

Procedure for Higher Education Academic Appeals

1. Introduction

This procedure shall apply only to academic appeals which shall be understood as the request to review a decision regarding the progress of the appellant on his/her programme of study, including the award of any qualification as a result of that progress.

All appeals and queries shall be conducted in accordance with these regulations and the precepts set out in the Quality Assurance Agency UK Quality Code for Higher Education. Advice and Guidance: Concerns, Complaints and Appeals (Nov 2018) and the Office of the Independent Adjudicator's The Good Practice Framework for handling complaints and academic appeals (December 2016). The appeals are also subject to University partner regulations.

2. Definitions

2.1. Academic Judgement

The mark to be awarded for an individual piece of work – whether coursework, written examination or similar, and whether formative or summative – or the award of an overall mark or classification for an award shall be regarded as the academic judgement of the examiner or examiners, or the Board of Examiners concerned, and as such shall not be appealable under these or any other regulations or procedures of the College or University/awarding body.

A candidate who wishes to question academic judgement shall be entitled to ask the examiner, or Board of Examiners to confirm that the work has been marked in accordance with the regulations and procedures of the University in force at the time governing such matters as second marking, and referral to the external examiner. Provided such confirmation is provided in writing, with an explanation of the procedures followed, the matter shall be deemed closed and the mark or other decision upheld.

2.2. The distinction between Academic Appeal and Complaint

Other matters of dispute involving a student and the College or curriculum area, shall be termed "complaints" and subject to the College's Complaints Procedure.

2.3. Admissions Appeals

Appeals on admission decisions should be made to the admissions department. Guidance on admission appeals can be found in the College Higher Education Admission (including Appeals) Procedure.

2.4. Impartiality of Decision-Makers

No person shall be permitted to take part in the making of a decision regarding an appeal where s/he has an interest through being a member of the same academic department in which the appellant is registered, or through being a member of the Board of Examiners which made a decision against which the appeal is made.

Any person who may be involved in the making of a decision regarding an appeal shall be required to declare an interest where s/he has any other material connection with the appellant and shall thereby be disqualified from being involved in the making of the decision.

2.5. Privacy, Confidentiality and Data Protection

All evidence submitted by an appellant in support of an appeal shall be treated with respect for the privacy of the appellant, and shall be confidential to those members of staff concerned with the matters raised in the appeal, either in the Department(s) against which the appeal is lodged, any Appeal Committee, or the Student Progress Committee.

While all evidence submitted by an appellant will normally be seen by those in the Department(s) against whom the appeal is lodged, exceptionally, the appellant may request in writing that information which s/he specifies not be so disclosed. The Chair of Student Progress Committee shall determine whether such exceptional circumstances exist. Where the Chair determines that they do not exist s/he shall inform the appellant in writing of that decision and the reasons for it, and shall provide the appellant with the opportunity to have a summary of the evidence, which balances the request for confidentiality against the ability of the Department to respond to the appeal, disclosed. If the appellant is unable to accept either option the appeal shall be deemed to have been withdrawn by the appellant.

Any member of staff involved with an appeal in any capacity will ensure that the relevant current legislation is complied with at all times.

Matters raised or disclosed during the hearing shall be deemed confidential.

2.6. Decisions which may be appealed

A candidate for an undergraduate or taught postgraduate programme of study may appeal against the recommendation or decision of an Examination board:

- (a) to terminate the candidate's programme of study for non-compliance with the attendance and/or submission requirements of the programme
- (b) to terminate the candidate's programme of study on grounds of professional unsuitability or professional misconduct
- (c) to exclude the candidate from an examination, dissertation, placement or other form of study or assessment forming part of the candidate's programme of study
- (d) to award or refuse to award the candidate the qualification or classification of the qualification
- (e) any other decision of an Academic Department, Faculty or examination board concerning the academic progress of a candidate

2.7. Grounds for Appeal

A candidate may appeal on one or more of the following grounds:

- (a) That there existed circumstances affecting the candidate's performance of which the examiners had not been made aware when the recommendation or decision was made, and that had the examiners been aware of those circumstances it was reasonably likely that the examiners would not have made the recommendation or decision, or would have made a different recommendation or decision
- (b) That there were procedural irregularities in the conduct of the assessment process (including administrative error), of such a nature as to cause reasonable doubt as to whether the examiners would have reached the same conclusion had the irregularities not occurred.
- (c) That there are reasonable grounds to believe that the recommendation or decision was influenced by prejudice or bias on the part of one or more of the examiners.

3. Responsibilities

- 3.1. Quality Administrator to receive and record the appeal and arrange for appeal board if deemed necessary
- 3.2. Director of Quality and Standards to be designated appeals officer, review the decision and communicate response back to the appellant.

4. Process

4.1. Stage 1 - Informal Resolution

Informal resolution is achieved when both parties are in agreement. The curriculum areas offer of informal resolution must be made without prejudice to the right of the appellant to insist that the regulations be applied in full.

A student may raise a query with their curriculum team about a decision or result within 10 working days of the formal publication of the result. It is expected that all teams will publicise to their students the arrangements by which students may seek advice and guidance at a point where module and programme results are formally published. Informal resolutions should be recorded with the quality administrator.

Informal resolution of a dispute, at whatever stage of the process, is always the College and University partner's preferred option and it remains an option available even after the query has reached the formal appeal stage.

Where an academic query has been raised with a curriculum area and they are unsure of the next steps to take to resolve the query, then they should consult with either the Deputy Principal or the University partner.

Where an informal resolution is agreed after a formal appeal has been submitted, then the University shall approve such informal resolution.

4.2. Stage 2- Formal process

- a) Student lodges an appeal in writing using the HE Academic Appeals form (CQD38) within 10 working days (or 15 days if the student's programme of study is validated by the University of Hull) of results being received giving reasons, this time frame may be extended to take into account time used in seeking an informal resolution as per stage 1.
- b) HE Quality Administrator logs the appeal
- c) Director of Quality and Standards investigates and confirms whether the appeal meets the criteria and that evidence has been provided and liaises with University partner if needed.
- d) If leave to appeal is not granted the Director of Quality will communicate this and the reasons why to the student, usually within 10 working days.
- e) If the appeal is considered to be properly founded and a panel is required, this will be formed comprising of
 - A chair- a suitable senior manager experienced in higher education who did not chair the original examination board
 - 2 academic staff who were not present at the original board or been involved in assessment of the appellant
 - A secretary (non-voting)
 - i. The student is invited to attend and may be accompanied
 - ii. The chair will then liaise with University partner if needed.

- iii. Decision communicated to the student.

- f) The response to the appeal will usually be provided within 10 working days unless the appeal is particularly complex, when the student will be informed of reasons for the delay.

4.3. Stage 3 Right to final challenge

Students who consider the college to have failed to follow published procedures and regulations, may have final appeal with the awarding body they are registered with. Final appeals to the awarding body/University must be submitted within 10 working days of receipt of the college response. This will be outlined in the College response.

The appropriate regulations will apply after the college stages have been completed:

Royal Agricultural University: Academic Regulations for Taught Programmes

University of Hull: Academic Appeals

Huddersfield University: Appeal against a decision of the assessment board

City and Guilds: Academic Appeals Policy

Pearson: Student Appeals

Where the appropriate panel of the awarding body determine that the College has not acted in accordance with the regulations or that a decision is not reasonable then the recommendations will be considered by the HE Director of Quality. The decision will then be communicated to the student.

Where the awarding body find that the decision was reasonable and made in accordance with regulations the challenge will be rejected and a completion of procedures letter will be issued.

5. Appeal to the Office of the Independent Adjudicator

Once a completion of procedures letter has been issued by the awarding body/university a student can request an independent review through the Office of the Independent Adjudicator. This must be within 12 months of the date of the completion of procedures letter. Details can be found on the website <https://www.oiahe.org.uk/students/can-you-complain-to-us/>

6. Recording and Monitoring of Appeals

- a) The following information must be held:
 - the type of decision against which the appeal is lodged
 - the ground(s) on which the appeal is based
 - the outcome of the appeal
 - the time taken for each stage
 - the ethnic origin, gender and any disability of the appellant provided that the appellant has consented to this information being collected for this purpose

- b) SLG and QIC will receive and review these reports annually and make internal recommendations as to
 - adequacy of advice, guidance and support mechanisms for students
 - adequacy of staff development and support for those operating the appeal procedures
 - the level of understanding of staff and students of the procedures
 - The effectiveness of the overall procedures in meeting their aims.

- c) For student on University of Hull awards, the Student Progress Committee at University of Hull **must** receive an annual report from the Partner on appeals decided within each academic session, summarising the information referred to in paragraph (a).

7. Related Documents

- City and Guilds Appeals Policy
- Office of the Independent Adjudicator Good Practice Framework for handling complaints and academic appeals
- Pearson Student Appeals
- QAA UK Quality Code – Advice and Guidance: Concerns, Complaints and Appeals
- Royal Agricultural University: Academic Regulations: Section 10 Appeals Against School Examination Board Decisions.
- University of Huddersfield: Appeal against a decision of an Assessment Board.
- University of Hull: Academic Appeals section 23 review of decision

- HE Academic Appeals Form CQD38
- Bishop Burton College Complaints Procedure OP 2.03
- HE Admissions (including appeals) OP 1.106

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By: Deputy Principal