



Academic Appeals

HE Taught Courses

This document is based, with their permission, on Kingston University's ACADEMIC REGULATIONS 8: Academic Appeals - Taught Courses. It applies to the College's Higher Education provision not covered by an awarding HEI such as Higher National Certificates and Diplomas. Students registered on University award programmes will be subject to the regulations of the awarding body.

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DEFINITIONS

1 For the purposes of these procedures:

<i>Academic appeal</i>	Is defined as a request for a review of a decision of an Examination Board charged with decisions on student progress, assessment and awards
<i>Complaint</i>	Is defined as an issue/concern with services provided by the College; the delivery of a programme, teaching, or administration; misconduct by a member of staff or other students. The relevant procedures for dealing with complaints of this nature will either be the Student Complaints Procedure or the Student Disciplinary Procedure
<i>Student</i>	Is anyone on a programme of study who is registered for a Higher Education award or is being assessed for credit. This can be for students registered on degrees awards by a partner university or for students registered on an HNC/D programme where Pearson is the awarding body.
<i>Examination Board</i>	Is the official body established by College or the awarding body whose members are drawn from the internal and external examiners for a programme.
<i>mitigating (or extenuating) circumstances</i>	Are defined for the purposes of assessment as circumstances of a serious nature, usually sudden or unforeseen, that occurred during or immediately before a specific item or period of assessment. These may be considered by a separate Mitigating (Extenuating) Circumstances Panel. Students wishing to include mitigating circumstances in their appeal are advised to read paragraphs 15 to 16 of Mitigating or Extenuating Circumstances and Student Assessment Regulations before submitting an appeal.
<i>Stage 1: College Stage</i>	At Stage 1, academic appeals submitted within 15 College working days of the publication of results are considered by the College Quality Office.
<i>Stage 2: Appeal to the Principal</i>	A student who is not satisfied with the Stage 1 decision who believes that the appeal procedure was not followed correctly , may submit a formal written request for review to the Principal. This request for a review, together with the evidence that the appeal procedure was not followed correctly must be submitted within 10 College working days of the date of the Stage 1 decision
<i>Academic judgement</i>	Is a judgement that is made about a matter where only the opinion of an academic expert will suffice, for example a judgement about assessment, an award classification, fitness to practise or course content/outcomes will normally be academic judgement. But, the fairness of procedures, the facts of the case, misrepresentation, the manner of communication, bias, an opinion expressed outside the area of competence, the way evidence is considered and maladministration in relation to these matters are all issues where academic judgement is not involved.

- 2 An Examination Board derives its authority from an awarding body (such as Pearson) and the College's Senior Management Team (SMT) and is the only body that can:
 - agree results for students including any requirements for reassessment
 - agree the expulsion of a student for academic failure
 - recommend the conferment of an award
 - consider the appropriate action to be taken if acceptable evidence of mitigating circumstances has been presented
- 3 The decisions of an Examination Board can only be set aside in exceptional circumstances. These are stated in paragraph 20.
- 4 Students must be informed of the dates by which any claims for mitigating circumstances must be submitted.
- 5 Stage 1 Academic Appeals must be made in writing within **15 College working days** of the publication of results. Those received after this deadline will only be considered if there is evidence to show that it was impossible for the student to comply e.g. they were too incapacitated by illness to action the appeal. Stage 2 Academic Appeals must be made in writing within **10 College working days** of the Stage 1 outcome.

SCOPE AND PURPOSE

- 6 The College's policies on the assessment of students, the role of external examiners or external verifiers and other related matters are published separately.
- 7 The Regulations do not cover complaints or appeals against matters which have already or are currently being considered by the Office of the Independent Adjudicator for Higher Education (OIA), a court, or a tribunal.
- 8 This policy is relevant to higher education students registered on Higher National Certificates and Diplomas, and other College HE courses not covered by awarding university regulations. Students registered for awards of a partner university should follow the appeals process of their awarding university.
- 9 The College wishes to ensure that the assessment process is carried out in accordance with these agreed procedures and that Examination Boards have full and accurate information on which to base their judgements. The appeals process is designed to identify and rectify any failure of this process while ensuring fairness for all parties. All parties are required to act with impartiality and identify any actual or potential conflict of interest.
- 10 However, the College reserves the right to terminate the appeals process at any time if it judges that the appeal is vexatious or frivolous. This decision will be made by the Deputy Principal on the advice of the Academic Registrar.
- 11 The College will make reasonable adjustments to the proceedings where necessary, including contact by email.
- 12 As appeals are always related to individual assessment outcomes, it is unusual for students to submit collective appeals. However, the College recognises that there may be exceptional circumstances where the issues raised affect a number of students and therefore those students may wish to lodge a collective appeal. In these cases, each student is expected to show how they have personally been affected by the situation. In certain instances, the case investigator may require a nominated

individual to act as spokesperson for those students who are making the collective appeal.

- 13 The College will not consider appeals which are made anonymously, nor will it consider requests made by appellants for appeals to be considered anonymously by case investigators.
- 14 The appeals process excludes the following, for which separate Student Complaints Procedure or the Student Disciplinary Procedure exist:
 - complaints against services provided by the College
 - complaints about the delivery of a programme, teaching, or administration
 - complaints about misconduct by a member of staff or other students.
- 15 The College will endeavour to ensure holistic consideration is given to multi-issue complaints and that a coordinated response is given wherever possible.
- 16 Students should ensure that the issues being raised are pursued in accordance with the relevant College procedure and should seek advice from the College Quality.
- 17 Examples of successful and unsuccessful academic appeals will be available in the College Quality Office.
- 18 Student expenses for making an appeal or in the unlikely event of being asked to attend a meeting to explore the appeal will not be reimbursed by the College regardless of the subsequent outcome.

Accompaniment and representation

- 19 A student may wish to seek advice from a third party when making an academic appeal however, this is an internal procedure and it is appropriate for students to represent themselves. In the unlikely event that the student is invited to a meeting to explore the appeal, the student may be accompanied by a friend, family member, a Trade Union or professional association staff member, if applicable. The individual accompanying is not permitted to make representations, or ask or answer questions on behalf of the student, or attend in any legal capacity.

GROUNDS FOR AN APPEAL

- 20 A student has the right to appeal against the decision of an Examination Board if there is evidence of one or more of the following:
 - i) the published marks or grades are wrong;
 - ii) there has been a significant irregularity in the assessment process;
 - iii) the assessment regulations have not been adhered to;
 - iv) the Examination Board was not aware of a significant factor relating to the assessment of one or more students. This includes mitigating circumstances that could not be presented to the Examination Board when it made its original decision.*

*Student's wishing to appeal using ground iv (noted above) are advised to read paragraphs 15 and 16 of the Mitigating or Extenuating Circumstances and Student Assessment Regulations prior to submitting an appeal.

- 21 The following are not considered to be legitimate grounds for an appeal:
 - complaints about the academic judgement of the Examination Board, including complaints about grades and classifications of awards
 - complaints about the way in which mitigating circumstances were considered unless there is clear evidence that the defined procedures were not followed by

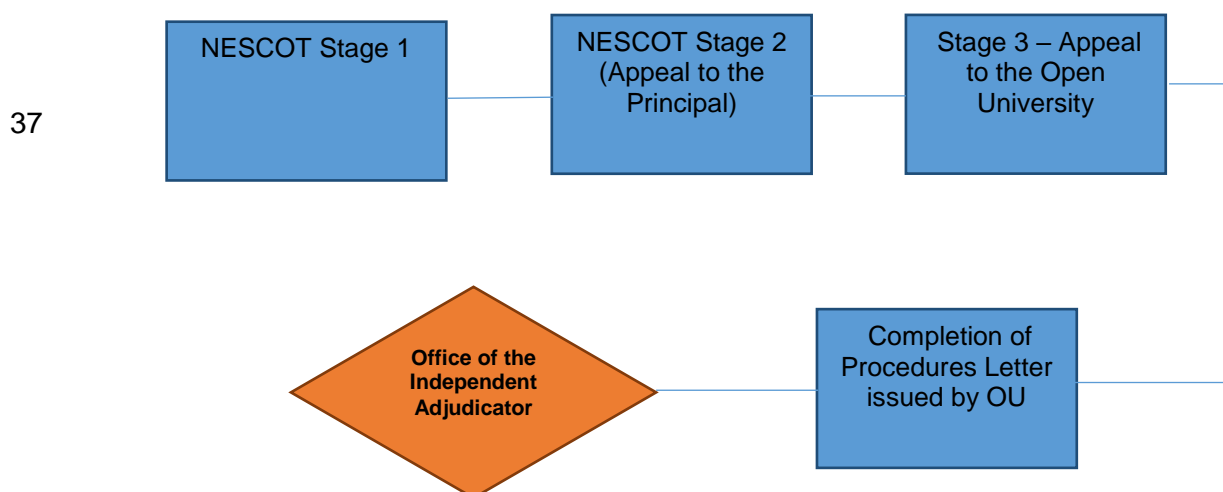
- the mitigating circumstances panel and/or the mitigating circumstances panel's recommendation was not appropriately considered by the Examination Board
 - information such as evidence of mitigating circumstances when there is no evidence to show why it could not have been presented at the correct time.*
- 22 If an appeal is submitted that does not contain permissible grounds as detailed in paragraph 20, the College will write to inform the student that the appeal cannot be accepted for lack of relevant grounds.
- 23 If an academic appeal includes issues that fall within the remit of other procedures, such as the Student Complaints Procedure, students will normally be informed of this within **five College working days** of receipt of the appeal and directed to the relevant procedure.
- 24 Where a student has submitted both a complaint and appeal the College will liaise with the relevant departments as appropriate to determine the best way forward for the issues raised. This will normally be done within the 20 College working days provided for the consideration of the appeal from receipt.

STAGE 1: College level

- 25 Students who believe that they have evidence on which to base an academic appeal should seek advice from the appropriate member of staff.
- 26 All academic appeals must be made within 15 College working days of the publication of results using the application form for Stage 1 appeal, and submitted to the College Quality Office. All evidence must be provided at the time the appeal is submitted.
- 27 If a student believes there are grounds for appeal as set out in paragraph 20, the matter can be raised initially with the member of staff responsible for their programme. However if the member of staff responsible for the programme is unable to resolve the student's concerns, the student must submit a formal request for a stage one appeal to the College Quality Office **within the stipulated time period noted above in paragraph 5**.
- 28 A Stage 1 appeal request will be acknowledged within 5 College working days of its receipt by the Quality Office. The member of staff designated within the College to investigate appeals will immediately inform the Chair of the Examination Board and a review of the information provided will be undertaken.
- 29 If it is found that that an error has occurred in the recording of marks or grades, or there is evidence of an irregularity, either procedural or regulatory, and the Chair considers that the Board might have reached a different decision, the matter will be referred back to the Examination Board to enable it to reconsider its decision. The Chair of the Examination Board, in consultation with board members, will take the required action to rectify the error as soon as possible and will confirm the outcome to the student in writing.
- 30 The student will be informed in writing where the investigation shows that no mistake or irregularity occurred.
- 31 Students are required to submit claims of mitigating circumstances by the published deadline. However, there may be circumstances that prevent this. For example, a student may be incapacitated by illness or other significant personal factors and cannot provide the evidence by the required date. In these exceptional circumstances, a late submission, with supporting evidence for the delay, may be made to the Chair of the Examination Board.

- 32 If the Chair considers that there is good reason for the late submission and the claim is acceptable and pertinent to the decision reached about the student's performance, the matter may be referred back to the Examination Board for reconsideration.
- 33 Written confirmation of the Stage 1 decision should be provided by the member of staff designated within the College to investigate appeals to the student within **20 College working days** of receipt of the appeal.
- 34 Where the Chair is uncertain if the evidence presented is clear enough to warrant immediate referral to the board, the student should be advised of this and be invited to submit further evidence to clarify the situation. This further evidence must be provided within **10 College working days** of the initial Stage 1 decision.
- 35 **STAGE 2: Appeal to the Principal**
- 36 Where evidence is presented to show that the appeal procedure was **not** followed correctly, there will be an opportunity for further appeal by the student to the Principal. In this case the student should write to the Principal setting out their case, and including the evidence that the stage 1 procedure was not followed within **10 College working days** of the initial Stage 1 decision.
37. In the case of students enrolled on Open University ONLY, academic appeals will follow Stage 1 and Stage 2 as described above. In the event that there is no resolution of the matter at the exhaustion of Stage 1 and Stage 2 procedures, there is a right of appeal (Stage 3) to the Open University. The procedure is as described in the OU Handbook for Validated Awards (Appendix 3) – see <http://www.open.ac.uk/cicp/main/validation/about-ou-validation/handbook-validated-awards>

Academic Appeals Process (Open University) Flowchart



COMPLETION OF PROCEDURES

At the completion of the College's internal processes relating to appeals, the College will issue a letter informing a student that the College's procedures are complete. If a student remains dissatisfied with the outcome it may be possible to make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA). Information and eligibility rules are available at <http://www.oiahe.org.uk>