

Academic Appeals in Higher Education

1. Introduction

On occasion students may not be satisfied with an assessment outcome. Students can request that the Examination Committee reconsider a decision relating to a referred Unit or the decision that a student is ineligible for progression, or for the completion of an award. The following guidelines reflect the principles and expectations of the UK Quality Code, (QAA: 2018) Core Practices to ensure that 'the provider has fair and transparent procedures for handling complaints and appeals which are accessible to all students.

As part of the assessment process, and in clarification of what an appeal means, students should be aware that:

- Assessed work is marked against the relevant criteria, then subject to Internal Verification (IV) (or Moderation) as a requirement of the College and relevant awarding body.
- All decisions (including marks awarded) are considered by the Examination Committee who are responsible for assessment of specified modules and for considering student progress on specified subjects. Regulations pertaining to the individual programmes, form a framework for decision making.
- External Examiners will review student work, and can be in attendance at the Examination Committee to confirm the standards of the programme assessment.
- If a student appeals against a grade received, they are appealing against the decision of the Chair of the relevant Examination Committee.

2. Grounds for an Appeal

The College encourages students to discuss any issues as and when they might arise during their studies through their programme team staff; Unit Tutor, Programme Leader or Curriculum Manager. Given the existence of these procedures for redress, the appeal of an assessment decision **will not** be considered on the grounds of inadequacy of tuition, supervisory arrangements, or any other arrangement during the period of study **unless** there is a satisfactory reason why the matter/s were not the subject of an earlier complaint.

A student cannot appeal based on disagreement of an academic judgement prior to the mark being ratified by an Exam Board/Committee.

Circumstances where a student considers that their assessment performance has been impacted by exceptional circumstances, should seek redress through the Mitigating Circumstances policy as soon as possible. Once marks are ratified by an Exam Board/Committee, the student will need to appeal as detailed in (d) overleaf.

Appeals based on the student being unaware of any of any of the College's other available procedures, such as Mitigating Circumstances, or complaints will not be considered.

The following are acceptable grounds for an academic appeal request:

- (a) the assessment was not conducted in accordance with the regulations for the programme
- (b) the assessment process/judgement was affected by bias
- (c) there was an administrative error or some other irregularity in the conduct of the assessment which impacted on the assessment
- (d) the student's performance in the assessment was affected by relevant exceptional circumstances, which for valid reasons were not made known to the examination committee prior to their meeting.

3. Raising an Appeal

All requests for an Academic Appeal must be made in writing using the College Complaint Procedure as guidance and should include:

- which of the grounds, stated in section 2, the request is based on
- clearly stated facts that support the appeal
- sufficient evidence to support the case being made
- the remedy the student is seeking

Please note that the assessment mark alone cannot be used as evidence to support your grounds for appeal.

All appeals must be received in full, within two months of the publication of the Examination Committee results. If a student wishes to appeal, but is unable to submit the full request and evidence in the given timeframe, they must indicate this on their initial request, providing evidence that circumstances exist which are beyond their control, which prevent them from submitting the appeal in the two-month timeframe. The Higher Education Manager will consider the reason for lateness and providing the lateness is justified, communicate an alternative deadline for submitting the appeal.

It is the responsibility of the student to ensure that they raise all relevant issues and provide all relevant information and documentation at the point of submission; however, the student may be requested to submit further evidence once the appeal is being investigated.

4. Responding to an Appeal – stage 1

The student will receive an initial acknowledgement of the appeal request within 5 working days.

If on initial consideration an appeal is deemed to be vexatious, or does not fit into the categories given as grounds for an appeal, the student will be notified within 10 working days that their appeal has been rejected on this basis.

The Chair of the Examination Committee shall investigate the Appeal. They will review the student's appeal in consultation with members of the relevant Examination Committee and other relevant staff, as they deem appropriate.

The student will be sent a letter, informing them of the Chair's decision, normally within 20 working days from the date of the receipt of the appeal. The letter to the student shall set out their options if they are dissatisfied with the decision and the relevant time limits.

5. Responding to an Appeal- stage 2

If the student is not satisfied with the response from the Chair of the Examination Committee, or they have not received a response within the timescale, they may request that their Appeal is considered at Stage 2.

To do this the student must write to the Vice Principal Higher Education and Curriculum, within 10 working days from the Stage 1 response, or deadline for response, if not yet received.

At Stage 2, the original appeal, details of the response, and further information provided by the student as grounds for reconsidering the appeal, will be considered.

The request must clearly state:

- that the student is not satisfied with the outcome provided, and that they would like the Appeal to be reconsidered
- the reasons why the student believes that the response is unsatisfactory
- the remedy the student is seeking

The Vice Principal Higher Education and Curriculum will do one of the following:

- require further clarification of the request before proceeding further
- progress the appeal to Stage 2 for consideration
- grant the Stage 1 responder up to 10 extra working days to respond, if there is good reason for the delay
- not permit the Appeal to go to Stage 2 if the request is late

The student will receive a response in writing, normally within 5 working days of receipt of the request.

If the student wishes to submit a request to go to Stage 2, beyond the 10 working days from the Stage 1 response, they must provide a statement, with evidence, to explain why it is late in the same manner as described in Section 4 above.

The response will be provided in writing normally within 20 working days from receipt of the Stage 2 request.

If the Appeal is not upheld at Stage 2 this will be the termination of the College Academic Appeal procedure and a letter stating this will be sent to the student headed 'Completion of Procedures for Academic Appeal'.

6. Further Review

If a student has completed the College's internal Academic Appeal procedure and they are still dissatisfied with the outcome, they may be able to refer their complaint to the Office of the Independent Adjudicator for Higher Education (OIA) providing that the complaint is

eligible under the OIA's Rules. A letter stating that a complainant has completed the College's internal complaint procedure shall include information on the OIA and comply with the OIA's guidance for a "Completion of Procedures" letter.

7. Timeframe for Appeal

The College aims to respond to any Academic Appeal as quickly as possible. However, as every Academic Appeal is fully investigated, this may mean that on occasion, a response cannot be given as quickly as either party would wish, particularly if the Appeal is of a complex nature, extensive, or was submitted at a time when academic staff who are key to the appeal response, were away from the College.

The table below sets out the expected time limits that will apply for most Academic Appeals.

| College Stage of Procedure | Timescale* | Responsibility |
|--|--|--|
| Submission of Complaints and Appeals Form | Within two months from the publication of the Examination Committee decision | Student |
| Consideration of late appeals | 5 working days from the submission of the appeal | HE Manager |
| Acknowledgement of Complaints and Appeals Form | 5 working days from Submission of Complaints and Appeals Form | HE Office |
| Response (if appeal is not admissible) | 10 working days from Submission of Complaints and Appeals Form | Chair of Examination Committee |
| Stage 1 Response | 20 working days from initial Response letter | Chair of Examination Committee |
| Student Request for Review at Stage 2 | 10 working days from Stage 1 Response letter | Student |
| Acknowledgement of review request at Stage 2 | 5 working days from Student Request for review of initial decision | HE Office |
| Stage 2 Response | 20 working days from Student Request for review at Stage 2 | VP HE & Curriculum or Senior Team representative |

8. Franchised Programmes

For Programmes taught at New College Swindon University Centre, but awarded by University partners under franchised arrangements, students should apply using the College Complaints Procedure initially as set out in section 3 of this process.

For Oxford Brookes Students, appeals will be directed to the University, once submitted to the college for review under the University Regulations, Academic Appeals which can be found at: <https://www.brookes.ac.uk/regulations/current/appeals-complaints-conduct/>

Please note that in cases where appeals are referred to the University, the timeframes allocated will be according to the Policy and Procedures set out by the University, once the Appeal is received by them.