

Document Reference: Academic Appeals (Higher Education)

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Description:

This document outlines the commitment of the Grimsby Institute Group (hereafter called 'the Institute') and the Student Union to work together in the management of the quality enhancement and assurance of the provision offered across the Institute. This includes a coherent and systematic approach to student representation at all levels of the Institute.

Document Reference:

QAAss.	Assessment of Students
QACom	Concerns and Complaints by Students (Higher Education)
QAMc	Mitigating Circumstances

For further advice on how the code of practice works, you should contact the Quality and Standards Department.

Department Contacts: Quality and Standards (Higher Education)
Rm: 3H06 (01472) 311222

Additional guidance can be obtained by visiting www.qaa.ac.uk and referring to QAA UK Quality Code for Higher Education: Chapter B9: Academic Appeals and Student Complaints

**This document is available in alternative forms
on request from the Quality and Standards Department**

1. Compliance with Regulations

All appeals shall be conducted in accordance with these regulations and the precepts set out in the Quality Assurance Agency UK Quality Code for Higher Education: Chapter B9: Academic Appeals and Student Complaints (April 2013) as embodied in the regulations approved by the Grimsby Institute Group Governing Body, and shall seek to uphold the principles of fairness, consistency, equity and equal opportunities.

It shall be the responsibility of the Regulations, Performance and Progression Committee (for Foundation Degree programmes) to oversee compliance with these regulations, to interpret them when necessary and to issue guidance as deemed appropriate.

2. Impartiality of Decision-Makers

No person shall be permitted to take part in the making of a decision regarding an appeal where s/he has an interest through being a member of the same academic department in which the appellant is registered, or through being a member of the Board of Examiners which made a decision against which the appeal is made.

Any person who may be involved in the making of a decision regarding an appeal shall be required to declare an interest where s/he has any other material connection with the appellant, and shall thereby be disqualified from being involved in the making of the decision.

3. Distinction between Appeals and Complaints

This Code of Practice shall apply only to academic appeals which shall be understood as the request to review a decision regarding the progress of the appellant on his/her programme of study, including the award of any qualification as a result of that progress. Other matters of dispute involving a student and the Institute, or department, shall be termed "complaints" and subject to the Institute's Policy governing the Investigation and Determination of Complaints.

In the event of a set of circumstances legitimately giving rise to grounds for both appeal and complaint the Chair of Regulations, Performance and Progression Committee, and the person responsible for investigating the complaint in accordance with the Complaints Code of Practice, shall jointly determine in consultation with the appellant/complainant the manner in which the two matters shall be resolved, and the appropriate timescale. All parties shall ensure that the requirements of the respective regulations are fully adhered to.

4. Academic Judgement

The mark to be awarded for an individual piece of work – whether coursework, written examination or similar, and whether formative or summative – or the award of an overall mark or classification for an award shall be regarded as the academic judgement of the examiner or examiners, or the Board of Examiners concerned, and as such shall not be appealable under these or any other regulations or procedures of the Institute.

A candidate who wishes to question academic judgement shall be entitled to ask the examiner, or Board of Examiners to confirm that the work has been marked in accordance with the regulations and procedures of the University in force at the time governing such matters as second marking, and referral to the external examiner. Provided such confirmation is provided in writing, with an explanation of the procedures followed, the matter shall be deemed closed and the mark or other decision upheld.

The Institute recognises that academic appeals can be stressful for staff, as well as for the appellant. These regulations are designed to ensure the interests of staff, including those handling the appeal, and the appellant are safeguarded at all times

At all stages of the appeals process, the appellant and/or the Institute are expected to submit and/or manage an appeal expeditiously

Each stage of the appeals process is defined through clear stages and indicative timescales; however these regulations require that every appeal is fully investigated. This may mean that a response cannot be given as quickly as the appellant or the Institute would normally wish to, particularly if the appeal is complex or extensive, was submitted during Institute closure, or at a time when key staff are temporarily away from the Institute

Equally, it is recognised that there may be delays reasoned by necessary absences on the part of the appellant which may mean the appellant is not able to submit their appeal within specified timeframes. Where this is the case, the appellant will be required to submit authentic and reliable evidence to demonstrate why their appeal could not be submitted within the Institute's indicative timescales

5. Grounds For Review

The Academic Appeals Committee may ask an Examination/Assessment Board to reconsider a decision at the request of a student in the following circumstances:

- If the Academic Appeals Committee is satisfied that the student's academic achievement or progression was affected by **incapacity** which clearly prevented the student from submitting a Mitigating Circumstances Application in time for due consideration by the relevant Mitigating Circumstances Board, or where the student was unable, for valid and evidenced reasons, to divulge information before the Assessment Board reached its decision.
- The student's request must be supported by a clear statement detailing the 'incapacity' and/or explaining why the student was 'unable' to submit mitigating circumstances at the appropriate time, together with medical certificates or other documentary evidence acceptable to the Academic Appeals Committee.
- If the Academic Appeals Committee is satisfied, on evidence produced by a student or any other person, that the student's performance in an examination (or other assessment) was adversely affected by a material administrative error attributable to the University or to an agent acting on behalf of the University (**Maladministration**).
- If the Academic Appeals Committee is satisfied that the student's performance was adversely affected because an examination (or other assessment) was not conducted in accordance with the current published University Regulations or the regulations for the academic programme (**Breach of Regulations**).

6. Privacy, Confidentiality and Data Protection

All evidence submitted by an appellant in support of an appeal should be treated with respect for the privacy of the appellant, and should be confidential to those members of staff concerned with the matters raised in the appeal, either in the department(s) against which the appeal is lodged, the Academic Appeal Group, Academic Appeals Committee, or the Regulations, Performance and Progression Committee

Exceptionally, the appellant may request in writing to the Academic Registrar that information which s/he specifies is not disclosed (save to the appeal panel). The Chair of the Regulations, Performance and Progression Committee must determine whether such exceptional circumstances exist

Where the Chair determines that exceptional circumstances do not exist, the Chair (or nominee) must inform the appellant in writing of that decision and the reasons for it, and must provide the appellant with the opportunity to have a summary of the evidence, which balances the request for confidentiality against the ability of the Institute to respond to the appeal, disclosed. If the appellant is unable to accept either option the appeal shall be deemed to have been withdrawn by the appellant

Any member of staff involved with an appeal in any capacity will ensure that the Data Protection Act 1998 is complied with at all times

7. Timescales and Stages

The Informal Process **(For Teesside University awards this is held in accordance with its Assessment Review Regulations for Taught Programmes)**

If a student considers that s/he may have grounds to request a reconsideration of a decision by an Examination/Assessment Board, as described in section 5, s/he is normally expected to, in the first instance, attempt to obtain informal resolution of the case by undertaking informal discussion with the appropriate Head of School or nominated representative of their School, as identified by the Academic Registrar. The informal process must be commenced within 20 working days of the date of formal publication of results established by the Examination/Assessment Board.

The Informal Stage does not negate a student's right to submit an Institute Academic Appeal Application Form and any application must be submitted in accordance with the procedures and timescales outlined in Section 8. However, if a student submits an Institute Academic Appeal Application Form late due to a delay in resolving his/her issues informally, then the application will be accepted and considered under the provision of Section 8, subject to confirmation from the School that the delay was due to undertaking the informal process. If the relevant Head of School is unable to confirm that an informal process had taken place, then a student's application will not be considered by the Institute's Academic Appeals Committee.

A student is strongly encouraged to, in the first instance; contact an Education Adviser in the Students' Union before commencing the Informal Stage.

At the conclusion of the Informal Stage, a written response must be sent by Head of School or nominated representative confirming the decision of the Informal Stage. A copy of the documentation must be provided to the student to serve as a record of the outcome. A copy must also be kept in the student's file, and copies may be circulated, in confidence, to members of academic staff involved in the investigation of the facts relevant to the application. In the event that agreement has not been reached, a student may submit a formal Institute Academic Appeal Application Form (See Section 8).

For students on University validated programmes the appropriate regulations will apply after the informal stage:

- Teesside University awards: [Assessment Review Regulations For Taught Programmes](#)
- University of Hull awards: [Academic Appeals](#)
- Leeds Metropolitan University: [Appeals](#)

Academic appeals which are not resolved within the School must be progressed through Stage 1 of the appeals process via the Academic Advisory Group. Stage 1 is designed to encourage an informal resolution within the boundaries of these regulations

Once Stage 1 has been completed, an appellant must determine if the appeal progresses to Stage 2 via the Academic Appeals Committee

An appellant normally has 10 working days from the publication of the results to give notice in writing to the Academic Registrar of his/her intention to appeal, stating the grounds for appeal

Within a further 10 working days, the appellant should submit a written case in full to the Academic Registrar using Appendix 1 which must be accompanied by appropriate documentary evidence to support the grounds for appeal (See Appendix)

At all the stages of the appeals process, the appellant has a right to be accompanied to any meeting called by the Institute as part of the appeals process by a friend, who may not (save in exceptional circumstances) be a lawyer acting in a professional capacity. The friend may not speak on behalf of or otherwise represent the interests of the individual concerned unless invited to do so by the Institute

Stage 1

Within 10 working days of receipt of the appeal, the Academic Registrar should notify the Chair of the Board of Examiners; initiate stage 1 of the appeals process and convene an Academic Advisory Group to consider the case

The Academic Registrar should request any comments or other relevant information which may assist the Academic Advisory Group in their deliberations

The Academic Advisory Group must comprise:

- i. the Academic Registrar (or suitably experienced individual nominated by the Assistant Principal 14-19 and Higher Education)
- ii. an experienced member of staff from Learner Services
- iii. an experienced higher education academic member of staff (who must not be from the relevant Board of Examiners or the same academic department where the appellant is registered)

The Academic Advisory Group should meet at the earliest opportunity with the student to discuss the appeal and will offer advice to the appellant as to whether it considers there to be a prima facie case for appeal

Records of the discussions held by the Academic Advisory Group must be retained

Following advice from the Academic Advisory Group, an appellant normally has 5 working days to notify the Academic Registrar in writing of their intention to progress the appeal to stage 2

8. Stage 2

Upon notification of the appellant's written request to progress the appeal to stage 2, the Academic Registrar will convene an Academic Appeals Committee, a subcommittee of the Regulations, Performance and Progression Committee

The Academic Appeals Committee should convene in 10 working days from the date the appellant notified the Academic Registrar

An Academic Appeals Committee should comprise

- i. a Chair (identified by the Academic Registrar from amongst the senior members of staff experienced in Higher Education Quality within the Institute and who did not chair the relevant Board of Examiners)
- ii. two higher education academic staff (who are not members of the relevant Board of Examiners or from the same academic department where the appellant is enrolled)
- iii. the Head of Learner services
- iv. a committee secretary (non voting member)

The Chair of the Academic Advisory Group (who may be the Academic Registrar) should be in attendance but must not be a member of the Academic Appeals Committee or form part of the Committee's deliberations and voting process

The Chair of the Academic Advisory Group (or Academic Registrar) must arrange for the hearing of the appeal and provide adequate notice and relevant papers to all participants

All papers presented to the Academic Appeals Committee must also be provided to the appellant and the Chair of the relevant Board of Examiners or his/her representative who should be called to the hearing to give evidence

The appellant must always be invited to attend the hearing. The appellant must confirm the name and status of the person accompanying them in writing to the Chair of the Academic Advisory Group (or Academic Registrar) no less than four working days before the hearing

The Chair of the Academic Appeals Committee must decide how the committee will proceed with an appeal in the voluntary or unavoidable absence of the appellant, and whether or not it will permit a proxy to be nominated to represent the appellant

Quorum must be defined through three voting members including the Chair. A formal record of the meeting must be kept by the Academic Registrar (or nominee)

9. Hearing Process

The Chair will provide the Committee with an initial briefing

The appellant must be invited to join the meeting and to present a case

Members of the Academic Appeals Committee must be invited to ask questions for clarification

The appellant, and where in attendance, the friend, must be asked to withdraw

The Chair of the Board of Examiners (or nominee) and other appropriate members of academic staff must be invited to join the meeting and make an initial statement on behalf of the School

Members of the Academic Appeals Committee must be invited to ask questions of clarification

The Chair of the Board of Examiners (or nominee) and other appropriate academic staff must be asked to withdraw

The Academic Appeals Committee will deliberate the case in full before voting on whether the appellant's case is to be upheld or rejected

Any member involved in the making of a decision regarding an appeal must declare an interest where s/he has any other material connection with the appellant, and must be disqualified from being involved in the making of the decision and voting process

As the Academic Appeals Committee must proportionate its investigation to the complexity of the issues raised, if a decision is unable to be reached, the Committee may call other members of staff or students it considers might assist it in reaching a decision. The Committee is empowered to suspend an appeals meeting and reconvene at a later date (but no later than 7 working days from the original committee meeting). Any such persons must be notified in advance of the meeting

Where an appeal is determined vexatious or frivolous, on behalf of the Academic Appeals Committee, the Chair may reject the appeal at any stage of the appeals process. The appellant shall be informed in writing within 7 working days of such a decision, the reasons for it and the student disciplinary policy may be invoked

The Academic Appeals Committee is not empowered to award any credit or other qualification, to order the raising or lowering of any mark, or Foundation Degree classification

The decision of the Academic Appeals Committee must be deemed final and not subject to any further appeal within the Institute

10. Procedures following a meeting of the Academic Appeals Committee

Once an Academic Appeals Committee has reached its decision, the appellant will be informed of the result of the appeal by the Academic Registrar in writing and normally within 5 working days of the meeting

The decision of an Academic Appeals Committee must be communicated to the Chair of the Board of Examiners at the same time as the student is informed

In the event of a successful appeal the Board of Examiners will be informed by the Academic Appeals Committee that there are prima facie grounds for amending the original decision. The Board of Examiners must make those adjustments accordingly which must be subsequently ratified by the Regulations, Performance and Progression Committee

On an annual basis the Academic Registrar will present a report to the Quality Improvement Committee containing an anonymised analysis of formal academic appeals which detail:

- i. the number and reason for the appeals considered and the outcomes thereof
- ii. an analysis of appeals by the characteristics protected by the Equality Act 2010 based on information supplied and consented to at enrolment
- iii. an analysis of appeal by full time and part time mode of attendance

- iv. the time taken to complete the appeal process at each stage

Appeal reports make a positive contribution to the Institute's quality assurance and enhancement frameworks. To this end, anonymous appeals summary reports must be published to staff and students with a view to improving awareness of the procedures themselves but also to enhance the confidence of students and staff in the transparency and effectiveness of Institute's regulations and appeals procedures

UNDER REVIEW

Appendix 1: Academic Appeal Application Form

Before completing this form you are advised to read the Code of Practice Academic Appeals.

Forms can be submitted via email, posted or hand delivered (please see last page for details).

If submitting by email please ensure that you attach any documentary evidence.

If you are submitting this form in paper format please clearly label and attach any documentary evidence on separate sheet (s)

Where photocopies of documents are submitted you may be asked to provide sight of the original documents in order to verify their authenticity

You should complete all relevant sections as any omissions may result in a delay with your application being processed.

1. Personal Details	
Name: Please provide the full details on your student card	
Date of Birth:	
Student Number: This will be on your student card	
Address for Correspondence:	
Telephone Number: Please provide the best number to contact you on	
Email Address:	
2. Course Information	
Programme of Study: for example BA Business Management	
School: Please select as appropriate	<input type="checkbox"/> School of Business, Management and Computing <input type="checkbox"/> School of Health and Social Care Sciences <input type="checkbox"/> School of Creative Arts <input type="checkbox"/> School of Education <input type="checkbox"/> School of Technical Services <input type="checkbox"/> Other Please State
Year of Study:	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> Other

3. Assessment Review Information		
Date of publication of ratified results as noted by School: It is important that this information is provided		
What were the examinations or assessments which were affected? You should include details of all examinations or assessments that you are applying for.		
Module Title	Form of Assessment (for example Examination, Presentation, Report etc)	Submission/Examination Date
Consequences of the Programme Board decision: (Please tick the statement(s) that apply to you)		
<input type="checkbox"/> I have been discontinued and withdrawn from my programme of study <input type="checkbox"/> I have failed modules as specified above <input type="checkbox"/> I am not being allowed to proceed to the next stage/academic year <input type="checkbox"/> I am unhappy with my award <input type="checkbox"/> I disagree with the decision of the Programme Board		
4. Your Preferred Outcome		
Please indicate below what outcome you would like to see as a result of your application, for example do you want to be allowed to progress or be allowed a further attempt?		
5. The Involvement of an Advisor		
If you have sought advice from the Students' Union, could you please state the name of the person who provided you with support on this process		
Do you give the Institute permission to discuss your case with the above person?		
<input type="checkbox"/> Yes <input type="checkbox"/> No		
6. Grounds for Appeal		
Please indicate whether you are applying on grounds of incapacity, maladministration, and or breach of regulations by ticking the appropriate box(es):		
It is important that you provide as much information as possible. If you wish to submit this information in typed format on a separate sheet, please ensure that you answer each of the questions.		
6.1 <input type="checkbox"/> Incapacity		
I wish to make an application on the grounds that my academic achievement or progression was affected by incapacity which clearly prevented me from submitting a Mitigating Circumstances Application in time for due consideration by the relevant Mitigating Circumstances Panel, or I was		

genuinely unable to divulge such information before the Examination/Assessment Board reached its decision.

What was the incapacity which prevented you from submitting your Mitigating Circumstances Application in time?

What were your mitigating circumstances?

Please explain the impact/effect these circumstances had on you and your academic performance:

What documents are included?

6.2 Maladministration

I wish to make an application on the grounds that, based on evidence produced by myself or another person, my performance in an examination (or other assessment) was adversely affected by a material administrative error contributable to the Institute or to an agent acting on behalf of the Institute (**Maladministration**).

Please state the nature of the material administrative error and your evidence to support this?

What documents are included?

6.3 Breach of Regulations

I wish to make an application on the grounds that my performance was adversely affected because an examination (or other assessment) was not conducted in accordance with the current published Institute and University Regulations or the regulations for the academic programme (**Breach of Regulations**).

Which of the Institute/University's published regulations are relevant to your case?

Please give the title of the document and indicate the appropriate paragraphs or page numbers. (You should note that all course documents are freely available for students to read on the Institute's website)

How did your assessment not comply with regulation(s) and what evidence/argument do you have to support this?

What documents are included?

7. Declaration

I declare that the information provided on this form and accompanying documentation is correct to the best of my knowledge.

I give consent that information contained in my application can be disclosed to those parties involved in my case. I also understand that anonymised data from this application will be used for statistical reports of the Institute and all information provided in this form and accompanying documentation will be used in compliance with the Data Protection Act 1998. I confirm that I have read the Academic Appeals Regulations and associated Code of Practice (Assessment Review Regulations for Taught Programmes for Teesside University Awards)

Signed:

Dated:	
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CHECKLIST

Before returning this form we advise that you have checked the following:

- You have read and understood the Academic Appeals Regulations and associated Code of Practice (Assessment Review Regulations for Taught Programmes for Teesside University Awards)
- You have completed all relevant sections on the Application Form
- You have clearly identified the ground(s) under which you are applying
- You have clearly labelled any accompanying sheets
- You have included all relevant documentary evidence to support your application (Please note that any evidence submitted late will only be accepted in exceptional circumstances)
- You have signed the Application Form (if submitting this electronically this is not necessary)
- You have kept a copy of this Application Form for your own records

Please submit this form to:

Higher Education (HE) Admissions & Administration Office
University Centre Reception (OH01)
Grimsby Institute of Further & Higher Education
Nuns Corner
Grimsby
DN34 5BQ