



# Student Academic Appeals

## STUDENT ACADEMIC APPEALS

### Contents

#### **Section A: Policy on Student Academic Appeals**

1.0 Introduction and purpose .....	1
2.0 Scope and applicability .....	2
3.0 Grounds for appeal .....	3

#### **Section B: Student Academic Appeals Procedure .....**

4.0 Formal appeals process – Examinations Appeals Board .....	5
5.0 Communicating the decision of the Board .....	6
6.0 Further action .....	6
7.0 Disabled students or students with other protected characteristics.....	7
8.0 Reporting.....	8

### **Section A: Policy on Student Academic Appeals**

#### **1.0 Introduction and purpose**

The Policy and Procedures set out here are intended to provide a clear and impartial process for handling student appeals against examination results within a reasonable timescale having due regard to the spirit of natural justice. In preparing this document, the College has been informed by the QAA's UK Quality Code for Higher Education (May 2018) Advice and Guidance: Concerns, Complaints and Appeals and the *Good Practice Framework for Handling Complaints and academic appeals produced by the Office of the Independent Adjudicator*.

The College recognises that it has a duty to act fairly, which should both inform and underpin all its processes when dealing with students. All College policies and procedures have taken into account the particular requirements of students with protected characteristics, including disability as defined in the Equality Act 2010. In order to make our operations both transparent and clear, the College will ensure that in any of our systems, panels and communications we will endeavour to use as appropriate the following set of tenets, though not exclusively, as a guiding set of operational principles.

We will:

- Inform you of the basis of the issue and give you an opportunity to respond before any decisions are made;
- Avoid bias when dealing with your issues;
- Be transparent in all our dealings whilst maintaining confidentiality where possible;
- Not delay in communicating with you;
- Where appropriate, we will seek to resolve issues relating to discipline informally through our student support system;
- Not delay in carrying out any necessary investigations to establish the facts of the case;
- Provide all the information and documents to which any hearing or panel has access to you, in alternative format as appropriate
- Ensure that all the appropriate college regulations and policy documents are easily accessible and available to you;
- Allow representations by you in either written or verbal form
- Take account of all circumstances
- Confirm the decision in writing
- Monitor and review the effectiveness of our student complaints and appeals procedures and ensure appropriate action is taken

## 2.0 Scope and applicability

The UK Quality Code for Higher Education (May 2018) Advice and Guidance: Concerns, Complaints and Appeals defines an appeal as “a request for a review of a decision made by an academic body around a mark, outcome or decision.”

This Policy deals with appeals against examination results and work assessed as part of your studies.

It **does not apply** to appeals relating to:

- admissions (see ***Applicant Appeals and Complaints***)
- academic misconduct (see ***Academic Misconduct: Policy and Procedures***)
- student disciplinary action, (see ***Student Disciplinary Action: Policy and Procedures***)

All students have the right to appeal against the decision of an Examination Board. No student appealing under these Procedures, whether successfully or otherwise, shall be treated less favourably than would have been the case had an appeal not been made.

This Policy and Procedure may be used if you wish to appeal against a final decision of an Examination Board, or a committee or equivalent body which affects your academic status or progress in the College, including (but not limited to) the following:

- i. a decision that you be expelled from the College or be excluded from your programme, element of programme, or study, on grounds of unsatisfactory progress or failure to meet academic or professional requirements, or arising from unsatisfactory work and attendance;
- ii. a requirement that you interrupt your studies on grounds of unsatisfactory progress or failure to meet academic or professional requirements;
- iii. the result of a formal assessment or the award of a particular degree classification.

### 3.0 Grounds for appeal

If you wish to appeal you must do so on your own behalf and no later than 20 working days after the publication of your examination result. An appeal submitted by a third party will not be accepted unless accompanied by written authorisation from you.

An application for a review may be made **only** on the grounds alleging that:

- i. there existed circumstances affecting your performance of which, for good reason, the examiners may not have been aware when the decision was taken, and which may have had a material effect on the decision;
- ii. there was a material administrative error or procedural irregularity in the assessment process or in applying the regulations for the programme of study such as to cause significant doubt as to whether the decision might have been different if the error or irregularity had not occurred;
- iii. there was evidence of prejudice, bias, discrimination or of inadequate assessment on the part of one or more of the Examiners;
- iv. There was a disproportionate nature of a penalty. In specific circumstances, for example, where your work has been marked down for some form of academic misconduct, you may make an appeal against the severity of the penalty, if you feel that the punishment is unjust.

You **cannot** appeal on any ground which:

- I. disputes an academic judgement which was arrived at following due process and it should therefore be noted that **there is no provision for appeal against the academic judgement of the Examiners or;**
- II. has already been considered and rejected by the Mitigating Circumstances Committee unless additional evidence in support of the original mitigation claim is provided for the purpose of the appeal **and** there is a valid reason why the additional evidence was not submitted with the original special circumstances claim or;

- III. could have been considered by the College's Examination Board if you had given notice to have it considered before the Board met and you had no valid reason for having failed to give such notice or;
- IV. claims that academic performance was adversely affected by ill-health, where there is no medical evidence certified by a recognised medical practitioner, GP or hospital consultant or other evidence deemed appropriate by the College's Examination Board to support the application.

Prior to taking a final decision as to whether to request a review or not, you are advised to contact your Programme Director/subject leader to attempt to resolve the issue informally.

## Section B: Student Academic Appeals Procedure

### 4.0 Formal appeals process – Examination Appeals Board

If you decide to make a formal request for a review, an application for review shall be submitted in writing on the appropriate form, with supporting evidence to [complaintsandappeals@bruford.ac.uk](mailto:complaintsandappeals@bruford.ac.uk) not later than **20 working days** after the publication of your examination results. For an appeal to be valid it must:

- i. be made in writing on an Appeals Form;
- ii. specify the grounds for the appeal among those set down in **3.0 above**;
- iii. state the title and code of the module(s) affected and the assessment period and academic year in respect of which the appeal is being made;
- iv. include all appropriate, supporting evidence. Appeals without any independent supporting evidence shall not be considered;
- v. be dated and bear your full name, student number and signature;
- vi. be submitted by email;
- vii. be received within **20 working days** of the date of publication of the result(s) of the assessment(s) concerned.

Once an appeal has been lodged you may continue and fully engage with your studies, undertaking placements and/or assessments without prejudice to the outcome of the appeal. The final decision regarding your attendance at the College and or placement rests with the Principal.

Any credit you attain by engaging with your studies whilst an academic appeal is being progressed will be declared null and void if the appeal is eventually dismissed and where the original decision of the Examinations Board was to discontinue your studies. Therefore, any such credit attained cannot contribute to the conferment of an intended or intermediate award.

Your appeal will be considered by the Examinations Appeals Board, a formal Committee of the College, consisting of:

- Two Senior Members of Academic Staff (one who shall be nominated as the Chair)
- A member of Academic Staff unconnected to the case
- A member of Programme Administration team to take notes

The Board will **only** consider the appeal based upon the grounds indicated above in section 3.0.

The Board will meet within **20 working days of receipt of the appeal**.

Having considered the evidence, the Examinations Appeals Board may take one of the following actions:

- i. uphold the appeal and substitute an alternative result;
- ii. reject the appeal, in which case you will be given reasons for the decision. If the appeal is rejected, there is no further right of appeal within the College;
- iii. refer the matter back to the original Board of Examiners for reconsideration taking into account the new information or any guidance from the Board. The reconvened Board of Examiners will have the power to confirm or alter its original decision. Where the original decision is confirmed, the student will be given reasons for that decision. There will be no opportunity within the College for the student to appeal against the decision of the reconvened Board of Examiners;
- iv. revoke the original decision of the Board of Examiners and, as appropriate, require the appropriate School to allow the student a further opportunity to satisfy the requirements for continuation on the programme or element of the programme

## **5.0 Communicating the decision of the Board**

You will be notified in writing of the Board's decision to uphold or reject an appeal wherever possible within **5 working days** of the Examination Appeals Board meeting.

In the event that the appeal is upheld, the decision of the Board will be communicated to the relevant Examinations Board and Registry and the student's record amended accordingly.

In the event that the appeal is rejected, both the relevant Examinations Board and registry will be informed but no further action taken.

## **6.0 Further action**

The College has implemented an opportunity for students to request a review of the way that their appeal has been processed, where the student is not satisfied with the outcome.

Students should submit review requests by email to [complaintsandappeals@bruford.ac.uk](mailto:complaintsandappeals@bruford.ac.uk) within **7 days** of receiving the outcome of the formal appeal submission.

Requests should provide any supporting evidence and state:

- the grounds for the review request (see below)
- the outcome being sought from the review, i.e. re-consideration of the appeal at the formal stage

The grounds on which a review can be requested are:

- i. a review of whether procedures were followed appropriately at the formal stage
- ii. a review of whether the outcome of the appeal was reasonable
- iii. availability of new evidence that could make a difference to the outcome and which the student could not reasonably have provided earlier in the process

The review of the decision made at the formal appeal stage is carried out by the Director of Academic Affairs who will assess the request and either:

- i. uphold the review request and refer the appeal back to the formal stage
- ii. partially uphold the review request and recommend action on the part of the request that has been upheld
- iii. dismiss the review request

An appeal review request is the final stage in the appeals process at the College.

Following the completion of this stage if your review request is not upheld or only partially upheld, you can request a Completion of Procedures letter by emailing [complaintsandappeals@bruford.ac.uk](mailto:complaintsandappeals@bruford.ac.uk) within **28-calendar days** of receipt of the outcome of your appeal review request.

This letter is required so that you can exercise your right to complain to the Office of the Independent Adjudicator regarding the way in which your appeal has been managed - [Office of the Independent Adjudicator for Higher Education - OIAHE](#).

## **7.0 Disabled students or students with other protected characteristics.**

Students who feel that they may have been discriminated against because of their disability or any other protected characteristic as defined by the Equality Act 2010 can make a complaint through the College complaints procedure, but you also have the right to pursue a complaint under the terms of that Act to a county or sheriff court. If you feel you have a case you may bring proceedings against the responsible body, that is, the governing body of the College, the claim must normally be started within 6 months of the alleged discrimination. Where there has been a process of discrimination taking place over a period of time, the six months begins at the date of the last discriminatory act. Courts have the discretion to consider a claim brought outside the six-month period if they consider that it is fair to do so.



If you wish you can take a case under this Act at the same time as making a appeal through the College's procedures outline here. Most of the cases under this act are dealt with in the first instance by the Equality and Human Rights Commission (EHRC) which has set up an independent conciliation service for disputes arising under the act, and tries to promote settlement of disputes without recourse to the courts. Agreeing to the conciliation process does not prevent a complainant from pursuing a case through the courts and the time limit for bringing an action in court is extended by two months if the conciliation process has been used within six months of a discriminatory act. For further information about the EHRC and the conciliation service, contact the EHRC helpline by ringing 08457 622 633. Textphone users should dial 08457 622 644. Further information can be obtained from the EHRC website: [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

## **8.0 Reporting**

Each year, the Director of Academic Affairs will prepare a report to the Board of Governors on the number and nature of academic appeals, identifying any general issues that may have arisen.

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