

Higher Education Academic Appeals Policy

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1. Introduction

Burton and South Derbyshire College is committed to providing a high-quality educational experience, fully supported by a range of academic and administrative services and facilities. However, we understand that from time to time, things do go wrong. This policy in conjunction with the College HE Feedback Policy and awarding organisation's policy guidelines outlines the appeals procedure for Higher Education learners wishing to appeal formally against any assessment grading or mark they have received, including:

- Assessment procedures not properly carried out
- Assessment criteria not made clear to learners
- Grading not reflecting the assessment criteria
- General disputes relating to grades for internally assessed coursework and controlled Assessments

The appeals process allows you to appeal against a progress decision that has a negative effect upon you or your future career. This process is right for you if:

- you feel that a progress decision you received at the end of a module or course of study is not right
- something went wrong with the college procedures
- you had difficulties that the college did not know about (and you have good reason for not having submitted extenuating circumstances)

The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. Burton and South Derbyshire College is a member of this scheme. If you are unhappy with the outcome you may be able to ask the OIA to review your complaint. You can find more information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right here: <https://www.oiahe.org.uk/students>.

You normally need to have completed the Burton and South Derbyshire College procedure before you complain to the OIA. We will send you a letter called a "Completion of Procedures Letter" when you have reached the end of our processes and there are no further steps you can take internally. If your complaint is not upheld, we will issue you with a Completion of Procedures Letter automatically. If your complaint is upheld or partly upheld, you can ask for a Completion of Procedures Letter if you want one. You can find more information about Completion of Procedures Letters and when you should expect to receive one here: <https://www.oiahe.org.uk/providers/completion-of-procedures-letters>.

2. Grounds on which an appeal can be made

You are only able to appeal against a progress decision (e.g. fail module or course, grant alternative qualification); you are unable to appeal against marks. Examinations and assessments shall be conducted in accordance with the approved examination regulations of the award and of the College or Partner University and in accordance with the principles and regulations laid down by other appropriate validating bodies.

2.1 An appeal against the decision of a properly convened and constituted Assessment/Award Board will only be considered if it meets one or both of the following grounds:

- that there has been a material error or irregularity, for example that the examinations or assessments were not conducted in accordance with the current regulations of the award; or
- that your performance was adversely affected by illness or other factors which you were unable, for valid reasons, to divulge before the published deadline for presenting extenuating circumstances.

- Such a request must be supported by full and original medical or other documentary evidence, together with a full explanation of why this information was not divulged before the decision concerned was reached. Where appropriate, your appeal must specify the precise dates of the illness or other factor(s) affecting your performance and an assessment from you or a doctor or other independent person about the impact of these circumstances on the dates when you were preparing or undertaking assessments. Please note that you are required to meet all the costs associated with assembling the information you wish to provide in support of your appeal.

It is important to note that the College's Examination Access Policy specify that once you have entered the examination venue, you deemed yourself to be fit to take the examination. Retrospective medical evidence purporting to certify illness at the time when you took the examination will not normally be acceptable.

N.B. Appeals based on extenuating circumstances will not normally be accepted unless you are able to demonstrate valid reasons why these were not divulged before the published deadline.

2.2 The following examples, which are not exhaustive, do not constitute grounds for review: -

- A challenge to the academic judgement of a properly convened and constituted Assessment/Award Board. This means, amongst other things, appealing on the grounds that the marks awarded were too low.
- Complaints about perceived or real failures in duty of care or quality of education. These are dealt with separately under the Customer Experience Policy and Feedback Procedures.
- A challenge to the decision of a properly convened and constituted Assessment/Award Board where the Board has applied the appropriate penalty for a proven case of academic misconduct as stipulated in the Malpractice and Maladministration Policy.

3. Procedure

3.1 Before submitting an appeal, you are encouraged to seek advice from Learner Services.

- If the degree awarding body is a College Partner you must write to the Academic Registrar and Director of the Student Experience at the Partner College within 15 working days of the publication of the examination results setting out the information in 3.2 below. You are advised to access the partner University academic appeals procedure.
- If you decide to appeal against a programme of study awarded by Burton and South Derbyshire College you must write to Feedback@bsdc.ac.uk who will then forward your appeal to the Director of Quality and Performance or in their absence a nominee, within 15 working days of the publication of the examination results setting out the information in 3.2 below. Requests received after this time will only be considered in the most exceptional circumstances where the Director of Quality accepts that there were compelling reasons why you were not able to lodge a request within fifteen working days.

3.2 The written request for a review must include:

- Your full name, student reference number, correspondence address for the appeal, telephone number (home or mobile), award title and year of study.
- Details of the decision which you are asking to be reviewed (this is usually the decision of the Assessment/Award Board, for example about your failure of particular modules or your progression to the next stage of your programme of study).
- The name of your Award/Programme Leader.
- Full details of the grounds for your appeal.

If these grounds relate to illness or other extenuating factors, full and valid reasons as to why a claim for extenuating circumstances had not been submitted by the due date, together with appropriate evidence as in 2.1 above.

3.3 Feedback@bsc.ac.uk will acknowledge receipt of a request for review of an Assessment/Award Board decision within five working days and undertake various duties in relation to appeals.

3.4 The Director of Quality and Performance or Director of Learner Services and Customer Experience or nominee will make an assessment of the case, in order to determine whether the appeal satisfies the grounds as outlined in paragraphs 2.1 above. It may occasionally be necessary for the College to speak with you directly about your appeal if there are issues to be clarified.

3.5 The Director of Quality and Performance or nominee will deal with all appeals as quickly as possible and will seek to respond to your appeal with 25 working days of its receipt. (If you have been unable to produce evidence at the time you have submitted your appeal, the 25 working days will commence once the evidence has been submitted.) However, for various reasons, including the unavailability of key staff members at certain times of the year, it is not always possible to obtain all the required information within the specified timescale. In those cases where the College is unable to deal with your appeal within 25 working days, The Director of Quality and Performance or nominee, will keep you informed, in writing, of progress.

3.6 If your appeal is deemed not to satisfy the grounds as outlined in paragraphs 2.1 above a 'completion of procedures' letter will be issued to you with advice to contact the Office of the Independent Adjudicator for Higher Education if you wish the appeal to be considered further.

3.7 If your appeal satisfies the grounds as outlined in paragraphs 2.1 above, relevant Department staff will be asked to provide information in relation to your appeal.

3.8 Once the Department has provided the Director of Quality and Performance or nominee with the required information in relation to your appeal, the Director of Quality and Performance or nominee will take one of the following decisions and notify you accordingly:

- To dismiss the appeal if there is evidence that the Assessment/Award Board has already taken proper account of the points raised in the appeal, that the regulations and procedures have been properly implemented or, for example, that there is no sound reason why extenuating circumstances could not have been submitted by the due date before the meeting of the Assessment/Award Board. You will be given a further 10 working days in which to submit any new evidence that you wish the College to review. If you do provide additional evidence, then the procedures in paragraphs 3.3 – 3.6 will be followed. The College's internal procedures will, at this point, have been exhausted and a 'completion of procedures' letter will be issued to you with advice to contact the Office of the Independent Adjudicator for Higher Education if you wish the appeal to be considered further.

- If the investigation reveals evidence that there has been a material error or irregularity or grounds why your extenuating circumstances could not have been divulged by the due date before the meeting of the Assessment/Award Board, the Director of Quality and Performance or nominee may uphold the appeal on behalf of the Academic Board without recourse to an Assessment Appeals Committee.
- To refer the appeal back to the Assessment/Award Board to amend or review its decision in the light of the evidence collected during the investigation, normally within 20 days. Cases shall only be referred to the Board where the Director of Quality and Performance or nominee concludes that the full Board shall consider the outcome in terms of your progression or award.
- To convene an Assessment Appeals Board, normally within 20 days. Cases shall only be referred to an Assessment Appeals Board where the Director of Quality and Performance or nominee determines that complexity of the issues raised in your appeal require your testimony and those of witnesses to be heard. There shall be no appeal against Director of Quality and Performance or nominee decision.

4. Membership of the Assessment Appeals Board

4.1 The membership of the Assessment Appeals Board shall comprise:

- A Vice Principal or an Assistant Principal, or a Director of Department other than from the Department in which you are studying.
- Two Academic Staff representatives, having no direct connection with your case.
- The Director of Quality and Performance or nominee will act as Secretary of the Board.

4.2 Members of the Assessment/Award Board responsible for the decision concerned shall not be members of the Assessment Appeals Board.

5. Procedures for the Assessment Appeals Board

5.1 The Secretary to the Board shall provide both the Assessment Appeals Board and you with the following information, at least 10 working days in advance of the scheduled meeting:

- Your letter of appeal, together with any supporting documentary evidence.
- The regulations governing the award and its assessment.
- A statement from the Chair of the appropriate Assessment/Award Board responding to your request for review.
- Copies of any other written information considered relevant by the Director of Quality and Performance or nominee.
- A copy of these procedures.
- The names of any staff members invited to give evidence to the Assessment Appeals Board.

5.2 You will be invited to attend the meeting of an Assessment Appeals Board to substantiate your case for a review. You may only be accompanied and represented by a fellow learner or a representative from the Students' Union. In limited circumstances, where the College would be required to report its findings to the appropriate professional body, and this would be wholly determinative or significantly influence your right to practise your chosen profession, legal representation may be permitted. In those circumstances, the College also retains the right to engage legal representation. Where it is necessary to send you papers for the Assessment Appeals Board by post, they will be sent by Recorded Delivery to the address given by you at the time of your appeal. If you wish any witnesses to present evidence on your behalf to the Assessment Appeals Board then you must notify the Secretary to the Board, in writing, at least 5 days prior to the meeting and provide the full names and contact details of those witnesses.

5.3 The person chairing the Assessment/Award Board shall normally be invited to attend the meeting of the Assessment Appeals Board to put the case of the Assessment/Award Board in relation to the case under review.

5.4 The non-attendance at the meeting of any participant shall not invalidate the proceedings and a decision to proceed or otherwise with the meeting of the Assessment Appeals Board shall be determined by the Chair.

5.5 The proceedings shall be heard in private. The procedure to be followed at the hearing shall be determined by the Chair in consultation with other members of the Board at the commencement of the meeting. According to circumstances, the parties to the appeal may be seen separately (in whatever order is deemed appropriate) or together. All participants will be expected to behave in a professional, orderly, and non-confrontational manner. The Chair may adjourn the meeting at any time if he/she believes that the progress of the meeting is being impeded.

6. Decision of the Assessment Appeals Board

6.1 The Assessment Appeals Board's decision shall be either: -

- That grounds for review have been established in which case it shall require the Assessment/Award Board to review its decision in the light of those grounds; or
- That no grounds for review have been established, in which case your appeal shall be rejected.

6.2 The Secretary of the Board shall inform you and the person chairing the Assessment/Award Board, in writing, of the Assessment Appeals Board's decision, with reasons, within seven working days of the conclusion of the hearing.

6.3 The proceedings of the Assessment Review Board, other than the actual decision made, shall remain confidential to the Board's members.

7. Decision of the Reconvened Examination Board

7.1 If the Assessment/Award Board is required to reconvene, either as a result of the recommendation of the Assessment Appeals Board or as a result of the review carried out by the Director of Quality and Performance or nominee (see section 3.8 above), it will do so as soon as possible and in a timeframe agreed with the Director of Quality and Performance or nominee.

7.2 The Assessment/Award Board after duly considering the information presented to it shall agree either to amend or to confirm its original decision.

7.3 Where the Assessment/Award Board agrees to confirm its original decision without taking proper consideration of the Assessment Appeals Board's decision, the Assessment/Award Board's decision may be annulled by the Academic Board which will then be responsible for appropriate follow-up action.

7.4 The Academic Registrar, Director of Quality and Performance or nominee shall inform you in writing, of the Assessment/Award Board's decision immediately following the meeting of the Assessment/Award Board and shall submit an appropriate report of the case to the Academic Board.

8. Disabled students

We take our responsibilities to disabled students seriously. If you need us to make reasonable adjustments in order that you can attend a meeting of the Assessment Appeals Board, please let us know in advance and we will aim to meet your individual needs. This could mean relocating the hearing to a more accessible venue and/or making arrangements for a communicator or advocate to be present at the hearing. To enable us to do this, please contact Learner Services within 7 days of date of the date of the meeting of the Assessment Appeals Board.