

Academic Appeals Policy and Procedures (Taught Awards)

1. Scope and Purpose

- 1.1 This document sets out the policy under which learners enrolled on AECC University College awards may appeal against the published decision of an Assessment Board, the grounds for appeal and the mechanism by which appeals will be considered.
- 1.2 The University College is committed to the fair and equal treatment of all individuals regardless of gender identity, age, disability, colour, race, ethnic or national origin, socio-economic group, sexual orientation, marital status, family responsibilities, religious or political beliefs.
- 1.3 Appeals considered under these procedures are conducted fairly (to all parties), transparently, and in a timely way. This includes explaining clearly the decisions made, and why, to learners making an appeal.
- 1.4 All appeals will be considered sensitively and, on their merits, and in accordance with the Dignity Diversity and Equality Policy. Where a learner or staff member working with this policy has specific protected characteristics under the Equality Act 2010, we will ensure that information is provided in appropriate formats and reasonable adjustments are made to the proceedings and facilities to accommodate their needs.
- 1.5 The Academic Appeals Policy is an internal procedure and is not a legal process.
- 1.6 No learner bringing an appeal under this procedure, regardless of the outcome, will be treated less favourably than if they had not brought the appeal. If evidence to the contrary is found, the member of staff may be subject to action under the University's College's Staff Disciplinary Procedure.
- 1.7 The University College is committed to providing a safe working environment for staff, and staff have the same rights as students to be heard and respected. Unacceptable behaviour by any student using the appeals procedure will not be tolerated. When the actions or behaviour of a student making an appeal is unacceptable they will be told why this is the case and given the opportunity to modify their actions or behaviour. Should the unacceptable actions or behaviour continue, action may be taken against the student under the student disciplinary policy.
- 1.8 Learners enrolled on courses delivered through Educational Partnership arrangements will be provided information relating to any adaptation to the administrative arrangements for the consideration of academic appeals under this policy and procedure. The details of any adaptation will be set out in the relevant Partnership Agreement.

2. Key Responsibilities and delegated authority

- 2.1 Responsibility for the management and implementation of this policy and its procedures lies with the Academic Registrar.
- 2.2 The Appeals Board operates with delegated authority from the Academic Board and is authorised to make decisions on behalf of an Assessment Board and/or other University College decision-making body. All decisions made will be reported to the relevant Assessment Board and to Academic Board.
- 2.3 Those involved in consideration of an appeal at any stage will not attempt to re-examine the learner, or to appraise the professional judgement of the examiners; rather they will consider whether the decision of the Assessment Board was appropriate in the light of the evidence submitted with the appeal.
- 2.4 Under this policy and associated procedures any University College role or officeholder or officer of the Student Union may act through their appointed nominee.
- 2.5 Where members of the Students' Union have a role as a panel member in any proceedings under this policy their role is to serve as a full member of the panel in determining the matter under consideration and not to act as an advocate for the student submitting the academic appeal.

- 2.6 Guidance notes are available for learners considering pursuing an appeal through this policy. The Deputy Academic Registrar and the Student's Union and Engagement Manager are available to offer information, advice and guidance on the appeals policy.
- 2.7 Members of the Academic Appeals Board and other key staff should receive appropriate training.
- 2.8 Academic Standards and Quality Committee considers data relating to and learning arising from academic appeals.
- 2.9 Academic Board approves new policies or amendments to existing policies relating to academic appeals.
- 2.10 Any matter relating to an appeal raised directly with the Vice-Chancellor or Deputy Vice-Chancellor, will be referred to this policy immediately.

3. Overview and context

- 3.1 The University College may reject an appeal at any time if, in the opinion of the Investigating Panel, the appeal is vexatious or motivated by malice - for example:
 - o academic appeals which are obsessive, harassing or repetitive
 - o insistence on pursuing non-meritorious academic appeals and/or unreasonable outcomes
 - o insistence on pursuing meritorious appeals in an unreasonable manner
 - o appeals which are designed to cause disruption or annoyance
 - o demands for redress which lack any serious purpose or value.

If a learner's appeal is considered vexatious or motivated by malice, action may also be taken against the learner under the disciplinary procedures.
- 3.2 Appeals against an Assessment Board decision may not always be completed in time for the learner to progress into the next year of study. Learners are not permitted to progress provisionally into the next year of study while their appeal remains under consideration, although the University College will seek to expedite the process as far as possible to enable progression at the normal time if an appeal is successful.
- 3.3 Even when an appeal is successful, learners will still need to complete and pass all elements of their work before progressing to the next stage of their course.
- 3.4 Should an appeal also embody a complaint, where possible both will be dealt with concurrently. Where is not possible the complaint will be resolved in accordance with the Student Complaints Policy and Procedures before the appeals process is initiated. Where a learner is also subject to another University College procedure (whilst pursuing an academic appeal) such as (but not limited to) Fitness to Practise/Study or a Disciplinary Procedure, the Academic Registrar will determine which Procedure takes precedence. The learner will be kept informed at all stages.
- 3.5 The time limits set out in this policy will normally be followed. However where, for good reason, this is not possible, all parties will be informed of the reasons for delay and kept informed of progress. Where there is good reason, arrangements may also be expedited.

4. Definitions

- 4.1 An academic appeal is defined as **a request for a review of a published decision of an academic body (Assessment Board) charged with making decisions on learner assessment, progression (i.e. progress from one stage or level of a course to the next) and awards.**
- 4.2 **Grounds for making an appeal:** Learners may only submit an appeal on **one** of the following grounds (selecting the most appropriate category) if they have evidence that:
 - i. there has been a significant procedural error in the assessment process that had a serious impact on the learner's performance, such that the assessment outcome would likely have been different had the error not occurred
 - ii. the assessment was not carried out in accordance with the regulations for the course
 - iii. Staff have not acted fairly towards them by showing bias in the way they have made the relevant academic decision
 - iv. their performance in assessment has been affected by illness or other factors which, for valid reason(s), they were unable to disclose, by the deadline for presenting evidence of exceptional personal circumstances. (See the Policy for the consideration of Exceptional Personal Circumstances).

4.3 The following do not constitute grounds for appeal:

- Disagreement with the academic or professional judgement of the examiners (that is, the decision made by academic staff on the quality of the work, or the criteria being applied to mark the work). This means that a mark or outcome cannot be challenged on the grounds that, in the learner's opinion, it is not what the work deserved.
- Disagreement with the conclusions reached by the panel which considered their exceptional personal circumstances
- Lack of awareness by a learner of relevant University College regulations or policies or the requirements of instructions for a particular assessment.
- Disagreement of examiners with a learner's viewpoint, argument or interpretation– this is a matter of academic judgement and not bias or prejudice.

4.4 **Third party appeals:** A learner must submit an appeal on their own behalf unless, in the judgement of the Academic Registrar, there are exceptional reasons why they are unable to do so. Any appeal made on the learner's behalf by a third party (such as a parent or partner, or for apprentices, their employer) will not be investigated unless the learner gives written consent for that person to act on their behalf. The University College will then only deal with the person authorised to act on the learner's behalf in respect of the appeal. However, the learner will still be expected to engage with the procedure when required to allow for full and thorough consideration of the appeal.

4.5 **Group appeals:** Where the issues raised affect a number of learners the affected learners may submit a 'group appeal'. Each member of the group must be able to demonstrate that they have been personally affected by the matter which is the subject of the appeal. The learners must nominate one individual to act as the group representative, and all affected learners must agree in writing to that person acting on their behalf. In such cases, the University College will communicate/correspond through the nominated learner only, who will be expected to liaise with the other learners throughout this procedure.

4.6 **Reimbursement of Expenses:** If an appeal is upheld, the University College will normally meet any reasonable 'out of pocket' expenses incurred by the student in connection with the Appeals Panel, on production of receipts; this may include UK travel and subsistence costs in connection with the learner's attendance at the Appeals Panel.

4.7 **Privacy and confidentiality:** Privacy and confidentiality will be maintained as far as this is compatible with the effective investigation of an appeal. However, the University College will disclose information to relevant staff in order to progress the investigation of an appeal and give staff an opportunity to respond. Any person named in connection with an appeal will be informed of the substance of the appeal and will be offered the right to reply. Any information so disclosed will be treated sensitively and confidentially. If a student has specific concerns regarding confidentiality, this should be raised in the appeal form.

4.8 **Access to Information:** Learners pursuing an appeal through this policy will be entitled to apply for access to personal data in accordance with the policies and procedures of the University College under the provisions of the Data Protection Act 2018 and other legislation. Applications should be made in writing to the Academic Registrar.

4.9 All information collected under the requirements of this policy/procedure will be processed in accordance with the Data Protection Act 2018. For further information please refer to the student privacy notice. Data used for internal monitoring and reporting to relevant committees will be anonymised.

5. Stage 1: informal discussions

5.1 Before submitting a formal academic appeal, learners are expected to discuss their concerns or queries with the relevant Unit Leader or Course Leader, to clarify questions about their general performance or specific marks. The purpose of this discussion is to help them gain a clearer understanding as to why a certain decision was reached and/or whether they have a valid basis on which to make an appeal. It is best practice for the staff member to retain a record of this meeting. If their concern cannot be clarified by an informal discussion in this way, and their concern falls within the grounds for appeal set out in para 4.2 and they have supporting evidence, they may submit an appeal in line with section 6 of this policy.

6. Stage 2: Formal Appeal

- 6.1 Learners wishing to make an academic appeal must do so within **10 working days or in the case of the summer resit assessment periods, within five working days**, of the publication of the decision of the Assessment Board ('results day').
- 6.2 Appeals submitted after the deadline will not normally be considered. Special consideration will only be given very exceptionally, if a student provides a valid reason for any delay, supported by evidence. If no such evidence exists and an appeal is out of time the Academic Registrar will issue a completion of procedures letter explaining why the appeal is out of time and referring to the relevant regulations.
- 6.3 Learners must complete the Academic Appeals form and e-mail this to registry@aecc.ac.uk by the deadline specified above. All sections of the form must be completed in full. The appeal form should be supported by all available written evidence to substantiate the claims made. Claims which cannot be substantiated with independent evidence are likely to be dismissed. It is the learner's responsibility to ensure that all the relevant evidence is presented with their appeals case.
- 6.4 All evidence must be provided in English. If translation from another language is required, the translation must be prepared by a registered translator, and include a statement of confirmation from the translator/translation company that it is an accurate translation of the original document, together with the translator/translation company's contact details. It is the learner's responsibility to meet any costs associated with the provision of evidence.

Investigating Panel

- 6.5 The Investigating Panel shall normally consist of the Academic Registrar, the Assistant Registrar (Quality Assurance) and a nominated Students' Union Officer.
- 6.6 The Investigating Panel will consider all evidence to determine whether there are grounds for appeal, and whether the request submitted under the correct procedures, is submitted within the deadline, is in the required format, and includes the necessary evidence.
- 6.7 The Investigating Panel shall where necessary, take statements from relevant staff members and/or collect other available evidence to inform the investigation.
- 6.8 The investigation may result in:
 - i. the academic appeal proceeding to formal consideration at the Appeals Board
 - ii. the academic appeal being rejected because it is not made under permissible grounds.
 - iii. the student being referred to a different procedure – for example if there are no grounds for appeal but it would be appropriate for a student to consider submitting a complaint.
- 6.9 Where the appeal is deemed valid, the Academic Registrar will inform the appellant of the date of the next meeting of the Academic Appeals Board at which their appeal will be considered.
- 6.10 Where the appeal is found to be invalid, the Academic Registrar will inform the learner in writing of the reason(s) for this decision. The written communication of the decision will also explain that the learner may opt to proceed to the review stage (see section 7).
- 6.11 Where the appeal is deemed valid, and it is conclusive that the University College is at fault, the Investigating Panel will recommend corrective action to the Appeals Board for approval, after seeking agreement from the Chair of the Appeals Board on this course of action. Under such circumstances, the learner would not be required to attend the Board (but could do so if they wished), and would receive the Board's outcome in writing after the Appeal Board has met.

The Academic Appeals Board

- 6.12 Normally an Academic Appeals Board will be convened **within 10 working days of the deadline set for the submission of appeals** and all parties will be given a minimum of 48 hours' notice of the date of the meeting. Where every opportunity has been made to allow the student to attend the Academic Appeals Board, but they are still not able/decline to attend, the Board may take place in their absence.
- 6.13 The Academic Registrar may invite a representative from the course, who is also a member of the relevant Assessment Board, to attend the Academic Appeals Board to present the Assessment Board's case if appropriate.

- 6.14 The Academic Registrar will collate the evidence for the Academic Appeals Board, which will normally include the following:
- the learner's appeal, and all supporting evidence provided;
 - where applicable any response from members of staff or other information gathered under 6.7 above
 - assessment marks; and if appropriate the minutes of the relevant Assessment Board.

All information provided to the Board should be given to the learner before the Academic Appeals Board meets. All members of the Academic Appeals Board will be issued with an appeals pack a minimum of 48 hours before the Board convenes.

Right of Representation

- 6.15 The Academic Registrar will inform participants of the date and time of the Academic Appeals Board so that the learner has the opportunity to represent themselves. This will normally be achieved by advance publication of the appeals schedule on the Virtual Learning Environment (VLE) by the Academic Registrar.
- 6.16 At the meeting of the Academic Appeals Board the learner has the right to make written and/or oral representations and to be accompanied by a friend or representative or for an apprentice, by their employer; (this is normally another enrolled student of the University College) or Students' Union representative. Learners are encouraged to make use of this provision.
- 6.17 AECC University College does not normally use legal professionals in the handling of cases, and therefore it is not expected that learners would need to do so either. As such the engagement of legal professionals by learners in relation to academic appeals is normally not permitted, and would be allowed only in exceptional circumstances, in discussion with the Academic Registrar and the Academic Appeals Board Chair.

Academic Appeals Board membership

- 6.18 The Appeals Board will consist of:
- an independent senior member of academic staff, who will chair the Board,
 - Head of Library and Student Services
 - a nominated Students' Union Officer not involved in the Investigating Panel.

The Academic Registrar will convene the Board and will act as Secretary.

Conduct of the Academic Appeals Board

- 6.19 All participants at meetings/hearings are expected to behave in an orderly and non-confrontational manner. If the Chair believes it necessary, they may adjourn or halt proceedings if, in their opinion, progress of the meeting/hearing is being hampered by a participant's behaviour.
- 6.20 The Academic Appeals Board may if it wishes, hold a private meeting before the start of the Academic Appeals Board meeting.
- 6.21 The Academic Appeals Board meeting will normally take the following format:
- Introduction of those present.
 - Learner and/or representative presentation (normally no more than 10 minutes).
 - Opportunity for the Academic Appeals Board to question the Learner
 - Statement about the case from an appropriate staff member.
 - Opportunity for the Academic Appeals Board to question the staff member.
 - Learner response/summing up. New evidence is not admissible at this stage.
 - The Learner (and their representative if present) shall withdraw while the Academic Appeals Board considers the evidence in private. The Board will reach its decision by simple majority vote.
- 6.22 *Right to Call Witnesses:* Should witnesses be called, they will attend only to present their evidence and to answer any questions that the Academic Appeals Board may put to them. Once their evidence has been heard and there are no more questions, witnesses will be required to withdraw.
- 6.23 *Consideration of Evidence:* While the Academic Appeals Board is considering the evidence, the learner and staff member must be available and may be required to provide further information or clarification to the Board. If the Academic Appeals Board needs further information or clarification, the learner and staff member shall be recalled to the meeting.

Outcome of the Academic Appeals Board

- 6.24 The Academic Appeals Board, having considered the appeal, may:
- i. uphold the appeal and agree to implement the outcome the appellant is seeking; or
 - ii. uphold the appeal and offer an alternative outcome; or
 - iii. dismiss the appeal.

In addition, the Academic Appeals Board may make recommendations for a change in University College procedures.

- 6.25 *Delivery of Decision:* Wherever possible the Academic Appeals Board shall seek to reach a decision on the same day of its private meeting to consider the evidence. The Academic Registrar will confirm the decision in writing, normally within **five working days**. Where it proves impossible to reach a decision within one hour the appellant will be informed and allowed to depart. The Academic Registrar will communicate the decision in writing, and the rationale for the decision, normally within five working days.
- 6.26 The learner will be advised that they may opt to proceed to the review stage, and the grounds on which a review may be considered, and that if they do not consider that they have grounds to proceed to the further stage, then they may ask the Academic Registrar for a Completion of Procedures Letter if they wish to refer the matter to the OIA.
- 6.27 The Academic Registrar will inform all relevant staff of the decision of the Academic Appeals Board, to include Registry and Course Leader, and report the outcome to the next Assessment Board. If the appeal directly results in a change of year designation Library and Learning Services and IT Services will also need to be informed.

7. Stage 3: Review Stage

- 7.1 Learners may request a review of the decision of the Academic Appeals Board (or the Investigating Panel if the appeal was dismissed at this stage) if they have evidence that:
- i. the procedures at stage 2 did not follow appropriate arrangements and that this influenced or may have influenced the decision in some way;
 - ii. the outcome was unreasonable, in the circumstances;
 - iii. new material evidence has become available which the student was unable, for valid reasons, to provide earlier in the process. Learners wishing to present additional evidence, must also demonstrate that it was not previously available, and explain why.
- 7.2 The review must be requested in writing within **seven working days** of the notification of the outcome of Stage 2 of the process using a Stage 3 Appeals Review Form. The learner must explain the grounds for their request for a review, and provide supporting explanation and evidence.
- 7.3 The review request will be considered by the Deputy Vice-Chancellor, a senior academic staff member and a nominated Students' Union Officer. No person involved in considering the review request shall have been involved in the Investigating Panel or the Appeals Board. The purpose of consideration at the review stage is not to rehear the appeal itself, but to review the way in which the appeal has been considered.
- 7.4 Those undertaking the review will have access to
- the learner's written case as submitted
 - the documentation presented to the Academic Appeals Board at Stage 2, and the written record of the Board outcome.
- 7.5 The review stage will normally be conducted by correspondence (to the learner's University College e-mail). Those undertaking the review may seek clarification of issues raised, from the learner and/or from relevant staff.

Outcomes of the Review Stage

- 7.6 The Deputy Vice-Chancellor, senior academic staff member and the nominated Students' Union Officer will reach one of the following decisions:
- i) that no further action should be taken as there is no reason to question the decision of the Academic Appeals Board. This will constitute the end of the University College's internal processes.

- ii) that the initial decision of the Academic Appeals Board should be set aside. In this instance, the Review Panel will refer the matter back to the Chair of the Academic Appeals Board for action, offering observations on the areas which require attention.
- iii) for decisions made at the investigation stage resulting in the appeal being dismissed, and the Review Panel considers there are grounds for appeal, the case should be referred to the Appeals Board for consideration.

In addition, the Review Stage may make recommendations for a change in University College procedures.

7.7 The decision will be recorded in writing, including a rationale for the decision taken. The Deputy Vice-Chancellor will write to the student within **ten working days** of the receipt of the request for a review, to report the outcome. If it has set aside the decision of the Academic Appeals Board, it will also outline the actions which will now follow.

8. Completion of Procedures

8.1 Once the internal appeals procedure has been exhausted, the Academic Registrar will issue the student with a 'Completion of Procedures' letter, which confirms that the University College's internal procedures are completed.

9. Referral to the Office of the Independent Adjudicator

9.1 If the learner remains dissatisfied having completed the internal procedure for appeals they may refer their appeal to the Office of the Independent Adjudicator for Higher Education subject to the rules of the OIA's independent complaints scheme. Details may be found on the OIA website <http://www.oiahe.org.uk> or from

OIA Second Floor
Abbey Wharf
57-75 Kings Road
READING
RG1 3AB

Learners wishing to make a case to the OIA must do so within 12 months of the date of the Completion of Procedures letter using the OIA complaint form. Further information is available from the [OIA website](http://oiahe.org.uk/making-a-complaint-to-the-oia/how-to-make-a-complaint.aspx) <http://oiahe.org.uk/making-a-complaint-to-the-oia/how-to-make-a-complaint.aspx>. Learners may also contact the OIA by post or telephone and request to be sent a form. The OIA will determine whether the case is eligible for consideration under its rules.

10. Monitoring and review of appeals

10.1 The Academic Registrar will prepare an annual review of student appeals across all awards. This annual review will be considered by Academic Standards and Quality Committee and Academic Board, with a view to identifying any trends and whether there is a need to revise any policy or practices. This report will not refer to individuals by name.

11. Retention of records

11.1 All data pertaining to academic appeals is retained, in confidence, by Registry, for a period of 6 years from the date of the last action on the case.

Version:	3.1
Approved by:	Academic Board
Originator/Author	Assistant Registrar (Quality Assurance)
Policy Owner	Academic Registrar
Reference/ source	The Expectation and Indicators of sound practice set out in the Quality Assurance Agency (QAA)'s UK Quality Code, Advice and Guidance: Concerns, Complaints and Appeals OIA: The good practice framework for handling complaints and academic appeals December 2016 OIA Guidance Note regarding Completion of Procedures Letters (January 2019) Examples from other institutions used as source material
Date approved	29/08/2023
Effective from	September 2023
Review date	Spring 2024
Target	All staff and all students and apprentices enrolled on courses leading to AECC University College awards
Policy location	SIP, Public website

Equality analysis	No direct impact. All appeals will be considered on their merits and in accordance with the Dignity Diversity and Equality Policy. Reasonable adjustments to this procedure can be made, where appropriate, for students with specific protected characteristics under the Equality Act 2010. Monitoring will be undertaken to assess whether there is any differential impact in the handling of cases
Amendment	August 2023- updates for Apprenticeship Provision