



Regent College Higher Education

Academic Appeals

Policy and Procedure for Making an Academic Appeal¹

1 Scope and grounds for appeal

- 1.1 The procedure for making an appeal against a decision made by an Assessment Board is concerned solely with student appeals arising from a request that an Assessment Board reconsider its decision.
- 1.2 A complaint about any service that Regent College Higher Education provides to its students that is **not** directly related to academic matters, such as grades awarded for assessed work, progression on a course and awards, should be dealt with through the Complaints Policy and Procedure, which is available on the College's VLE (HELP) and website.
- 1.3 This Academic Appeals Policy and Procedure may be used at the informal stage for awards made by both Pearson and Buckinghamshire New University. For formal academic appeals for awards made by Buckinghamshire New University the University's formal academic appeals procedure must be followed. This is available from their website at <https://bucks.ac.uk/students/academicadvice/results/appealing-your-result>.

1.3 Pearson/Edexcel courses:

To make an academic appeal follow the procedure detailed below and use the Academic Appeals Form.

2 Grounds for appeal

- 2.1 An appeal against any decision made by an Assessment Board may only be made on the grounds that:
 - a) The assessment was not conducted in accordance with the current regulations for the course, or a material administrative error, or some other material irregularity relevant to the assessment, has occurred
 - b) The judgement of an examiner or examiners was improperly affected by personal bias
 - c) Misleading information was provided about the assessments and/or examinations
 - d) For a student with a disability or additional needs, the assessment was not correctly carried out, or the support identified was not provided, or the agreed assessment procedures for that student were not properly implemented.
- 2.2 Disagreement with the academic judgement of an Assessment Board in assessing the merits of an individual piece of work, or in reaching any assessment decision based on the marks, grades and other information relating to the candidate's performance cannot in itself constitute grounds for a request for reconsideration by a student. Such matters of academic judgement remain the exclusive prerogative of the Assessment Board. Matters of academic judgement include:

¹ Please note that this Academic Appeals Policy and Procedure may be used at the informal stage for both Pearson and Buckinghamshire New University awards. However, for Buckinghamshire New University awards the formal appeals process students must use the University procedure, which is available on their website.



- a) whether a student has reached the academic standard required for the unit/module
 - b) whether a student would benefit academically from further study, for example, by repeating a unit/module on the course
- 2.3 Subject to the previous paragraphs, the appeal may be against a decision or recommendation of an Assessment Board that:
- a) the student has failed the unit or part of the unit
 - b) the student should not be permitted to proceed to the next stage of the course
 - c) the student should be excluded from continuation of studies on the course
 - d) a particular class or grade of award should be made.
- 2.4 Pending the outcome of an academic appeal the student will be treated as if the assessment had not yet taken place. This means that progression or the making of an award will not take place, where such progression or the making of an award would depend on the assessment concerned.

3 Matters excluded from Academic Appeals

- 3.1 A student may not make an appeal under these procedures on the grounds that mitigating circumstances adversely affected his or her performance in an assessment and/or that he or she believes an inappropriate allowance was made for such circumstances. Such issues are the subject of the Extenuating Circumstances Policy and Procedure.
- 3.2 A student may not make an academic appeal on the grounds that poor teaching, supervision, academic advice or guidance affected his or her performance. In such circumstances the student may make a complaint under the Student Complaints Policy and Procedure.

4 Procedure for notification of an appeal

- 4.1 There are four stages in the Academic Appeals procedure:

Stage 1 Conciliation

Stage 2 Formal Academic Appeal

Stage 3 Academic Appeal Panel Hearing

Stage 4 Independent Review

4.2 Stage 1: Conciliation

- 4.2.1 The conciliation stage is an informal process. If a student considers that he or she may have grounds for an academic appeal, or is seeking clarification of an Assessment Board's decision, he/she should first attempt to conciliate with the Chair of the relevant Assessment Board, or in her or his absence, the Programme Leader/Director of Studies. This should be done within ten days of the publication of the results of the relevant Assessment Board.
- 4.2.2 Only when the informal stage of conciliation has been exhausted, and the student remains convinced that he/she has grounds for an academic appeal, should formal (Stage 2) procedures be initiated.
- 4.2.3 Where a group of students wishes to submit a collective appeal, the group should nominate a spokesperson to act as the channel of communication for the group.



4.2.4 Following discussion with the student, the Chair of the Assessment Board should discuss the issues raised by the student with the Programme Leader/Director of Studies. Following this discussion, a decision over the following two options will be made:

- a) to refer the matter back to the appropriate Assessment Board for further consideration;
- b) to dismiss the informal appeal.

4.3 **Stage 2: Formal appeal**

4.3.1 Where the Stage 1 Conciliation is unsuccessful, the student must submit his or her academic appeal using the Academic Appeal Form. This must normally be completed within five working days of the conciliatory meeting or no longer than fifteen days after publication of the results from the relevant Assessment Board. The completed form should be submitted to the Assistant Principal Higher Education.

4.3.2 On receipt of the Academic Appeal Form, the Assistant Principal Higher Education shall consider the appeal to establish whether there is a *prima facie* case for the appeal. The grounds for appeal detailed in Section 2 and 3 above will be referred to in helping to make a decision.

4.3.3 Where the Assistant Principal Higher Education deems there to be a *prima facie* case for an appeal, a meeting of the Academic Appeals Panel (described in Section 5 below) shall be called to hear the appeal, normally within fifteen working days of receipt of the appeal form.

4.3.4 The student making the appeal will be informed by the Assistant Principal about whether or not there is a *prima facie* case or whether the appeal is dismissed because there are no proper grounds for an appeal. If there is deemed to be a *prima facie* case the Assistant Principal Higher Education will inform the student of the date of the meeting of the Academic Appeals Panel. These communications to the student will normally be made within five working days of the completed Academic Appeal Form being submitted.

4.3.5 In submitting a Stage 2 appeal, the Academic Appeal Form must be properly completed and contain the following information:

- a) a clear statement of the actual decision of an Assessment Board being appealed against
- b) a brief and clear summary of the grounds for the appeal referring to Section 2 above, and stating, as appropriate, the following
 - the ways in which it is alleged that the assessment failed to accord with the regulations pertaining to the programme. It would be helpful to identify precisely the regulation(s) which has/have been breached. If an administrative error is thought to have occurred then state the nature of the error or other material
 - irregularity relevant to the assessment(s) which has/have occurred
 - how it is alleged that, for a student with a disability or additional needs, the needs assessment was flawed, the provisions recommended were not implemented, or the agreed assessment procedures failed to be implemented
- a) evidence, other than personal testimony from the student, in corroboration of the factual base of the appeal, or an indication of how such corroboration will be provided
- b) a statement about the nature of the revised assessment sought from the Assessment Board if the appeal was to be upheld



- c) a demonstration that conciliation has been attempted with the Chair of the Assessment Board, and/or Assistant Principal Higher Education, as appropriate.
- d) an appeal may be dismissed in the following circumstances:
 - when the appeal is submitted late, without explanation which is satisfactory to the Assistant Principal Higher Education.
 - when the Assistant Principal Higher Education is able to demonstrate that the appeal does not fall into any one of the four categories detailed in 2.1 above.

5 Academic Appeals Panel constitution

- 5.1 The Academic Appeals Panel shall comprise a Chair, normally the Principal Further and Higher Education or Director of Quality and two other members, consisting of:
 - Two members of teaching staff of Regent College Higher Education who do not teach or supervise the student(s) making the academic appeal.
- 5.2 Where possible, Regent College Higher Education will seek to ensure that the composition of the Panel reflects the character of the institution and/or at least one person has been trained in or has experience of equality and diversity issues and is fully aware of Regent College HE's Equality and Diversity Policy.
- 5.3 No member of the Academic Appeals Panel shall be a member of staff either teaching and/or assessing on the unit/module of the course concerned.
- 5.4 No member of the Academic Appeals Panel shall be an interested party.
- 5.5 To the extent practicable, the same Chair should preside in hearings of appeals from a particular Assessment Board in any one academic year.
- 5.6 The Assistant Principal Higher Education shall attend the panel as an adviser and shall appoint a Secretary to the Panel.

6 The Academic Appeal hearing

- 6.1 The student making the academic appeal shall have the right to appear before the Academic Appeals Panel and to be accompanied and supported by a friend. The friend must be either an enrolled student at Regent College or a member of staff at Regent College, for example the Student Welfare Officer.
- 6.2 The Chair of the relevant Assessment Board (or his or her nominee) shall have the right to be present at the Academic Appeal hearing.
- 6.3 The student making the appeal and the friend and the Assessment Board, through its representatives, shall have the right to call and to question witnesses.
- 6.4 The Academic Appeals Panel shall be entitled to call witnesses as it deems appropriate and to call for the production of relevant documents.
- 6.5 The academic appeal shall only be heard on the grounds stated and accepted by the Assistant Principal in the Academic Appeals Form, unless the Academic Appeals Panel decides otherwise. In the latter event, either the appellant or the Assessment Board shall be entitled to demand an adjournment of no more than one week to prepare evidence.
- 6.6 Each party, the student making the appeal and the Assessment Board, shall have the right to receive a copy of any written submission that is made on the part of the other.



- 6.7 The student making the appeal shall be invited to provide details of any reasonable adjustment that may need to be made for the hearing in order to accommodate the appeal, as long as the student has a declared disability.
- 6.8 If the student making the appeal does not appear at the location, time and date set for the appeal hearing the Academic Appeals Panel shall consider whether any reasons sent by the student in advance of the hearing are valid, and:
- a) if members of the Panel so judge, adjourn proceedings to a later date and time;
 - b) if no reasons are advanced, or if they are judged to be invalid, proceed in the student's absence.

7 Outcome of an Appeals Hearing

- 7.1 The Academic Appeals Panel shall be empowered to either:
- a) refer the matter back to the relevant Assessment Board
 - b) dismiss the appeal.
- 7.2 In making a referral back to the relevant Assessment Board, the Academic Appeals Panel shall state the grounds on which it has reached its decision and what matters it requires the Assessment Board further to consider. The Academic Appeals Panel may make recommendations provided these are not academic judgements and provided that reasons for the recommendations are given.
- 7.3 The Assessment Board may set up a sub-board from their own membership to review the strength and possible effect of the Academic Appeals Panel's recommendations. The full membership of the Assessment Board shall then meet as promptly as possible to consider the referral back in the light of the sub-board's findings, and shall submit a report to the Chair of the Academic Appeals Panel.
- 7.4 Should the Academic Appeals Panel have made recommendations which the Assessment Board is unable to accept, the Academic Appeals Panel may recommend to the Academic Board that the assessment(s) be annulled.
- 7.5 A decision to annul an assessment can only be taken by a meeting of the Academic Board.
- 7.6 When a decision of an Assessment Board has been annulled it is the responsibility of the Academic Board to take action, including, if necessary, the appointment of new internal markers, to ensure that the student(s) concerned are properly assessed.
- 7.7 Where the appeal is dismissed or where Academic Board has declined to annul the assessment(s), the most recent decision prior to the appeal being lodged of the Assessment Board shall prevail.
- 7.8 In cases of procedural or other type of irregularity, or where it is not possible to reconvene an Assessment Board, the Academic Board shall have the power to annul a decision of the Assessment Board without making prior request for reconsideration. If an error or irregularity is found to have affected more than one student, the Academic Board may annul the whole assessment or any part of it.

8 Authority of Academic Appeals Panels

- 8.1 There shall be no appeal against the findings of an Academic Appeals Panel. Allegations of *procedural* irregularity in the conduct of an appeal may be heard by the Principal of Regent College Higher Education, who may, at his/her discretion, require the Academic Appeals Panel to reconsider the case.

9 Independent Adjudication



- 9.1 Where an appeal is dismissed at any of the stages outlined above, the appellant will be considered to have exhausted Regent College Higher Education's internal procedures for Academic Appeals and a letter of completion issued to the student.
- 9.2 If the appellant has exhausted Regent College Higher Education's internal procedures and is not satisfied with the outcome, he/she may request that the case is reviewed by the Office of the Independent Adjudicator for Higher Education (www.oiahe.org.uk).
- 9.3 Under the Higher Education Act 2004, provision is made for a student to refer a complaint to the Office of the Independent Adjudicator for Higher Education (OIAHE) when the institution's internal academic appeals procedures have been exhausted, and the student remains dissatisfied with the outcome.
- 9.4 On completion of Regent College's internal Academic Appeals procedure the student(s) will be issued with a *Completion of Procedures Letter* by the Assistant Principal Higher Education. This letter will provide information of the services available to the student from the Office of the Independent Adjudicator. The Completion of Procedures Letter will:
 - provide a description of the Academic Appeal
 - confirm that Regent College's internal Academic Appeals procedure has been completed
 - state the outcome of the internal Academic Appeals process
 - confirm that the student has the right to take the appeal to the Office of the Independent Adjudicator for Higher Education
 - indicate how the student can contact the OIAHE
 - stipulate that the OIAHE will only consider complaints from students within a period of two calendar years from the date of the Completion of Procedures Letter
 - enclose an explanatory leaflet on the OIAHE.

Further advice and/or assistance concerning the OIAHE, or in contacting and submitting a complaint to the OIAHE, should be obtained from the Director for Students.

- 9.5 The findings of any case considered by the OIAHE shall be considered directly by the Academic Board. The Academic Board shall take the recommendations of the OIAHE into account in reaching a final decision about any action that should be taken in response to the appeal.
- 9.6 The decision of the Academic Board will be final and there shall be no further appeal against this decision.
- 9.7 Each academic year the Assistant Principal Higher Education shall analyse the key features and outcomes of all Academic Appeals and any outcomes of review by the Office of the Independent Adjudicator for Higher Education made during the previous year. The Assistant Principal Higher Education shall present a report on this information to the appropriate meeting of the Academic Board (normally the autumn meeting of Academic Board).