

# Academic Appeals Policy and Procedure

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As noted on p.4 of the Regulations & Procedures Handbook 2018-19, the College uses its own regulations for handling student academic appeals and cases of academic misconduct.

## Academic Appeals Policy

### 1. Definition of an Academic Appeal

An academic appeal is a request from a student for a re-consideration of a decision made by an Assessment Board. Any student who is dissatisfied with their published assessment result, including provisional assessment results not yet ratified by an Assessment Board at which External Examiners were present, may ask the Assessment Board to reconsider its decision if they have good reason to believe that:

- There are extenuating or mitigating circumstances where, for good reason, the Assessment Board was not made aware of a significant factor relating to the assessment of a student when it made its original decision; and/or
- There was a material error, either in the conduct of the assessment itself or in the proceedings of the Assessment Board, which significantly affected the Assessment Board's decision; or
- There are grounds for an appeal under the Academic Misconduct Procedure.

**Appeals against the academic judgement of the Examiners/Assessment Board will not be permitted.**

A successful appeal will result in the Assessment Board reviewing its decision in the light of the new information provided by the student, although it does not necessarily mean that the original decision of the Assessment Board/Examiners will be changed.

A student will not be treated less favourably by the College if s/he makes an appeal in good faith, regardless of whether the appeal is successful.

Students who have a complaint or grievance concerning the provision of the academic programme which they believe has affected the quality of their academic performance, should, before submitting an appeal, follow the Student Complaints & Grievance Procedures (pp.88-94).

However, the College reserves the right to reclassify an academic appeal as a complaint or vice versa if it is felt that the incorrect procedure has been applied or if the remit of another procedure more properly applies. Queries regarding which procedure to use should be directed to the Senior Registrar.

Anonymous or vexatious<sup>1</sup> complaints will not normally be considered and the latter may lead to action under the Student Conduct and Discipline Procedure.

### 2. Definition and Scope

These procedures cover all students enrolled on programmes delivered by the College, including those studying modules solely for credit (e.g. 'Creditors'), those on placement and those during approved periods of interruption of studies. Former students may raise issues of academic appeal within the timescales stated below.

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<sup>1</sup> Vexatious appeals may include: appeals which are (a) unreasonable e.g. obsessive, harassing or repetitive; (b) without merit which are unreasonably pursued and/or for unrealistic outcomes; (c) meritorious but pursued unreasonably; (d) designed to cause disruption or annoyance; and (e) demands for redress which lack any serious purpose or value.

### **3. Group Appeal**

The principles and timescales outlined in these regulations will also apply to a group of students making an appeal. The group shall nominate a spokesperson with whom the College shall liaise and correspond and who shall ensure that all members of the group are in agreement regarding the nature of the appeal. The final outcome(s) of the appeal will be communicated by the College to all members of the group. Individual issues will normally be dealt with separately.

## **Academic Appeals Procedure**

### **1. Stage 1: Before Making a Formal Appeal (Informal Early Resolution)**

Wherever possible, the student should make every effort to discuss the problem with the module tutor and/or any other appropriate member of academic staff before making a formal appeal.

The module tutor will consider the issue and consult with the Chair of the Assessment Board and the Senior and Academic Registrars. As a result, the Chair of the Assessment Board may advise the student either that the Assessment Board will reconsider its decision taking account of this new information or that the Assessment Board's decision was based on a fair evaluation of the student's assessment performance and will not be reconsidered. This may result in the matter being resolved informally and quickly.

### **2. Stage 2: Making a Formal Appeal and Timeframe**

If a student feels that the case has not been resolved informally, they must present their appeal, in writing, to the Secretary of the Assessment Board (the Academic Registrar) within **21 days** of the publication of Assessment Board results. (Students whose results are withheld due to outstanding tuition fee debts to the College, should still endeavour to ensure any appeal is submitted within this same timeframe.) This timeframe may be extended at the discretion of the Chair of the Assessment Board where extenuating circumstances prevent the student from meeting it.

Their written appeal should comprise a completed Appeal Form (available from the Academic Office and on the VLE at *Academic Life/Forms*) together with any other supplementary evidence e.g. medical notes. (If they are unable to do so for whatever reason, then the appeal may be presented, with their written consent, by a fellow student.)

If an appeal is received after the deadline, it is likely to be rejected unless (a) a statement is attached outlining the circumstances which prevented the deadline from being met, and (b) this is accepted as valid by the Academic Registrar. If the appeal is rejected as being out of time, a Completion of Procedures letter will be issued to the student by the College.

The Secretary of the Assessment Board should acknowledge receipt of the appeal within **7 working days**.

In normal circumstances, the Appeal Panel shall aim to complete the investigation in **56 calendar days** (i.e. **eight weeks**) from receipt of the full appeal. If, for good reason, the timeframe needs to be extended, the student(s) will be notified.

### **3. A Student's Status whilst an Appeal is Considered**

The module grade (including any provisional grades)/decision of the Assessment Board shall remain in force until an Appeal Panel has agreed that it should be rescinded and the outcome confirmed to the student. Therefore, pending the outcome of the appeal, a student:

1. Remains responsible for both the timely submission of any re-assessed coursework or the re-sitting of any examinations and the consequences of not doing so should the outcome of the appeal not be in the student's favour;
2. Shall be permitted to progress to the next year/stage of their studies, unless there are other circumstances which prevent this;
  - If an appeal concerns expulsion following investigation into academic misconduct, the student shall be suspended and written permission from the President, at their discretion, shall be required for the student to continue to the next stage of their studies.
  - If an appeal concerns a failed placement, written permission from the President (in liaison with the Acting Academic Dean), at their discretion, to continue on the same or attend a different placement shall be required pending the outcome of the appeal. Discretion may be exercised only where the President judges that it would be against the interests of the placement church for the student to be withdrawn from the placement.
  - During a student's attendance pending the appeal's outcome, no fees shall be charged to the student. In the event of the appeal ultimately being resolved in the student's favour and the student being formally reinstated onto the programme, the appropriate fee shall be payable.
3. Shall inform prospective employers of the final qualification but note that the decision may be reviewed subject to the appeal;
4. Shall, if a finalist, attend the Graduation Ceremony.

Appeals will be handled with an appropriate level of confidentiality and the College expects that students and staff will treat both the appeals processes and each other with respect.

#### **4. Consideration of the Appeal**

##### **a) Initial Scrutiny**

In the first instance, the Academic Registrar and Senior Registrar (or two nominees) shall scrutinise the written appeal to ensure it has been fully completed and to reach an initial view on whether there is sufficient evidence or grounds for an appeal (as set out in 'Definition of an Academic Appeal' above).

If there are **not grounds** or if there is **insufficient evidence**, the appeal will be rejected and the student informed in writing of the reasons. The College shall aim to complete the initial scrutiny within **14 working days** of receipt of the appeal.

A student whose appeal has been rejected after the initial scrutiny stage may request a review: see 'Review of the Academic Appeals Process' below.

##### **b) Informal Settlement**

###### ***i. Administrative Error Correction***

If, after the initial scrutiny, there is sufficient evidence that an administrative error has occurred with the calculation of marks and/or qualification classification, the Academic Registrar shall recommend to the Chair of the Assessment Board that immediate action be taken to rectify the mistake.

###### ***ii. Assessment Board Review***

If there are grounds or sufficient evidence to merit consideration of the appeal which is more than an administrative error, the Academic Registrar shall offer the appellant an informal settlement of their appeal whereby the Chair of the Assessment Board agrees that the

Assessment Board shall review its decision but not necessarily alter it. The review shall be undertaken by the Chair of the Assessment Board, the Senior Registrar, the Academic Registrar and all relevant teaching staff.

### ***iii. Change of Assessment Board Decision***

If either the initial scrutiny or the Assessment Board review's outcome is to alter the Board's decision, this shall be done via Chair's Action by the Chair of the Assessment Board and shall be with the agreement of the External Examiners. The Chair shall inform the student of the intention to offer an informal settlement within seven working days of the review. In due course, the review outcome shall be reported to the Assessment Board.

A student may choose not to accept the offer of an informal settlement and a letter to this effect from the student to the Chair of the Assessment Board should be received within **10 working days** of the letter offering informal settlement. A student's failure to reply in writing within 10 working days shall be taken as acceptance of the offer.

### ***iv. Appeal Panel***

If a student rejects the offer of an informal settlement or the initial scrutiny review believes that a meeting with the student is required, the Chair of the Assessment Board shall draw from the Assessment Board members an Appeal Panel, which shall be responsible for investigating and adjudicating the appeal.

An Appeal Panel shall normally be convened within **14 working days** of the student's rejection of the informal settlement. It shall normally comprise the Chair of the Assessment Board, the Academic and/or Senior Registrar, a member of academic staff (where possible, not from the subject area concerned) and the Student Academic Representative.

The student shall be invited to attend and may, if they wish, be accompanied by a person of his/her choosing, for example, another College member of staff or student would be appropriate. The accompanying person may be legally qualified but may not act as the student's legal representative. If the student wishes to be accompanied, they shall inform the Academic Registrar in writing in advance of the meeting. They shall also inform the Academic Registrar if the person attending is legally qualified.

If the student does not attend the Appeal Panel meeting, the Panel will proceed in their absence at the Chair of the Assessment Board's discretion.

The Panel may decide one of the following outcomes:

- **Uphold** the appeal and refer the case back to the Assessment Board (with or without recommendations) for reconsideration at a reconvened Board (which may take place by video- or tele-conference);
- **Reject** the appeal as being without grounds, accompanied by clear reasons that will be provided to the student.

The outcome will be communicated to the student in writing, normally within **10 working days** of the meeting. A report shall also be presented to the Assessment Board.

## **5. Stage 3: College-Level Review of an Academic Appeal**

If, and only if, the student considers that

- there has been a procedural irregularity in the conduct of the Appeal Panel's investigation;
- new material information has come to light which they were demonstrably and for the most exceptional reasons unable to disclose previously, or

- the decision reached was unreasonable based on the information that had been available to the College when the case was considered

then they may choose to proceed to request a College-level review of the academic appeal's process. **This is not a reopening of the original appeal.** Dissatisfaction with the outcome of the appeal is not a valid reason for requesting a review.

The student should submit a written request for review within **21 working days** of receipt of the written outcome of the Appeal Panel. The review request should be submitted to the President and should include all paperwork and communications from the Academic Appeals process together with details of any procedural irregularities or information which has **newly** come to light.

Should the student not take the academic appeal to College-review stage within 21 working days of receipt of the written outcome, the College will issue a Completion of Procedures letter which will confirm that the student has **not** completed the College's internal processes.

Where the President has been involved, first-hand, with the appeal, the Chair of the College Council shall nominate either an Officer/Trustee of the Kingham Hill Trust or a member of the College Council to carry out the review.

The review request shall normally be acknowledged by the President/College Council Chair within **7 working days**.

The President/College Council Chair shall review the case and shall consider whether:

- The appeal's outcome was reasonable in all the circumstances;
- The relevant procedures were followed during the formal appeal stage;
- The student received clear reasons why the appeal was rejected at the formal stage;
- The student has provided valid reasons for not supplying new material evidence at an earlier stage.

The review shall include consideration of all paperwork provided during consideration of the appeal and an investigation which may include further discussions with the student, the members of the Appeal Panel and/or other members of staff as appropriate.

Academic appeal reviews will be dealt with in as timely a manner as possible and those involved will agree a timescale for the review. The student will be informed of these timescales and kept informed of any changes. Wherever possible, the investigation shall be concluded within **21 calendar days** from the date of the sent acknowledgement.

The outcome of the review will result in one of two decisions:

1. To **uphold** the Appeal Panel's decision;
2. **Referral back** to the Appeal Panel for reconsideration, taking into account any new information. Where this results in a change to the Appeal Panel's decision, this shall be made with the agreement of the Assessment Board including the External Examiners.

The President/College Council Chair's decision (which may involve disciplinary action) is final, and the outcome of the review shall be confirmed to the student via a Completion of Procedures letter.

The President/College Council Chair may make the decision to notify a person outside the College, for example the Chairman of the Kingham Hill Trustees, if the circumstances of the appeal warrant it.

At this point, the College shall issue a Completion of Procedures letter to the student confirming that all internal procedures have been exhausted. The letter shall be issued **within 28 days** of this conclusion. The letter shall include a summary of the appeal, the title of the applicable regulations/procedures, a summary of the issues, the final decision taken by the College and the reason for that decision and information about the available external reviews.

## **6. External Reviews of an Academic Appeal**

### **a) Stage 4: University Review**

Where students are enrolled on a Middlesex University-validated academic programme, students may request that the University undertakes a review of an Academic Appeal.

**Students should note, however, that the College's procedures must be followed first and must have been fully exhausted before they may refer to the University.**

If, upon exhaustion of the College's Academic Appeals procedure, a student considers that:

- There has been a procedural irregularity in the final outcome of the investigation of an appeal;
- New information has come to light, which the student was demonstrably and for the most exceptional reasons unable to disclose previously and which would have had a material impact upon the investigation previously undertaken, or
- the decision reached was unreasonable based on the information that had been available to the College when the case was considered

they may request a review of the College's outcome by Middlesex University and should follow the procedures outlined in the University's 'Student Complaints and Grievance Procedures', Appendix A (University-level Review): [www.mdx.ac.uk/about-us/policies/university-regulations](http://www.mdx.ac.uk/about-us/policies/university-regulations).

For advice on whether or not the appeal can be referred to Middlesex, please refer to the Senior Registrar who shall be guided by the Partnership Agreement between the College and the University.

### **b) Stage 5: The Office of the Independent Adjudicator (OIA)**



office of the  
independent  
adjudicator

'for students in higher education'

When the College's internal procedures and, where appropriate, the University's review procedures have been concluded, the student will be issued with a Completion of Procedures (CoP) letter, either from the President or the University. On receipt of this, a student who is dissatisfied with the final decision on his/her case may be able to apply to the Office of the Independent Adjudicator (OIA) for Higher Education. The OIA is the independent ombudsman service of last resort. The request should normally be submitted to the OIA within three months of the date of the Completion of Procedures letter. Information and eligibility rules are available at [www.oiahe.org.uk](http://www.oiahe.org.uk).

## **7. Monitoring and Enhancement**

These procedures shall be reviewed annually by the College's Academic Board, assisted by the Academic Administration Team, to ensure that they remain fit for purpose.

Should an appeal be upheld, the matter shall be referred to the Academic Board for the purposes of (a) identifying any learning points, and (b) agreeing any necessary changes to College procedures. The Acting Academic Dean shall then ensure that any changes are put in place in to prevent similar appeals being made in the future.

## 8. Summary of the Stages and Timescales of the Academic Appeals Procedure

Stage	Formal/ Informal	Recipient of Student's Appeal	Timescales In normal circumstances, the investigation will be concluded within 56 calendar days (ie 8 weeks) from receipt of a formal written appeal.
1	Informal	Informal early resolution with Chair of Assessment Board/ Member of staff	
2	Formal	<p>Appeal submitted to Secretary of the Assessment Board</p> <p>1. <b>Initial scrutiny</b> by both Registrars results in:</p> <ul style="list-style-type: none"> <li>• administrative error corrected</li> <li>• rejection of appeal: may request a review</li> <li>• informal settlement offered: review of Assessment Board decision at reconvened Assessment Board meeting</li> </ul> <p>2. <b>Appeal Panel:</b></p> <ul style="list-style-type: none"> <li>• refer case back to Assessment Board review</li> <li>• rejection of appeal</li> </ul>	<p>The student should submit their appeal, in writing, within 21 calendar days of the publication of results. Receipt will be acknowledged within 7 working days (College).</p> <ul style="list-style-type: none"> <li>• <b>Initial scrutiny</b> of the written appeal: within 14 working days of receipt of that appeal (College).</li> <li>• Notification of the intention to offer the student an informal settlement: within 7 working days of the initial scrutiny (College).</li> <li>• Acceptance or rejection of the informal settlement: within 10 working days from receipt of the 'informal settlement' letter (Student).</li> </ul> <p><b>Appeal Panel</b></p> <ul style="list-style-type: none"> <li>• An <b>Appeal Panel</b> will be convened within 14 working days of the rejection by the student (College).</li> <li>• A full <b>report</b> will be made to the student within 10 working days of the Panel meeting (College).</li> </ul>
3	Review	<b>College-level Review</b> President/College Council Chair ( <i>Final College Outcome</i> ); Chair of KHT Trustees may be informed	<p>The student should submit a written request for review within 21 days of receiving the written outcome from Stage 2.</p> <ul style="list-style-type: none"> <li>• Receipt will be acknowledged within 7 working days (College).</li> <li>• Wherever possible, the investigation will be concluded within 21 calendar days from the date of the sent acknowledgement (College).</li> <li>• A Completion of Procedures letter will be issued by the College when all internal procedures have been exhausted and within 28 days of this date.</li> </ul>
4	Formal Review	<b>Middlesex University-level Review</b> MU – for reviews of College investigations of <b>academic programme</b> appeals	Timescales will depend on those of the University and the OIA: students should consult the University's Complaints & Grievance Procedures and/or the OIA website for further details
5	Formal Review	<b>The Office of the Independent Adjudicator-level Review</b> OIA – for review of Middlesex University-level reviews of <b>academic appeals</b> ( <i>Final Outcome</i> )	

**Approved at Academic Board: 1 November 2018 (by Chair's Action)**  
**Next Review: October 2019 or earlier if required**