been approved by the Joint Approval and Review Board (JARB).

The annual report on BSMS academic appeals and complaints for 2010-11 is attached for information as Annex B.

UNIVERSITY OF SUSSEX

APPEALS BOARD

ANNUAL REPORT ON TAUGHT PROGRAMME APPEALS 2010-11

1. Introduction

This document presents statistical information relating to the number and distribution of taught programme appeals during 2010-11 and identifies key trends and matters arising.

2. Trends and analysis of statistics**2.1 Key trends evident from the 2010-11 data**

Key points to note are as follows:

- A small increase in the number of appeals submitted compared to the previous year (149 during 2010-11 compared to 146 during 2009-10), but failing short of the peak of 166 submitted during 2008-9;
- There was a big increase in the number of appeals submitted in relation to UG finalists (46 to 69) and PGT students (22 to 32), but these increases were offset to a large degree due to a reduction in the number submitted in relation to the UG September resits (from 52 to 26);
- The halving in the number of appeals submitted in relation to the September resits was largely due to the more liberal approach adopted by Examination Boards in considering the offer of a repeat year where a student had not met the progression requirement – this was reflected in the much lower number of students who appealed requesting a repeat year (just 9 during 2010-11 compared to 29 during 2009-10);
- Among all appeals submitted, the proportion upheld of 61% was exactly the same as the previous year;
- As in 2008-9 and 2009-10, resolution of *all* cases during 2010-11 without the need for a hearing of an appeals panel – i.e. all cases were concluded as either inadmissible or decided in favour of the appellant on the basis of the evidence available (during 2007-8 14 cases were referred to a hearing of an appeals panel, representing 10% of appeals submitted)
- As in previous years, the overwhelming majority of appeals (90%) are based on ground a) in the appeal form relating to circumstances of which the examiners were not aware and which could not reasonably have been presented. A more modest number (23%) included ground b) relating to procedural error or irregularity and a very small number (2%) included ground c) relating to bias or prejudice on the part of an examiner.
- Data with respect to the number of appeals submitted by, and proportion upheld, in relation to minority groups (i.e. gender, disability, ethnicity, home/overseas status) suggests no cause for concern with respect to the impartiality of internal processes.

- A pleasing reduction in the number of cases taken on to the OIA for external review (5 in relation to 2009-10 and 2010-11 cases compared to 10 during 2008-9) at the same time as the OIA itself has reported a year-on-year rise in the number of complaints it has received (900 during 2008 increasing to 1007 during 2009 and 1341 during 2010). Of the 2009-10 cases, 4 have been found to be not justified and the other case is still outstanding (all of the 2010-11 cases are still outstanding).

2.2 More detailed comment on some of the key statistical trends

This section provides a more general commentary on some of the key trends evident from the 2010-11 figures. Some more detailed statistics for the 2010-11 year are attached in Appendix 1 to this report.

i) The number of appeals submitted

TABLE 1 Distribution of appeals submitted during 2010-11 compared to previous years

	2006-7	2007-8	2008-9	2009-10	2010-11
Suitability for Practice		1	1	0	0
UG Miscond		8 (+4PGT)	9 (+2PGT)	3 (+2PGT)	1
St progress	0	1	5	1	1
UG finalist	57	55	56	46	69
UG non-finalist		17	21	21	20
UG Sept resit	22	26	45	52	26
PGT	17	28	29	22	32
Affil Inst	0	2	0	1	0
Total	96	138	166	146	149

As can be seen from table 1 there was a sizable increase in the number of appeals submitted between 2006-7 and 2008-9. It is evident now that the 166 appeals submitted during 2008-9 represented the peak and that the number has stabilised since then.

Given the year-on-year increase in taught student numbers over the same time period (from 9055 in 2006-7 to 11596 during 2010-11), an increase in the number of appeals would certainly have been expected – over this time period as a whole there was a 28% increase in the number of taught students. However this was matched by a more than proportionate increase in the total number of appeals – by 53% - so clearly there are some additional factors at work which explain the overall increase in the number of appeals. Indeed if the comparison is taken between 2006-7 and 2008-9 alone, the disparity is even greater with a 10% increase in the number of students but a 73% increase in the number of appeals.

The likely cultural explanations (to do with greater awareness of the appeals process and willingness to appeal) for the more general upward trend in appeals between 2004-5 and 2008-9 have been discussed in previous year's reports. We can also now

say with confidence that the withdrawal of the automatic right to repeat during 2007-8 *has* been a major factor in accounting for the increase in the number of appeals submitted from that year onwards – see a more detailed discussion on this in last year’s report.

A further change in policy with respect to repeat years during 2010-11 – Exam Boards were encouraged to offer a repeat year to any student who had not met the progression requirement rather than this only being offered in exceptional circumstances at the discretion of the Board – also explains why there was a big reduction in the number of appeals submitted by UG students at the time of the UG September resits (from 52 to 26). Many of the students who during 2009-10 would have needed to submit an appeal in order to be offered a repeat year did not need to appeal at all during 2010-11 given that a repeat year would in many cases have been offered to them by the Board. The clear evidence for this is that there was a reduction from 29 in 2009-10 to just 9 in 2010-11 in the number of students who submitted an appeal at the time of the UG September resits and requested to be offered a repeat year (for further detail see section 7 of Appendix 1).

Despite the halving in the number of appeals submitted by students at the time of the UG September resits during 2010-11, this did not lead to an overall reduction in the number of appeals compared to the previous year given that this effect was more than offset by very substantial increases in the number of appeals from UG finalist students (from 46 to 69) and from PGT students (from 22 to 32).

In addition to the general increase in PGT numbers – by 13% between 2009-10 and 2010-11 compared to a 45% increase in the number of appeals – a case-by-case scrutiny of the individual PGT cases suggests that the main reasons for the increase in this category are as follows:

- During 2010-11 there were 6 appeals cases where the student failed a single course (all MSc students, 5 of whom failed a single 15 credit course), all of whom had a grand mean of between 40% and 50% but where the Board was not able to award the MSc due to the rule that for PGT students general credits cannot be awarded unless the grand mean is above 50% (for a more detailed discussion of this point see section 3). During 2009-10 there were no students who appealed who found themselves in this scenario so it is clear this point does account for a significant part of the increase between 2009-10 and 2010-11;
- During 2010-11 there was also a big increase in MSc students who appealed for impairment to be recognised in relation to their dissertation and for their classification to be reviewed in the light of this (from just 1 in 2009-10 to 7 during 2010-11).

The reasons for the very substantial increase in the number of appeals submitted by UG finalist students during 2010-11 compared to the previous year (and for the inexplicable dip in numbers – especially among BA students² – during 2009-10) are not so easy to determine. In the absence of any firm evidence, the most obvious intuitive explanations are as follows:

² 30 during 2008-9, 15 during 2009-10 then back up to 34 during 2010-11.

- Lesser awareness among the 2009-10 cohort of the availability of the appeals process, or their being less inclined for some reason to take up this option;
- A greater relative proportion of students during 2009-10 (compared to 2008-9 and 2010-11) managing to make use of the mitigating evidence process and thus a lesser proportion during that year needing to rely on the appeals process.³
- Transitional factors relating to the MEC system – introduction of a new system of on-line submission and re-location of student advisors to a central location in the Student Life Centre during 2010-11 – leading to a reduction in the number of students who submitted a MEC claim, and thus a greater number relying on the appeals process.

A recent survey conducted among members of the Academic Registrars' Council group on complaints and appeals suggested that the 1.19% of students who submitted an appeal at Sussex during 2010-11 is broadly in line with the average figure of 1.25%.⁴

ii) The proportion of appeals upheld

TABLE 2 Distribution of appeals upheld during 2010-11 compared to the previous year

2009-10				2010-11		
% upheld	Upheld	Total		Total	Upheld	% upheld
61%	89	146		149	91	61%
	0	0	SFP	0	0	
40%	2	5	Misconduct	1	1	
	0	1	St progress	1	1	
54%	48%	22	UG finalist	69	37	54%
	67%	14	UG non finalist	20	14	70%
						57%
83%	43	52	UG Sept resit	26	19	73%
41%	9	22 (inc 2 PGT misconduct)	PGT	32	19	59%
	0	1	Affil Inst	0	0	

As can be seen from table 2 above the proportion of appeals upheld of 61% during 2010-11 was the same as for the previous year.

³ A case-by-case analysis indicates that 50 of the UG finalist cases during 2010-11 included the ground to do with mitigating circumstances that the student was unable to present via the MEC process at the relevant time (compared to 32 the previous year) so we do know that, for some reason, there was a sizable increase in appeals during 2010-11 from students who were not able to present details of their mitigating circumstances at the relevant time.

⁴ Responses were received from 30 institutions and it was also noted that the figures for Russell group/1994 Group institutions are higher on average than those for post-92 universities and that the range of variation was between 0.1% and 5%.

There was a reduction in the proportion of appeals upheld among UG Sept resit students from 83% to 73% but this was offset by small increases in the proportion upheld among UG finalist and UG non-finalist students at the time of the UG Summer exams (from 54% to 57% combining both) and by a bigger increase in the proportion upheld among PGT students (from 41% to 59%).

The reasons for the modest reduction in the percentage upheld at the time of the UG Sept resits is likely to be a product of the reduction in the number within this category from students wishing to request a repeat year (see the discussion in the previous section) and given that in recent years the success rate among students requesting a repeat year has been the highest of any group (93% during 2009-10).

During 2010-11 it will also be seen from table 2 that there was a relatively large increase in the proportion upheld from among PGT students from 41% during 2009-10 to 59% 2010-11. However, as was noted in last year's report, these figures should be treated with caution given the relatively low numbers involved (just 22 PGT cases during 2009-10), and given that it is known that there were 5 very similar cases during 2009-10 all of which were rejected, and all clearly to do with academic judgment, which did appear atypical. During 2010-11, by contrast, there were again 5 or 6 cases very similar to these – obviously questioning academic judgment and thus clearly inadmissible – but in these cases the students *were* persuaded either to withdraw their appeal, or not to submit one at all. Hence this factor alone could account for the difference in success rate between 2009-10 and 2010-11.

Following last year's meeting of the Appeals Board, the Secretary requested responses from other HEIs via the Academic Registrars' Council (ARC) group on complaints and appeals in order to ascertain whether the Sussex figure of 61% of appeals upheld is in line with that of other places.

The main finding from the consultation was that the current percentage of appeals upheld at Sussex (61% during 2009-10 and 2010-11) *is* appreciably higher than the average figure of 33% among the 26 institutions that provided a response.

However it was also noted that, as far as Sussex is concerned, the success rate of appeals in relation to ground a [appeals on the basis of mitigating circumstances not presented at the relevant time] *is twice as high* compared to appeals in relation to grounds b and c [on the basis of procedural error and evidence/bias] – 67% for a compared to 33% for b and c during 2009-10. During 2010-11 this was evident again with 61% successful in relation to ground a and 24% among those including ground b and c.

Moreover it was evident from the individual responses from ARC members that there is strong anecdotal evidence to suggest that where an HEI allows an appeal on the basis of mitigating evidence not presented at the relevant time, and where a relatively large proportion of its appeals come from this source, it will also be likely to have a relatively large proportion of its appeals upheld (for more detail on this see attached as Appendix 2 the report that was presented to Teaching and Learning Committee last year following the meeting of the Appeals Board).

iii) School-level analysis

Given that 90% of appeals at Sussex are on the basis of mitigating circumstances affecting the individual student (ground a) *and not related to dissatisfaction with conduct on the part of the University* not much of substance can be gleaned from these cases with regard to wider patterns or issues relevant to individual schools.

Since grounds b and c do imply *some* form of dissatisfaction with respect to treatment or conduct by the University these are clearly of more relevance, though they do represent a much smaller number (and proportion) of the cases.

Indeed among the 149 appellants during 2010-11, only 3 included ground c concerned with bias or prejudice among their grounds for appeal and, of these, **all 3 were rejected**.

A somewhat larger number (34) included ground b concerned with procedural error or irregularity and among these 9 were upheld on the basis of this ground.

Of the 9, 5 of them related to some aspect of dissatisfaction with performance or conduct on the part of an individual School but the other four were related to errors, lack of communication or poor advice on the part of the University. Of the 5 cases relating to dissatisfaction of some form with an individual school, these were evenly spread with one case each within Education and Social Work, Global Studies, Life Sciences, Business, Management and Economics and History, Art History and Philosophy.

If one does extend the analysis to include ground a it is also true that the cases are spread fairly evenly across schools, as one would expect given that the main substance of ground a appeals is concerned with matters affecting the individual student rather than issues relating to their school of study.

However one striking exception among 2010-11 appeals was with regard to the 8 PGT students who appealed from within the School of Psychology. Only 1 PGT student within Psychology appealed the previous year during 2009-10 and the 8 that appealed during 2010-11 represented a quarter of all the 32 PGT students who submitted an appeal during 2010-11.

It is true that the 31% increase in Psychology PGT numbers in 2010-11 compared to 2009-10 was markedly higher than the 13% increase in the general PGT student population as a whole, but clearly an increase in the number of Psychology appeals on this scale (1 to 8) would not have been expected. A case-by-case analysis of the 8 cases confirms that a significant part of the explanation for the increase in PGT Psychology cases during 2010-11 is the same as the reasons for the more general increase in PGT cases:

- Of the 6 students who failed a single course, and who could not be awarded an MSc via general credits since their grand mean was between 40% and 50% (see sections 2.2i and 3), 2 of these were students within the School of Psychology (both failing a single 15 credit course);

- Of the 8 Psychology students, 4 of these appealed on the basis of requesting that impairment be recognised in relation to their dissertation and that their classification be reviewed in the light of this.

Of the 8 cases submitted by PGT Psychology students, 3 were upheld and all of those upheld were on the basis of ground a relating to mitigating circumstances impacting on the student of which the examiners were not aware. There is no reason to conclude, therefore, that the relatively high proportion of appeals submitted by PGT Psychology students during 2010-11 suggests any cause for concern in terms of performance or satisfaction levels within that School.

3. Further points of interest worthy of note or matters of concern identified

Some changes to assessment rules that might impact on the number of appeals

Resits for honours

Although resits of failed courses are available in a number of situations: to first and second years in order to enable them to meet the progression requirement, to second years as optional resits where they fail any course (but have met the progression requirement) and to finalist students to enable them to get an Ordinary degree, **resits are not currently available to finalists to enable them to get an Honours degree.**

This creates concern that a finalist who passes every other course very easily (and has a good grand mean) but who fails a single 36 credit final year course with say 38%, cannot qualify for an Honours degree **of any description** (this is due to the 30 credit limit on the award of general credits by Boards). This year there were indeed 3 cases during 2010-11 where the student had failed a single (24, 30 or 36 credit course) final year course but was only awarded an Ordinary degree despite a grand mean at solid 2.2. level: these students were all successful at appeal but would not have needed to have appealed at all if resits for honours had been available to them. There was also quite a number of other students this year who failed 2 or 3 15, 18 or 24 credit courses (but who had a grand mean at 2.2 level) and so were awarded an Ordinary degree – these students would likewise not have needed to have appealed if resits for honours had been available to them.

MSc students who fail a single course

There were six cases during 2010-11 where an MSc student had failed just one course (a 15 credit course in five of the cases, a 30 credit course in the other) but, despite having a grand mean of between 40% and 50%, could not be awarded an MSc at all. This is due to the rule on some programmes – especially MSc programmes – that all courses must be passed in order to obtain the MSc. All these students had a grand mean above 40% but could not be awarded the 15 (or 30) general credits necessary in order to obtain the MSc due to a rule that at Masters level general credits can only be awarded if a student has a grand mean of 50% or more. This is out of line with the UG situation where general credits can be awarded with a grand mean of 40% so the simplest way of addressing this would be to bring UG and PGT in line.

As discussed above, the relaxation of the policy with regard to the offer of repeat years *did* lead to a significant reduction in the number of appeals submitted at the time of the UG September resits. It is estimated that this change may have led to a reduction in the number of appeals submitted this year of at least 20 and that the impact of the 2 changes discussed above in this section might also be likely to reduce the net number of appeals by a further 15 or so.

Thus, while it is clear that the base number of appeals is now well over 100, it is evident that changes in assessment policy *do* have an impact on the number submitted. Changes of this sort may therefore also serve a useful purpose in helping to contain the overall number to manageable proportions, especially during peak periods.

MM/26/03/12

Amended 8/05/12

UNIVERSITY OF SUSSEX

APPEALS BOARD

Detailed statistical information on taught programme appeals 2010-11

1. Introduction

This appendix includes more detailed statistical information about appeals received during 2010-11, organised according to the various categories of appeal and further matters of likely interest.

In some cases figures for the previous year are also included in order to assist comparison and, where this is the case, these are shown in brackets.

2. Appeals against a decision of a student progress committee

There was just one (1) appeal against a decision of a student progress committee during 2010-11, which was upheld in part. The appellant, a BSc Physics student, had been required to permanently withdraw on the basis of unsatisfactory attendance and participation, and appealed on the basis of circumstances of which the student progress committee was not aware.

At appeal it was agreed that, on the basis of the mitigating circumstances, the appellant would not be required to permanently withdraw but would however be suspended and required to seek advice from an advisor in the Student Life Centre in order to discuss the possibility of intermission and resumption the following year.

All of the 8 appeals lodged against a decision of a student progress committee within the last 5 years (1 during 2009-10 5 during 2008-9 and 1 during 2007-8) have been on the basis of circumstances of which the student progress committee was not aware. 4 out of the 8 appeals were upheld on this ground, and the other 4 were rejected.

3. Appeals against a decision of a misconduct panel

1 (5) appeal was received against a decision of a misconduct panel during 2010-11, which was upheld. The appeal was on the basis of circumstances of which the misconduct panel was not aware at the time it made its decision. The appellant indicated at appeal that he accepted that his work was likely to have been copied by another student, but that this was without his consent. The Chair of the Misconduct Panel in question, following discussion with the other panel members, recommended that the penalty imposed on the appellant by the Misconduct Panel should be withdrawn in the light of this explanation and so this was duly agreed as the appeal outcome.

As mentioned in last year's report, it is unclear why there was a sizable reduction in appeals submitted in relation to decisions by misconduct panels during 2009-10 compared to the two previous years (5 during 2009-10 compared to 11 during 2008-9 and 12 during 2007-8). The continuation of the downward trend – to just one case during 2010-11 –

may be explained in part by the introduction of new procedures during 2010-11 which place a greater emphasis on referral of the student to appropriate guidance sessions on referencing practice, rather than the case being considered formally by a misconduct panel (especially in the case of a first offence and/or where the offence is deemed to be minor).

4. Appeals against a decision of a suitability for professional practice panel

There were no (0) appeals submitted during 2010-11 in relation to a decision by a suitability for professional practice panel.

5. Appeals made against an outcome of an appeal in an affiliated institution

There were no (1) appeals submitted during 2010-11 as a result of an outcome of an appeal in an affiliated institution.

6. Appeals against a decision by a UG summer exam board

There were 89 (67) appeals submitted following the June examinations.

Of these appeals, 69 (46) were made by finalists, and 20 (21) were made by students after receiving the results of the first, second or third year of their programmes.

A more detailed breakdown is provided in table 3 below:

TABLE 3 UG Summer appeals

Appeal Type	BSc	BEng	BA	LLB	other	Total	upheld	% upheld
Finalist	31 (22)	1 (1)	34 (15)	1 (4)	2 ⁵ (4)	69 (46)	37 (22)	54% (48%)
Year 1	0 (2)	0 (0)	0 (0)	0 (4)	0 (0)	0 (6)	0 (5)	
Year 2	5 (10)	0 (1)	12 (4)	1 (0)	0 (0)	18 (15)	14 (9)	78% (60%)
Year 3	1				1 ⁶	2 (0)	0 (0)	
	6 (12)	0 (1)	12 (4)	1 (4)	1 (0)	20 (21)	14 (14)	70% (67%)

Of the 20 (14) students whose classification was upgraded during 2010-11, 4 were from a 2.1 to a 1st, 11 were from a 2.2 to a 2.1, 3 were from a Third to a 2.2, 1 was from an Ordinary degree to a 2.1 and 1 was from an Ordinary degree to a 2.2. The cases of students upgraded were evenly spread across Schools (3 HAHP, 2 GS, 2 BME, 1 Psychology, 1 E and D, 4 LS, 3 LPS, 2 Informatics and 2 MFM).

As mentioned in the main section of the report, there was a big increase during 2010-11 in the number of appeals submitted from UG finalists from 46 during 2009-10 to a record

⁵ 1 MEng and 1 MPhys

⁶ MPhys

high of 69 during 2010-11. As will be seen from table 3 a large part of the increase was accounted for by the surprisingly large increase in the number of appeals submitted by BA students, from 15 during 2009-10 to 34 during 2010-11.

7. Appeals against a decision by a UG September resit board

There were 26 (52) appeals against resit results. A more detailed breakdown is provided in table 4 below.

TABLE 4 UG Sept resit appeals

Appeal Type	BSc	BEng	BA	LLB	other	Total	upheld	% upheld
Year 0	0 (1)	0 (2)	0 (0)	0 (0)	0 (0)	0 (3)	0 (2)	
Year 1	3 (8)	0 (2)	0 (4)	1 (10)	0 (0)	4 (24)	2 (21)	50% (87%)
Year 2	6 (9)	0 (1)	8 (8)	1 (3)	1 ⁷ (1 ⁸)	16 (22)	14 (18)	87% (82%)
Finalist/ other	1 (0)		5 (2)	0 (1)		6 ⁹ (3 ¹⁰)	3 (2)	50% (67%)
Total	10 (18)	0 (5)	13 (14)	2 (14)	1 (1)	26 (52)	19 (43)	73% (83%)

As was noted in the main section of the report, there was a big reduction during 2010-11 in the number of students who submitted an appeal at the time of the UG September resit exams: in fact the number halved from 52 during 2009-10 to just 26 during 2010-11.

As also explained in the main section, the reason for this significant reduction was the more liberal approach adopted during 2010-11 by exam boards with respect to the offer of a repeat year to students who had not met the progression requirement to go on to the next year. Just 9 students appealed requesting a repeat year following the UG September resits, 5 of whom were offered a repeat year at appeal (this compares to 29 students who requested a repeat year during 2009-10, 27 of whom were offered a repeat year).

In particular there was a very large reduction in the number of appeals submitted by first year LLB students which is likely to be a consequence of students who failed a mandatory course/s following resit during 2010-11 not needing to appeal given the likelihood that they would have been offered a repeat year by the exam board (in recent years prior to this it is likely these same students would have needed to submit an appeal in order to be offered a repeat year).

8. Appeals against a decision by a PGT exam board

⁷ 1 MChem

⁸ 1 MChem

⁹ Students who were offered resits, and either appealed their classification following the resits, or appealed to be given a further opportunity at resits.

¹⁰ All finalists who appealed their classification following their taking of September sits.

There were 32 (22) appeals in relation to postgraduate taught programmes. A more detailed breakdown is provided in table 5 below:

TABLE 5 PGT appeals

Appeal Type	MA	MSc	LLM	Other	Total	upheld	% upheld
PGT	7 (10)	24 (9)	0 (2)	1 ¹¹ (1 ¹²)	32 (22)	19 (9)	59% (41%)

During 2010-11 7 (4) students had their classification raised as a consequence of an appeal outcome (3 from a merit to a distinction and 4 from a pass to a merit).

As was noted in the main section of the report, there was a significant increase in appeals from PGT students during 2010-11 (from 22 to 32) and an especially big jump in the number submitted by MSc students (from 9 to 24) and by students within the School of Psychology (from 1 to 8).

9. Grounds for appeal

The data below indicates the distribution of appeals during 2010-11 according to the grounds for appeal, both for all appeals submitted and among those upheld only.

All

	All	UG	PGT
	149	117	32
a	134 (90%)	109 (93%)	25 (78%)
b	34 (23%)	24 (21%)	10 (31%)
c	3 (2%)	1 (1%)	2 (6%)

Upheld

	All	UG	PGT
	91	72	19
a	82 (90%)	66 (92%)	16 (84%)
b	9 (10%)	6 (8%)	3 (16%)
c	0 (0%)	0 (0%)	0 (0%)

The figures confirm the position that is clear from recent years that the overwhelming majority of appeals are on ground a and that appeals on the basis of ground a are more than twice as successful as those on the basis of b and c - 61% were successful for a compared to 26% for b. As has typically been the case, there was a very small number of appeals lodged during 2010-11 on the basis of ground c – there were just 3 appeals that included ground c as one of the grounds for appeal and, of these, none were upheld.

¹¹ PGCE

¹² Graduate Diploma in Economics

10. Equality and Diversity Monitoring

Data related to the number and proportion of appeals submitted and upheld according to relevant minority groups is provided below:

	appeals	upheld	Upheld %	% of appeals	% of population
disabled	37	22	59%	25%	10%
women	74	45	61%	50%	55%
men	75	46	61%	50%	45%
overseas	31	20	65%	21%	19%
home	118	71	60%	79%	81%
BME	37	22	59%	25%	22%
White	112	69	62%	75%	78%

The above data suggests a positive picture as no minority group is under-represented and the success rate amongst different groups is clearly not suggestive of any bias with respect to the impartiality of the internal processes for the processing of appeal cases.

The reason that the success rate among overseas students is higher is almost certainly due to the higher relative proportion of overseas student cases that are related to UG resits (35% of the total) compared to UG finalists (12% of the total), given that the former have a higher success rate than the latter.

11. Time taken to process appeals cases

All cases during 2010-11 were decided within the recommended maximum of 4 months agreed by the Academic Registrars' Council group on complaints and appeals.

The internal guidance makes clear that greatest priority is given to cases where an urgent progression issue is at stake - especially at the time of the UG September resits where a student needs to be provisionally registered – and in cases such as these the target is 4-5 weeks maximum, even at peak times: this was comfortably achieved during 2010-11 with all of the 10 cases of students who needed to be provisionally registered at the time of the UG September resit appeals having their cases decided by the Friday of week 3 (21st October) and an average of just 11 days to process each case to conclusion.

A further area of progress was that, despite the unprecedented number of appeals submitted by UG Summer finalist students, all but one of the cases in this category was resolved by the end of September.

Improvements that have been made in this regard – both in terms of the clarity of the guidance and the relative prioritisation among cases – may also have helped to reduce the number of cases that were taken on by appellants to the OIA during 2009/10 and 2010-11 (see the following section).

12. Cases taken to the Office of the Independent Adjudicator (OIA)

Five cases relating to the 2009-10 appeals were taken on to the OIA, 4 of which were found to be not justified and 1 of which is still outstanding. During 2010-11 a further five cases have been taken on to the OIA, all of which are still outstanding.

Given that 10 cases were taken on to the OIA in relation to the 2008-9 appeals, the halving in the number of cases taken on to the OIA with respect to the last 2 years is a very pleasing result. This is especially so in the context of the steady year-on-year rise in cases that have been received by the OIA itself since it was set up in 2004: with respect to the most recent figures available, 900 cases were received by the OIA during 2008, increasing to 1007 during 2009 and 1341 during 2010.¹³

The optimistic conclusion is thus that recent improvements that have been made with respect to the general transparency of the appeals procedures, the clarity for the basis of the decisions reached, and the time taken to process each case to conclusion, may all in combination help to account for the sizable reduction in cases that were submitted to the OIA in relation to 2009-10 and 2010-11 compared to 2008-9.

The 2009-10 case that is still outstanding is with regard to a decision made by a partner institution (Ravensbourne College of Design and Communication) concerning a student's classification. Of the five 2010-11 cases which are still outstanding, 4 are from UG finalist students in relation to a decision by the Examination Board regarding their classification and the other is from a PGCE student who had concerns about the application of the cause for concern process prior to the Board decision that he should fail his placement (and be offered another) for School Experience 2.

MM/26/03/12

¹³ OIA 2010 Annual Report.

Appendix 2

UNIVERSITY OF SUSSEX

APPEALS BOARD

The percentage of appeals upheld at Sussex compared to other places

At the recent annual meeting of the Appeals Board (May 2011) it was suggested that, in addition to the benchmark data available on the volume of appeals submitted, it would also be interesting to find out how the overall percentage of appeals upheld at Sussex (61%) compares to other places.

Following the meeting, the Secretary of the Appeals Board requested responses from other HEIs in relation to this question via the Academic Registrars' Council (ARC) group on complaints and appeals.

The main finding from the consultation was that the current percentage of appeals upheld at Sussex (61% during 2009-10) *is* appreciably higher than the average figure of 33% among the 26 institutions that provided a response.

Numerous caveats are necessary however in relation to the validity of this 33% 'headline' figure:

- The 26 institutions that responded clearly represent a minority of HEIs – the considerable variation in the number of appeals submitted (varying from 7 at Chichester to 615 at City University) should also be noted;
- There is also considerable variation in terms of the institutional processes, and number of stages, that different HEIs apply in deciding appeals cases;
- There is further variation in terms of which stages and elements of the appeals process are actually included within the figures and differences in counting conventions (for example whether an institution has a separate ‘upheld in part’ category, whether withdrawn appeals are included and the extent to which cases which are filtered out by varying processes are included in the figures).

Despite the many caveats, the information obtained has yielded some very useful information and evidence, the basis of which does certainly help to strengthen some of the key observations made in this year’s annual report.

The percentage of appeals upheld varies according to the different grounds for appeal

It was noted in this year’s annual report that, as far as Sussex is concerned, the success rate of appeals in relation to ground a [appeals on the basis of mitigating circumstances not presented at the relevant time] *is twice as high* compared to appeals in relation to grounds b and c [on the basis of procedural error and evidence/bias] – 67% for a compared to 33% for b and c during 2009-10.

The responses from ARC members provide further strong anecdotal evidence to suggest that where an HEI allows an appeal on the basis of mitigating evidence not presented at the relevant time, and where a relatively large proportion of its appeals come from this source, it will also be likely to have a relatively large proportion of its appeals upheld – for example Bradford is perhaps the closest example to Sussex with a relatively large number of appeals on the basis of undisclosed circumstances (89% for Bradford compared to 88% for Sussex) and with a very similar rate of appeals upheld (62% at Bradford compared to 61% at Sussex); Anglia Ruskin University also has a relatively large number of appeals on the basis of undisclosed circumstances (80%) and has the highest percentage of appeals upheld (80%); Liverpool John Moores University, by contrast, does not permit appeals on the basis of undisclosed circumstances at all [the only permitted ground is to do with material irregularity in the assessment process] and has a much lower rate of appeals upheld of 24%, which is below the average.

As would be expected, there is evidence to suggest that those places which have a Fit to Sit (FTS) regime will also be likely to have a lower proportion of appeals upheld – among the ARC respondents it is known that Sunderland and Kingston both apply FTS and that both have a success rate of 16%, half the average figure.

The reasons for the increase in the proportion of appeals upheld at Sussex compared to a few years ago

As explained in the annual report, the reason for the increase in the percentage of appeals upheld at Sussex compared to a few years ago (38% during 2007-8 increasing to 57% during 2008-9 and 61% during 2009-10) is almost certainly to do with the increasing proportion of appeals that have been submitted in relation to the September resits compared to the proportion submitted in relation to other categories (the number of appeals submitted in

relation to the September resits doubled between 2007-8 and 2009-10 (from 26 to 52) while falling in all other categories.

The underlying reason for this is that the success rate of appeals in relation to the September resits is generally much higher than it is in relation to other categories (for example, the percentage upheld in relation to the September resits during 2009-10 (83%) was much higher than was the case in relation to UG finalists (48%), PGT cases (41%) and misconduct cases (40%).

The success rate among students who are withdrawn and apply to be offered a repeat year (at the time of the September resits) is particularly high at 93% and so the withdrawal of the automatic right to repeat during 2007-8 is undoubtedly one factor that has led to the higher proportion of appeals that are upheld now compared to a few years ago.

It should also be noted that an extremely high proportion of students who appeal at the time of the September resits do so on the basis of ground a (during 2009-10 51 of the 52 appellants included this ground) and this combined with the related points in this and the previous section, would suggest a very clear explanation for the relatively high proportion of appeals upheld at Sussex compared to other places.

As noted in the annual report, improved advice to potential appellants during the last few years – for example greater clarity with respect to what constitutes acceptable grounds for appeal – may also have contributed to the increase in the proportion of appeals upheld (given that a greater number of students with no valid grounds may have been inclined to accept this and so decide not to submit an appeal at all).

Michael Moon
Secretary of the Appeals Board
23/5/11

BRIGHTON AND SUSSEX MEDICAL SCHOOL
Joint Approval and Review Board
Report on BSMS Academic Appeals and complaints 2010/2011

Summary

This paper presents information on the academic appeals and complaints from students in the Brighton and Sussex Medical School in the 2010/11 academic cycle.

This paper provides JARB with information about appeals against decision of BSMS phase examination boards lodged with the Secretary to the Academic Board at the University of Brighton, and student complaints during the 2010/11 academic cycle.

1.1 Appeals lodged with the Secretary to the Academic Board, University of Brighton

During the 2010/11 academic cycle, 9 BSMS students on the BMBS programme lodged academic appeals. This compares with 4 full (stage 2) appeals in 2008/09 and 6 full (stage 2) in 2009/10. One student on the MSc Global Health programme lodged an academic appeal.

Year 5 – 3 appeals (2 male, 1 female)

Year 4 – 1 appeal (female)

Year 3 – 1 appeal (male)

Year 2 – no failures

Year 1 – 4 appeals (2 male, 2 female)

MSc 1 appeal (female)

1.2 Grounds for appeal

‘PEAR’ gives 4 grounds for appeal against Examination Board decisions as follows:

- i That a student had submitted evidence of mitigating circumstances which were not considered by the Examination Board
- ii that the Examination board was not aware of mitigating circumstances affecting the student’s performance because the student had been unable, or for valid reasons unwilling, to divulge them before the Examination Board.
- iii that the examinations procedures were not followed in accordance with the regulations
- iv that some other material irregularity led to a breach of the procedures or regulations.

All undergraduate appeals in the 2010/11 cycle fell into category ii.

1.3 Outcome of appeal

Of the 10 appeals all were referred to the Phase Examination Board or sub-committee of the Phase Examination Board to reconsider the results:

3 - Decision unchanged

7 - Allowed to repeat year or elements of the year.

1 - appeal was based on undiagnosed specific learning disabilities.

1.4 Referral to Stage3/Stage4

None of the appeals in the 2010/11 cycle have progressed to stage3.

1.5 Comparison with University of Brighton appeals

Arts

12

Brighton Business School	13
Education and Sport	2
Health and Social Science	17
Science and Engineering	31

1.6 Comparison with University of Sussex appeals

A total of 117 undergraduate appeals were lodged of which 62% were upheld. A total of 32 taught postgraduate appeals were lodged and 62% of the 26 thus far resolved /completed have been upheld.

2. Complaints.

Two BMBS students raised complaints with the OIA during 2010/11.

*Date on which UoB was notified that a complaint had been made to the OIA - 30.12.10

* Name of student complaining and year of study - Akash Bagalia, former 3rd yr

*Status of complaint: OIA has found Mr Bhagalia's complaint not justified as confirmed by letter of 21.6.11

*Date of academic appeal to UoB - 12.9.10. Undisclosed mitigating circumstances relating to OCSE resit - that he had been ill whilst abroad and was not aware of the rules re disclosure of mitigating circumstances.

* Outcome of the appeal and date when completion of procedures letter was sent - the appeal was rejected on the basis that the BM BS programme examination and Assessment Regulations clearly outlined the mitigating circumstances procedures which were also available in the BSMS support area of Student Central. CoP letter 29.9.10.

*Date on which UoB was notified that a complaint had been made to the OIA - 17.7.11

* Name of student complaining and year of study – Joalice Stark, former 5th yr

*Status of complaint: Ongoing

3. Review of Procedure

On 12th December 2011 the Director of Undergraduate Studies, Dr Inam Haq, and the Deputy Medical School Secretary, Ms Pippa Robinson, met the Deputy Vice-Chancellor of the University of Brighton to review the profile of appeals within BSMS. Comparing with University of Brighton more appeals went to stage 2 and it was agreed that BSMS should make minor adjustments to its case handling as from 2011/12 to allow more appeals to be dealt with at stage 1, particularly in years 1 and 2.

In addition, University of Brighton are implementing procedural change for 2011/12 such that a stage 1 appeal only needs to be lodged and dealt with at school level. All BSMS stage 1 appeals will be lodged with the Deputy Medical School Secretary.

Furthermore, changes are suggested for PEAR in 2012/13 to clarify BSMS practice in dealing with a Phase Examination Board re-convened to review an appeal case and to when a case should progress to stage 3. It is suggested that it may be appropriate for more cases to be referred to stage 3 before a BSMS Examination Board is asked to reconsider the case.

PJR January 2012