



## UKMC Academic Appeals Policy and Procedure 24-27

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| <b>Policy/Procedure Management and Responsibilities</b> |                                                                                                                                                                                                                        |                                                                        |         |                |
| Policy/Procedure Owner                                  | The policy is overseen by the Academic Registrar and Head of Academic Services. Day-to-day implementation and communication responsibilities are delegated as appropriate to reasonably support the appeals procedure. |                                                                        |         |                |
| Equality Impact / Analysis                              | EDI Committee                                                                                                                                                                                                          |                                                                        |         |                |
| Authorised By                                           | Academic Board                                                                                                                                                                                                         |                                                                        |         |                |
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| Internal/External                                       | Both                                                                                                                                                                                                                   |                                                                        |         |                |
| Document Location                                       | <a href="#">UKMC   Policies and Legislation</a>                                                                                                                                                                        |                                                                        |         |                |
| Linked Documents Internal                               | Academic Appeals<br>Student Complaints procedure                                                                                                                                                                       |                                                                        |         |                |
| Linked Documents External                               |                                                                                                                                                                                                                        |                                                                        |         |                |
| Dissemination Plan                                      | The document will be distributed through staff communication channels, leadership meetings, relevant training events and student induction events. Available on the UKMC Website                                       |                                                                        |         |                |
| Accessibility                                           | <b>Alternative formats on request. Email <a href="mailto:Quality@ukmc.ac.uk">Quality@ukmc.ac.uk</a></b>                                                                                                                |                                                                        |         |                |

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## Purpose

1. The Academic Appeals Procedure is intended to allow students enrolled on undergraduate courses at UK Management College (UKMC) (hereafter 'the College') to appeal their ratified academic results, as published by Assessment Boards, or circumstances relating to them.
2. The Academic Appeals Procedure comprises three stages: an informal stage for early resolution; a formal stage in which a panel of academics chaired by the Head of Academic Services (HAS) or nominee considers the appeal; and a review stage which a student may follow if they are dissatisfied with the outcome of their formal stage appeal.
3. The Academic Appeals Procedure operates in accordance with the Quality Assurance Agency (QAA) UK Quality Code for Higher Education Advice and Guidance for Concerns, Complaints and Appeals published in November 2018, and the Good Practice Framework for Handling Complaints and Academic Appeals issued by the Office of the Independent Adjudicator (OIA) in December 2016.

## Definition

4. An academic appeal is defined in the UK Quality Code as "a request for a review of a decision of an academic body around a mark, outcome or decision. Students may appeal an outcome on the basis of evidence or procedure, but not on the basis of disagreement with academic judgement."
5. Any academic appeal should relate to one or more of the following categories:
  - a module result (or component thereof);
  - required withdrawal from a course;
  - a verdict of, or penalty applied in respect of, academic misconduct;
  - a refusal to permit an extension or deferral in accordance with the Extenuating Circumstances Policy.

## Scope

6. This procedure applies to any appeals against an academic result or decision as defined in paragraph 5.

There are separate procedures that deal with appeals against decisions relating to Fitness to Study and Student Discipline. Concerns about other matters should be raised via the Student Complaints Procedure (which includes complaints about academic matters that do not concern an academic result). Issues raised under appeals and complaints procedures are kept separate to avoid confusion of outcomes. Appeals against admissions decisions by applicants to the institution will be dealt with under the Applicant Appeals and Complaints Procedure.

7. This Academic Appeals Procedure does not apply to those courses where academic results are decided by an external awarding body. In such cases, that body's appeals procedure shall apply.

8. Each appeal will normally be considered individually. Where a series of appeals involve the same subject matter, the appeals may be considered collectively, subject to any confidentiality requirements. In such a case, the individual students involved will normally be invited to nominate one of their number as a spokesperson to facilitate the process.

## Commitments and principles

9. The College takes academic appeals seriously and the procedure is designed to enable a student's appeal to be investigated and considered fully without risk of disadvantage. As such, students who submit a case under this procedure will be treated fairly and with dignity and respect. Any student who believes that they have been disadvantaged by submitting an appeal should contact the Student Academic Office (SAO) immediately, (sao@ukmc.ac.uk).

10. The College expects that students will not engage in frivolous, vexatious or malicious appeals.

This could include:

- appeals which are harassing, repetitive or pursued in an unreasonable manner;
- insistence on pursuing non-meritorious appeals and/or unrealistic or unreasonable outcomes;
- appeals which are designed to cause disruption or annoyance;
- demands for redress which lack any purpose or value. In such cases, the SAO reserves the right to terminate consideration of the appeal. The student will be given an explanation, in writing, of why their appeal has been terminated and details of any further right to

appeal. Where an appeal is found to have been brought with frivolous, vexatious or malicious intent, this may itself prove grounds for disciplinary action against the student under the Student Discipline Procedure.

11. In considering any appeals, appropriate attention will be paid to the requirements of the Equality and Diversity Policy. In particular, reasonable adjustments will be made for those with disabilities, specific learning difficulties or long-term medical conditions.

12. All parties to the appeal and individuals who have been involved in any related investigation and/or the management and/or the administration of the appeal will observe the requirements for confidentiality. Whilst confidential information may need to be disclosed in order to consider the appeal, this will only be to those staff involved in the consideration of the appeal.

13. Each case is considered on its individual merits. All members of the Academic Appeals Panel considering the appeal will be properly trained and have no conflict of interest or prior involvement in the case.

14. While the appeal remains unresolved, the original decision will stand and any reassessment will proceed in accordance with the original timescales specified by the Assessment Board. For the avoidance of doubt: • Where the academic decision being appealed is withdrawal from the course, the student will not be permitted to attend any further part of the course unless or until this decision is changed by the Assessment Board as an outcome of the academic appeal; • Where the academic decision being appealed is the requirement that a student's work and/or practice be reassessed, the student will be expected to resubmit the work or participate in the examination or other reassessment activity on the date(s) specified by the Assessment Board. The reassessment will not be delayed or deferred because of the appeal.

15. The Assessment Board will not increase or estimate a mark as a result of a successful academic appeal, and work will not be remarked unless there has been a procedural irregularity in the marking or moderation process. Where work is remarked, this will be carried out in accordance with the Assessment Moderation Policy.

16. A student may withdraw an appeal at any point providing the SAO is advised in writing, but may not later re-launch the same appeal.

17. All personal information will be processed in accordance with the General Data Protection Regulation (GDPR).

18. The College recognises that pursuing an appeal may be stressful. Impartial and unbiased advice and guidance, as well as signposting to internal and external specialised agencies and services where the need arises, is available.

## Early Resolution (Informal Stage) Academic Appeal

19. Students are expected to seek feedback whenever possible and to try to resolve the matter they are concerned about informally before submitting a formal appeal.

20. A number of avenues exist through which further information, clarification or explanation can be provided which might satisfactorily answer a student's concerns. An informal approach could be made to a lecturer, personal tutor, module tutor and or course leader.

21. Students can also be assisted in making an informal approach by Student Support in the SAO.

22. If a student believes an academic decision was affected by extenuating circumstances that were unknown to the Assessment Board at the time it reached that decision and could not reasonably have been made known to the Board before it met, they may submit a claim for consideration of retrospective extenuating circumstances under the Extenuating Circumstances Policy. Claims for retrospective extenuating circumstances should be made within ten working days of notification of the academic decision being appealed. The Extenuating Circumstances Team, in consultation with the HAS or nominee, will consider the claim and, if approved, request that the academic decision be reconsidered by the Assessment Board without requiring the student to submit a formal stage appeal. If the claim is not approved, the student will have fifteen days from notification of the decision of the Extenuating Circumstances Team to submit a formal stage appeal.

23. Should the informal approach not resolve the matter to the student's satisfaction, the student may make a formal academic appeal under the Formal Stage of the procedure.  
**FORMAL STAGE ACADEMIC APPEAL Submitting a Formal Stage Academic Appeal**

24. The student must submit the completed Formal Stage Academic Appeal form and any supporting documents to the SAO within fifteen working days of the notification of the result or academic decision against which they wish to appeal. Appeals submitted after this deadline with good reason for the delay may still be considered. The student should contact the SAO immediately if they are unable to meet this deadline. The HAS or nominee will determine whether a late appeal can be accepted.

25. The Formal Stage Academic Appeal form is available on the College website (as well as Appendix 1). The student must state the grounds on which they wish to appeal and must include all necessary supporting evidence and documentation. No evidence submitted can be anonymous.

### Grounds for Formal Stage Academic Appeals

26. The grounds on which a formal stage appeal can be considered are:

- a) Procedural irregularity which undermined the validity of the academic result or decision;
- b) Extenuating circumstances where, for good reason, the Assessment Board was not made aware of a significant factor relating to the assessment of the student when it made its decision.

27. All appeals shall be considered on their merit. However, the following will not normally be considered as valid grounds for appeal and any appeal submitted on one or more of these is likely to be rejected: • retrospective reporting of extenuating circumstances which the student could reasonably have been expected to submit in advance;

- appeals against the academic judgement of internal or external markers on the quality of the work itself or the criteria being applied to mark the work. Work will not be remarked, except in cases of procedural irregularity;
- appeals based upon the informal assessment of the student's work by academic staff;
- appeals to obtain a higher award classification due to marginally missing the required mark;
- retrospective complaints against the standard of tutoring (these must be made through the Student Complaints Procedure before the results of the Assessment Board are published).

### Supporting Evidence for Formal Stage Academic Appeals

28. Students should submit, to the SAO, all evidence and supporting documentation relevant to their appeal with their completed Formal Stage Academic Appeal form. This should include evidence to show any attempts at early resolution of their concerns and appropriate evidence to support the stated grounds for their appeal. Appropriate evidence may include independent medical evidence, reports by professionals, correspondence from the College, or other written evidence to demonstrate procedural irregularity.

29. As standard, where an appeal is submitted that meets the requirements set out in paragraphs 31 and 32, the course team will be informed and asked to provide a statement

and/or any other written evidence relevant to the appeal and the grounds on which the appeal is made.

30. The HAS or nominee has the right to request additional written evidence from the student and/or staff and to include such additional evidence as is deemed conducive to reaching a better informed judgement.

### Consideration of Formal Stage Academic Appeals

31. All formal stage appeals submitted will be acknowledged by the SAO on receipt and then screened to determine whether:

- it is submitted under the correct procedure
- it is made under the permissible grounds for appeal
- the form is fully completed, with necessary supporting evidence including evidence of an attempt at early resolution where appropriate,
- it has been submitted within the required timeframe.

32. Where the appeal has not been submitted under the correct procedure, the SAO will refer the student to the relevant procedure. This may be to the relevant appeals process for one of the procedures set out in paragraph 6, the Student Complaints Procedure where the matter does not relate to an academic result, or the Extenuating Circumstances Policy where the student has not already submitted a retrospective claim at the informal stage.

33. Where the appeal is not made under the permissible grounds, the SAO will consult with the HAS or nominee to determine whether the appeal should be rejected. If the appeal is rejected, the student will be provided with an explanation for the rejection.

34. Where the appeal has been submitted outside of the timeframe, as detailed in paragraph 24, it will not normally be considered without good reason for the delay. The HAS or nominee will determine whether a late appeal can be accepted. This decision will be final. If a late appeal is not accepted, the student will be issued with a Completion of Procedures letter within ten working days of receipt of the formal stage academic appeal.

35. Where additional evidence and/or clarification is requested from the student, this should be submitted to the SAO by the given deadline. Should it not be received by this date, the appeal will be considered on the evidence provided with the original submission.

36. Where an appeal has met the requirements as detailed in paragraphs 31 and 32 (where applicable), the appeal will be passed to the relevant Academic Appeals Panel (referred to as the Panel from hereon) for consideration. The Panel will be convened at regular intervals

to ensure the timely consideration of all appeals. The SAO will inform the student, normally within ten working days of receipt of the appeal, of the date of the Panel meeting where their appeal will be considered and the date by which they should normally expect to be advised of the Panel's decision.

## Academic Appeals Panel

37. The Panel, appointed and chaired by the HAS or nominee, shall comprise:

- The HAS or nominee (who will act as Chair) who was not the Chair of the Assessment Board that made the decision being appealed.
- One/two members of academic staff.
- Membership of the Panel may be varied to ensure that the academic staff members are not considering any appeals concerning their own modules or courses, but have the necessary understanding of the discipline to inform discussions.

- The SAO will be in attendance to record the Panel's decision and justification for that decision.

38. The Panel will consider all appeals based only on the documentary evidence provided. In exceptional cases, for example where reasonable adjustments are required or where the interpretation of evidence is disputed, a student may be permitted to attend the meeting to present evidence in person (this may be by physical attendance or remote attendance via Skype or other appropriate means). The decision as to whether to permit a student to attend will be made by the SAO in consultation with the Chair of the Panel. The student may be accompanied at such a meeting by a friend. A friend is defined as a member of staff of the College, or a registered student of the College. The role of a friend is to act as an observer, give moral support and assist the student to make their case. In addition, where reasonable adjustments are required, a student may be accompanied by a supporter e.g. a sign language communicator or a notetaker, and a student with difficulty in understanding English may be accompanied by an interpreter.

39. The SAO will provide the Panel with the documentation submitted by the student and any additional evidence gathered in accordance with paragraphs 29 and 30, prior to the meeting of the Panel. The Chair of the Panel may also request that additional evidence be gathered prior to the Panel meeting in order to ensure that all information needed to make an informed decision is made available to the Panel.

40. With limited exceptions (for example, where information cannot be disclosed because of the College's obligations under the GDPR), all written material considered by the Panel under this procedure will be accessible to the student if requested.

41. The Panel, having considered the evidence, will decide whether the appeal should be justified, partially justified, or not justified.

42. The decision of the Panel is final and will be reported to the student and relevant Assessment Board.

## Outcomes

43. The student can expect to hear the outcome of the Panel, in writing from the SAO, within five working days of the Panel meeting. The student will also be informed within that time if the complexity of the case prevents an outcome being reached and advised of the likely timescale for further action and notification of the outcome.

44. In all cases, regardless of whether the appeal was justified, in full or in part, or not justified, the outcome letter will give a full and clear explanation of the decision and rationale.

45. Where the Panel determines that an appeal should be justified, in part or in full, the relevant Assessment Board will be convened (where necessary as an extraordinary meeting) to decide, in the context of the student's overall profile, the relevant assessment regulations, the appropriate action. This may include, but is not limited to:

- a further attempt at a component of assessment;

- a revised penalty in relation to a verdict of academic misconduct;
- retrospective granting of a deferral;
- any other action to correct procedural irregularity, unfair treatment, prejudice or bias.

46. The Chair of the Assessment Board will notify the student, in writing, of the decision of the Assessment Board and any appropriate action, along with the rationale for the decision, within fifteen working days of the date of the letter informing the student of the Panel's decision. A copy of the letter will be sent to the SAO for information.

47. A student who is not satisfied with the outcome of their formal stage appeal (whether or not it was justified) may decide to move to the review stage of the Academic Appeals Procedure as described below.

## Review Stage: Academic Appeal

### Submitting a Review Stage Academic Appeal

48. The student must submit a completed Review Stage Academic Appeal form (and any supporting evidence) to the SAO within ten working days of the notification of the outcome of the formal stage appeal (either the decision of the Panel, referred to in paragraph 43, where the appeal was rejected, not justified or partially justified, or the letter from the Assessment Board, referred to in paragraph

46, where any part of the appeal was justified). The student should contact the SAO immediately if they are unable to meet this deadline. The HAS or nominee will determine whether a late appeal can be accepted. 49. The Review Stage Academic Appeal form is available on the College website (and as Appendix 2). The student must state the grounds on which they wish to appeal and must include all necessary supporting evidence and documentation. No evidence submitted can be anonymous.

### Grounds for Review Stage Academic Appeal

50. The grounds on which a review stage appeal can be considered are:

- there is new information put forward by the student that, for good reason, could not have been provided earlier in the process;
- there was procedural irregularity in the conduct of the formal stage;
- there was prejudice and/or bias or the appearance of prejudice and/or bias, in the conduct of the formal stage;
- evidence put forward at the formal stage was not fully and properly considered meaning the outcome was not reasonable in all the circumstances.

### Supporting Evidence for Review Stage Academic Appeals

51. Students should ensure they submit all appropriate evidence to support the stated grounds for their appeal. The HAS or nominee has the right to request additional written evidence from the student and/or staff and to include such additional evidence as is deemed conducive to reaching a better informed judgement.

### Consideration of Review Stage Academic Appeals

52. The SAO will acknowledge receipt of the review stage appeal and undertake an initial assessment in consultation with the HAS or nominee to check that the appeal meets at least one of the grounds in paragraph 50 and that the form is fully completed with necessary supporting evidence and submitted within the required timeframe. If one or

more of these are not met, the HAS or nominee may reject the appeal (see paragraph 61) or ask the student for further clarification and/or additional evidence.

53. Where the appeal has been submitted outside of the timeframe, as detailed in paragraph 48, it will not normally be considered without good reason for the delay. The HAS or nominee will determine whether a late appeal can be accepted. This decision will be final. If a late appeal is not accepted, the student will be issued with a Completion of Procedures letter within twenty working days of receipt of the review stage academic appeal.

54. Where additional evidence and/or clarification is requested from the student, this should be submitted to the SAO by the given deadline. Should it not be received by this date, the appeal will be assessed on the evidence provided with the original submission.

55. Following the initial assessment, the HAS or nominee determines that a review stage appeal should be reconsidered by a Panel, the Panel will be convened as detailed in paragraph 37, with different membership to the original Panel who considered the appeal at the formal stage. The Panel will normally meet within twenty working days of receipt of the review stage appeal.

56. The SAO will send a copy of the review stage appeal form and supporting evidence submitted by the student along with the documentation submitted and considered at the formal stage to the new Panel.

57. On receiving a review stage appeal, the Panel will reconsider the decision made at the formal stage in accordance with paragraphs 38 to 41. The Panel will notify the Chair of the Assessment Board or nominee of their decision, giving a clear rationale for the decision.

58. If the Panel decides that the appeal should be justified, the SAO will notify the student and the relevant Assessment Board of the decision, normally within five working days of the Panel meeting, and the appeal will proceed in accordance with paragraphs 45 to 46. In such cases, the student will be issued with a Completion of Procedures letter by the SAO following the meeting of the Assessment Board.

59. If there is no change to the formal stage decision, the HAS or nominee will consult a senior representative of the awarding institution to agree that the appeal is not justified. The HAS or nominee, on behalf of the senior representative of the awarding institution, will notify the student in writing, through the issue of a Completion of Procedures letter, within ten working days of the Panel meeting. The Assessment Board will also be notified of the outcome in writing. Rejection of Review Stage Appeals

60. Where the HAS or nominee determines that the appeal should be rejected, the appeal will be referred to a senior representative of the awarding institution for consideration.

61. If the senior representative determines that the appeal should be reconsidered by a Panel, the appeal should proceed in accordance with paragraphs 56 to 60.

62. If the senior representative confirms that the appeal should be rejected, the student will be informed in writing of the outcome of their review stage appeal through the issue of a Completion of Procedures letter. Students can expect to receive this letter within twenty-five working days of receipt of the review stage appeal by the SAO.

63. If the review stage appeal is rejected or found not justified, this decision is final and there is no further right of appeal within the College. Students may be able to seek a review by the OIA (see paragraph 66). Further right to appeal

64. Students who are dissatisfied with the outcome of their review stage appeal may be able to seek a review by the OIA should the case be eligible under the OIA's rules (see <http://www.oiahe.org.uk/>).

Details will be provided in the Completion of Procedures letter advising the student of the final outcome of their review stage appeal Monitoring and Evaluation

65. The College will monitor and evaluate the effectiveness of the Academic Appeals Procedure and reflect upon the outcomes for enhancement purposes. A report will be submitted annually to the Student Welfare Committee, Quality Committee and Governing Body. The report will include equality monitoring data.

## Summary of Appeals Procedure - Workflow

