



The Free School

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Administrative Appeals and Academic Appeals

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February 2017

Objective

This document summarizes seven arguments that scholars may put forward when they lodge an administrative appeal or an academic appeal at their educational institution.

Context

An **Academic Appeal** relates to your engagement in a course of study. This normally includes decisions that relate to your enrollment in a coursework program or a graduate research program as an award student or if you are auditing the unit.

An **Administrative Appeal** relates to decisions that occur outside of coursework and research programs. Examples of administrative decisions include:

- Admissions - the review of applications to study at an institute.
- Fines and penalties (*e.g.* library fines).

When preparing an appeal, you should consult independent advice from a suitably qualified and experienced agent if you are able to do so. The undergraduate or postgraduate student representative at your student association may be the best person to contact in the first instance prior to lodging an appeal.

An appeal is more likely to be upheld if you can demonstrate one or more of the seven principles discussed below. The procedures and guidelines that govern appeals may vary by institution and jurisdiction. The notes on this page are general guidelines.

Breach of regulations

An appeal has a high chance of success if you can show that there has been a breach of the official policies and regulations that govern:

- Your award of study (*e.g.* Bachelor of Science)
- Institutional procedures (*e.g.* admissions guidelines).

An example of institutional regulations includes the laws and bylaws that are ratified by the Senate that governs a College, University, School or Institute.

Contradiction

An appeal has a high chance of success if you can demonstrate that there is contradiction in the written or verbal instructions provided by your educational institute.

For example, the printed version of the course unit outline for a subject might state that “students who do not receive a score of at least 45% for the exam will fail this subject, even if their overall weighted score for the three assessments is 50% or higher”. The digital version of the course unit outline uploaded on Moodle might state that “students shall pass the course if the weighted total marks for the three assessments is 50% or higher”.

As a general rule, where there is contradiction, students shall be given the benefit-of-the-doubt and shall be subject to the most lenient option. In the case above, the guidelines on the digital document uploaded on Moodle are the more lenient of the two guidelines.

Ambiguity

An appeal has a high chance of success if you can demonstrate that there is ambiguity in the written or verbal instructions provided by your institute.

For example, the guidelines in an assessment may state “students who upload one discussion thread each week shall be awarded a full mark of 10/10 for the Discussion Threads assessment. Students who upload 1 to 9 posts shall be awarded a different grade score out of 10, as determined by criteria that the Lecturer-in-Charge communicates by e-mail to students at the end of this course.”

The statement shown in the last sentence above is ambiguous. The marking criteria for students who post 1 to 9 discussion threads is not clear and is not provided to students in a timely fashion.

As a general rule, where there is ambiguity and this ambiguity results in a student being disadvantaged, management should act to neutralize this disadvantage.

Procedural fairness

An appeal has a high chance of success if you can demonstrate that there has been a violation of established principles of procedural fairness.

Notions of procedural fairness may vary between institutes and legal jurisdictions.

This situation described below is an example that violates notions of procedural fairness in most administrative jurisdictions and at most educational institutes:

Trixie receives a score of 45% for her essay. She exercises her right to write to the Lecturer-in-Charge to request that an independent second assessor grades her paper.

The Lecturer-in-Charge forwards a copy of Trixie's essay and the completed marking rubric to a suitably qualified instructor at another university. The Lecturer-in-Charge has co-authored journal articles with the external assessor on multiple occasions in recent years. The lecturer's email to the external assessor states:

"Please review this failed essay, my feedback to the student and the completed marking rubric. Please provide a mark out of 100 that you think this essay is worth, referring to the marking rubric shown in the course outline. I think that the essay is worth 45%. I note

that this teenage student has complained about her mark in other subjects. This student will be awarded whatever grade you decide to offer for this essay".

This situation may violate notions of procedural fairness because:

- There is a conflict-of-interest - the lecturer and second marker are associates;
- The memo from the Lecturer-in-Charge uses the word 'fail' to describe the paper. This language may unfairly lead the external assessor to regard the paper as a failed paper;
- The second assessor should be a 'blind-marker'. They should not see the grade, comments and rubric details completed by first assessor;
- There should be no personal details (*e.g.* age, gender) or negative comments that relate to the student, as these may bias the external assessor;
- If the student receives a lower grade from the external assessor, they should be given the benefit-of-the doubt and be awarded the higher grade of the two provided;
- It might be appropriate for the independent external assessor to be chosen by a neutral member of the academic staff such as the undergraduate coordinator. This neutral member of staff may also coordinate all correspondences with the external assessor.

Legality

An appeal has a very high chance of success if you can demonstrate that your institution has acted unlawfully.

Your institute cannot violate state/provincial or national laws. It is not acceptable for an educational institution to uphold any positive or adverse decision at any level of management that is unlawful or illegal merely because their institutional policies support this action.

Compassion, ethics and extenuating circumstances

An appeal may be successful if you can demonstrate that your institution has not considered extenuating circumstances. This course of action may be successful in cases where the institute has technically conformed to its policies and legal obligations.

Consider this scenario:

“CCTV video surveillance clearly shows that a student had his bag stolen by three unknown assailants who confronted him outside of the exam room one minute prior to the commencement of the exam. The supervising examiner did not allow this student to enter the examination room as he could not show evidence that he had brought his student identification card and two writing pens to the exam room, as required by university policy. As a result, this student scores 0% for the exam and fails this coursework unit. The Faculty reluctantly concludes that they must award this student a

score of 0% for the examination. University regulations state that faculty officers may only award a supplementary examination on medical grounds. This student did not provide evidence that he was physically or emotionally impaired from the robbery.”

Most institutes empower their Academic and Administrative Appeal Panels to overturn or amend any administrative or academic decision made by any member of staff in cases where there are genuine extenuating circumstances. The example above would appear to fit this criterion.

Qualifications

You may have recourse if you can convince the Academic Appeals Panel that an adverse academic decision has been made by a member of staff who is not qualified to make that decision. It is less likely that you will have a strong case to argue this point before an Academic Appeals Panel if your academic work has been officially audited and reviewed by a suitably qualified member of the academic staff as a result of you lodging a grievance within your Department, School or Faculty.

Most government regulators and post-secondary educational institutions do not mandate formal guidelines that state the minimum qualifications post-secondary instructors and assessors must hold. As a general rule, assessors should hold an earned award from an accredited, recognized institute that is of equal standing or of higher standing to the level of the subjects that they are teaching and grading. This qualification should also bear an obvious association with the discipline that the academic teaches and grades. This

guideline is ambiguous. Many institutes recognize certain professional experience and professional memberships as being of equivalent standing to graduate awards.

Freedom information legislation

It might be possible for you to obtain full details about your academic appeal by using local or national freedom-of-information laws. I refer to the hypothetical case of 'Trixie' under the header 'Procedural fairness'. Some students have been able to obtain copies of such emails using freedom-of-information laws. If you do not access these laws, your post-secondary educational institutional may not voluntarily provide you with all relevant details that they have on file that concern your grievance.

Conclusion

The School strongly recommends that scholars consult a suitably qualified advisor before lodging an administrative or an academic appeal. We respectfully request you to think rationally and act ethically before lodging an academic or administrative appeal. Frivolous appeals waste the scarce resources of an educational institution. This in turn may disadvantage staff, students and others.

Questions?

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