

## Academic Appeal policy and procedure

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The processes outlined in this policy and procedure are informed by the expectation and indicators of Chapter B9: Academic Appeals and student Complaints of the UK Quality Code for Higher Education. This chapter can be found at the following location and contains further guidelines, references and resources relevant to academic appeals and student complaints. <http://www.qaa.ac.uk/en/Publications/Documents/quality-code-B9.pdf>

The development of our academic appeals policy has also been guided by the OIA (Office of the Independent Adjudicator) good practice framework: handling student complaints and academic appeals. <http://www.oiahe.org.uk/providers-and-good-practice/good-practice-framework.aspx>

### List of appendices:

- Appendix A - Appeals procedure flowchart
- Appendix B - Third Party Consent Form
- Appendix C - Group Academic Appeal/ Student Complaint Consent Form

## 1. Policy

The Academy has a duty to maintain and enhance the quality of provision for students and to provide an effective system for handling academic appeals. The Academy upholds the principle that students should have a full opportunity to raise appeals against academic decisions without fear of disadvantage and in the knowledge that confidentiality shall be respected. An academic appeal is defined as a request for a review of a decision concerning the following matters:

- (i) final award;
- (ii) progression from one stage or level of the programme to the next;
- (iii) assessment on the programme.

### **Grounds for appeal must be founded on one or both of the following:**

(a) Where the student provides written evidence in support of a claim that performance in the assessment was adversely affected by extenuating circumstances which the student was unable or, for valid reasons, unwilling to divulge before the Board of Examiners reached its decision; or

(b) Where there is prima facie evidence, whether provided by the student or otherwise, that:

- (i) there has been a material administrative error; or
- (ii) the examinations or other assessments were not conducted in accordance with the regulations for the programme and/or special arrangements formally agreed; or
- (iii) some other material irregularity relevant to the Board of Examiners' decision has occurred.

Academic appeals should not be confused with any case of complaint which should be taken up in accordance with the Academy's **Complaints Policy and Procedure for Students**.

**Disagreement with the academic judgment cannot in itself constitute grounds for appeal i.e. a student cannot appeal against academic judgement.**

A student may not have a qualification conferred which is the subject of an appeal until the appeals procedure has been concluded. An appeal cannot be initiated once the degree (or other qualification) has been conferred. Students who wish their qualification to be conferred at a ceremony but who are considering whether or not to appeal are advised to seek advice as above immediately on receiving their result.

## 2. Procedure

Prior to taking a final decision as to whether to appeal or not, a student is advised to:

- (i) Speak to her/his tutor and Programme/ Pathway Leader informally to attempt to resolve the issue;
- (ii) speak to the Academic Quality and Programme Manager and seek further advice.

**If the student decides to appeal, the student must initiate the appeal in writing no later than ten working days after the formal publication of their results** by writing to the Academic Quality and Programme Manager\* setting out details of their appeal. Appeals made by third parties on behalf of a student will only be accepted if the student has given their written permission that the third party may act on their behalf. Please note that where this option is taken up the student's representative will attend all meetings and respond to all correspondence *in the place* of the student. A Third Party Consent Form can be found in **Appendix B** of this document and on Moodle.

An appeal may be made individually, or collectively (ie by more than one student). Where an appeal is made collectively the Academy will request that a spokesperson is nominated by the students making the appeal, to whom all correspondence relating to the appeal may be addressed. Students making a collective appeal should complete the Group Appeal/ Complaint Form found in **Appendix C** of this document and on Moodle.

**The Academic Quality and Programme Manager will acknowledge receipt of the appeal and inform the student/show the matter will be taken forward, within two working days.**

The Academic Quality and Programme Manager should inform the Director of Programmes and request a written response to the student's letter from the relevant Programme/Pathway Leader in appropriate detail to the student's letter. Where necessary the response should make reference to, and confirm the operation of, the declared rules on classification and/or progression. The Academic Quality and Programme Manager will consider the evidence taking steps to secure additional information as s/he deems fit and will determine whether or not there is a prima facie case. If appropriate the Academic Quality and Programme Manager will seek a second opinion from a senior member of staff, other than the Principal, who is not directly involved the delivery of the programme the student is on, or a potential member of the appeals panel.

**Outcomes of appeals shall normally be communicated in writing to students within Sixty working days of receipt of the formal appeal. However, a student will be advised if a time extension is required and the reasons why.**

*\*In the absence of the Academic Quality and Programme Manager, the Operations Manager shall deputise.*

### 2.1 No Case for Appeal

If it is confirmed that there is no prima facie case the appeal procedure will end. The Academic Quality and Programme Manager will write to the student **within five working days of receipt of the appeal**. A 'Completion of Procedures Letter' will be issued to the student.

The student may appeal to the Principal **within five working days** of receiving the Academic Quality and Programme Manager's decision not to uphold the prima facie case.

### 2.2 Case for Appeal upheld

If the Academic Quality and Programme Manager upholds the prima facie case, they shall convene an appeal hearing. The hearing shall normally take place no later than two weeks following the decision to uphold the prima facie case. **At least five working days notice, in advance of the meeting, will be given to the student and the Appeals Panel.** All evidence of the assessment process relevant to the case, and any correspondence entered into will be submitted to the Appeals Panel, which has the powers to consider the appeal and decide upon it.

The student may be required to appear before the panel. Students have the statutory right to be accompanied by a friend, where they are required or invited by the Academy to attend an Appeals Panel meeting and when they make a reasonable request to be so accompanied. To exercise the statutory right to be accompanied, a student must make a reasonable request. What is reasonable will depend on the circumstances of each individual case. However, it would not normally be reasonable for a student to insist on being accompanied by a companion

whose presence would prejudice the meeting nor would it be reasonable for a student to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available on site. The companion should be allowed to address the meeting to put and sum up the student's case, respond on behalf of the student to any views expressed at the meeting and confer with the student during the meeting. The companion does not, however, have the right to answer questions on the student's behalf, address the meeting if the student does not wish it or prevent the Academy from explaining their case.

**If the chosen companion of the student is unavailable on the date of the initial meeting, the student may delay the date of that meeting once by up to five working days to enable the chosen companion to attend.** The location and timing of any alternative meeting should be convenient to both the Academy and the student, but should not unduly delay the process.

Representatives of the Academy, the student and the student's companion should make every effort to attend the meeting. If the student fails to attend the meeting, without good reason given in advance, the meeting will take place, and a decision will be made, in his or her absence. In other circumstances where it seems likely that for a lengthy period, the student will be unable to attend a meeting, the Academy reserves the right to convene the meeting, affording the student the right to either submit written representations and/or be represented by a companion.

The Appeals Panel may also require the Programme/ Pathway Leader or her/his nominee and/or any other member of staff involved in the relevant events to appear before the Appeals Panel to answer questions. The student and the Programme Leader will be asked to attend the meeting separately.

The Chair of the meeting will adjourn the meeting and determine whether it is possible to reach a prompt decision on the appeal. **Where this is possible the student will be invited back later in the day to orally hear the outcome of the meeting. Where this is not possible the Chair will conclude the meeting. The outcome of the decision will also be conveyed in writing to the student within five working days of the meeting.** A 'Completion of Procedures Letter' will be issued to the student.

Should the appeal be upheld the Academic Quality and Programme Manager or Chair of the Academic Appeals Panel will make such instructions or recommendations as are considered appropriate.

### 2.3 Case for Appeal rejected

Where the appeal has been rejected, the 'Completion of Procedures Letter' concludes the Academy's appeals procedures

## 3. Academic Appeals Panel and membership

*The Terms of Reference for the Appeals Panel is:*

- To consider appeals submitted by students against formal decisions relating to the outcomes; of assessments;
- to recommend appropriate remedial action to be taken in the light of appeals considered;
- to report a summary of appeals to the Academic Board and Board of Trustees.

*The Appeals Panel members will be decided on a case-by-case basis as follows:*

- An external member\* of the Academic Board (Chair);
- two academic members of staff, independent from the appeal under consideration;
- Academic Programmes Coordinator acting as Panel Secretary.

The Academic Quality and Programme Manager shall also be present at the panel meeting(s) as an observer, though maybe asked to contribute information in relation to the earlier stages of the process. The Academic Quality and Programme Manager will not be permitted to contribute to the Panel's decision.

\* The member of the Academic Board shall be an external member, who is not normally involved in day to day activities of the programmes/ Academy.

## 4. Reports and Documentation

A summary of appeals is reported to the Examination and Progression Board, Academic Board and Trustees for monitoring purposes.

Any notes made during an appeal are not disclosable to the student.

## 5. Contact Details

Principal: [Rob@Artacademy.org.uk](mailto:Rob@Artacademy.org.uk)

Director of Programmes: [Sue@Artacademy.org.uk](mailto:Sue@Artacademy.org.uk)

Academic Quality and Programme Manager : [Darren@Artacademy.org.uk](mailto:Darren@Artacademy.org.uk)

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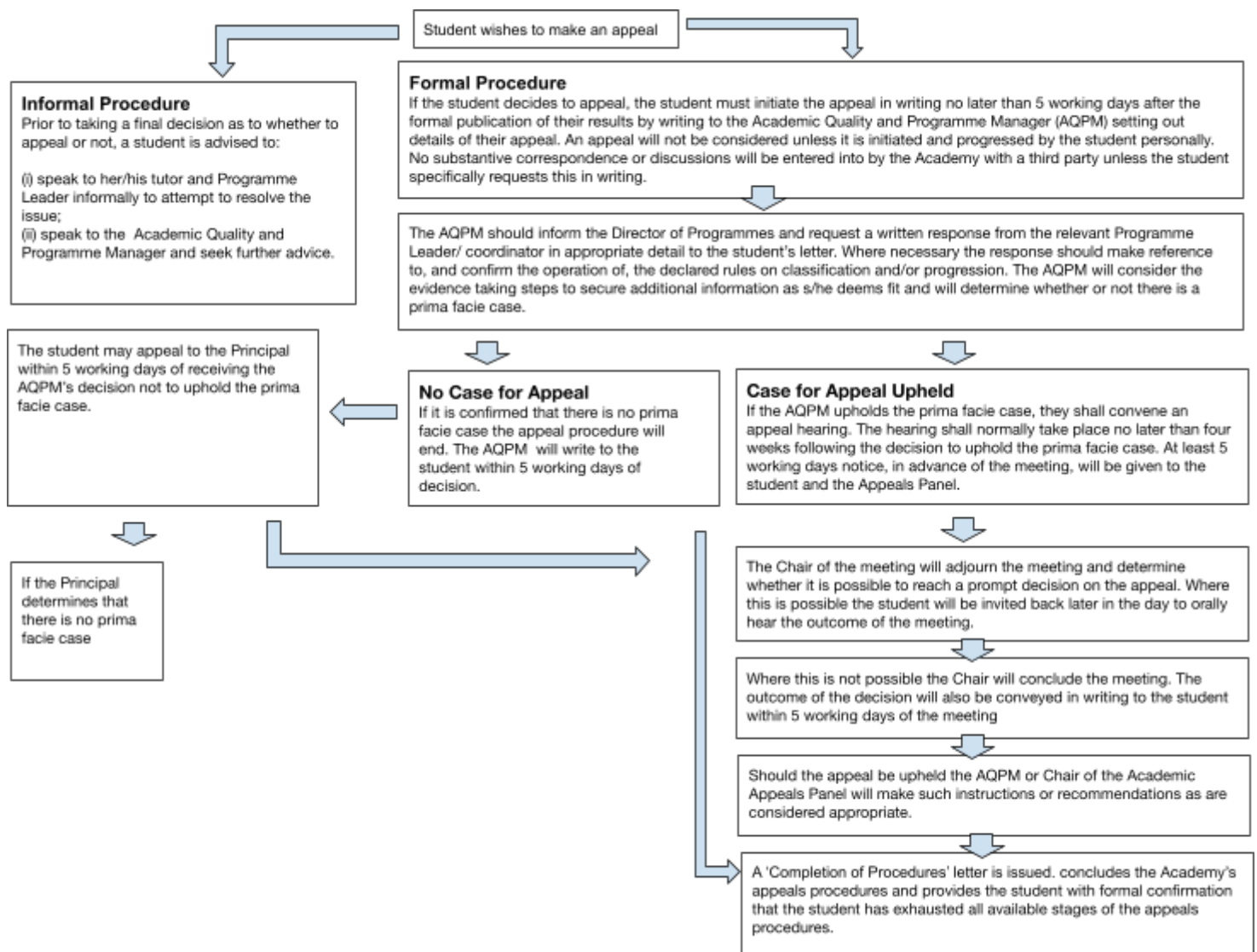
### **Policies and documents that supplement and reference this document:**

Quality Handbook  
Student Handbook  
Student Complaints Policy and Procedure  
Recognition of Prior Learning Policy

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Approval by the Academic Board

## Appendix A - Appeals procedure flowchart



## Appendix B - Third Party Consent Form

## Third Party Consent Form

Consent for a third party to act on a student's behalf in connection with the following (delete/ circle as appropriate):

Academic Appeal / Student Complaint / Disciplinary

Other matter (Please specify):

| Section A: Details of the student authorising a third party to act on their behalf |  |               |  |
|--|--|---------------|--|
| Name   |  |               |  |
| Date of Birth  |  |               |  |
| Student ID no.   |  |               |  |
| Programme  |  | Year of study |  |
| Tel no.  |  | Email         |  |
| Address  |  |               |  |

| Section B: Details of the person authorised to act on behalf of student (representative)  |  |       |  |
|---|--|-------|--|
| Name  |  |       |  |
| Role/relationship to me   |  |       |  |
| Tel no.   |  | Email |  |
| Address   |  |       |  |
| Declaration of representative   |  |       |  |
| <p>I confirm that I am the person detailed above in Section B.</p> <p>I confirm that I am happy to act as the representative for the student detailed above in Section A.</p> <p>I confirm that I am happy for the Art Academy to use my personal details in the administration of the procedure(s) and am aware that in accordance with the Academy's Data Retention and Disposal Schedule, my personal details will be held on record as part of the students file relating to the procedure(s) for a period as specified; <i>The Academy will not use your personal data for any other reason than those required to effectively administer the procedure(s).</i></p> <p>I confirm that I am happy for my personal details to be shared with relevant parties within the Academy, as necessary for the administration of the procedure(s).</p> |  |       |  |
| Signature of acting person  |  | Date  |  |

| Section C: Declaration by the Student |
|---------------------------------------|
|---------------------------------------|

I confirm that I am the person detailed above in Section A.  
I confirm that I will pass any relevant information relating to the procedure(s) to my representative.  
I confirm that my representative has not been suspended/ excluded from the Academy.

|               |  |             |  |
|---------------|--|-------------|--|
| <b>Signed</b> |  | <b>Date</b> |  |
|---------------|--|-------------|--|

## Group Academic Appeal/ Student Complaint Consent Form

To be completed by the lead student who has been nominated by the students bringing the appeal/ complaint to be the spokesperson for the group and liaise with the Academy on their behalf.

| Section A: Details of Lead Student   |  |               |  |
|--|--|---------------|--|
| Name   |  |               |  |
| Date of Birth  |  |               |  |
| Student ID no.   |  |               |  |
| Programme  |  | Year of study |  |
| Contact details for correspondence in connection with the Appeal/Complaint |  |               |  |
| Tel no.  |  | Email         |  |
| Address  |  |               |  |

All students bringing the group appeal/complaint should complete their details below. On signing the form, the students are giving consent that their appeal/complaint will be dealt with collectively and that they have given their consent for the student listed above to act as spokesperson for the group. The Academy will direct all correspondence relating to the appeal/complaint to the spokesperson. *Complete in block capitals or type.*

| Section B: Details of all Students making collective appeal/ complaint. |                |           |               |           |
|---|----------------|-----------|---------------|-----------|
| Full name   | Student ID no. | Programme | Year of study | Signature |
|   |                |           |               |           |
|   |                |           |               |           |
|   |                |           |               |           |
|   |                |           |               |           |
|   |                |           |               |           |
|   |                |           |               |           |
|   |                |           |               |           |

| Section C: Declaration by the Student |
|---------------------------------------|
|                                       |



I confirm that I am the person detailed above in Section A.  
I confirm that I have been nominated on behalf of the students listed above to be the spokesperson in relation to this appeal/complaint.

|               |  |             |  |
|---------------|--|-------------|--|
| <b>Signed</b> |  | <b>Date</b> |  |
|---------------|--|-------------|--|