

## Academic Appeals Policy and Procedure for Open University Programmes at Calderdale College

- 1.1. An academic appeal is defined within the QAA Quality Code for Higher Education as 'A request for a review of a decision of an academic body charged with making decisions on student progress, assessment and awards.' (Chapter B9: Academic appeals and student complaints).
- 1.2. Academic appeals may only be made in relation to a decision of the Board of Examiners about a student's:
  - 1.2.1. final award
  - 1.2.2. progression from one level to the next
  - 1.2.3. assessment
- 1.3. Students should feel encouraged to discuss their concerns with their personal tutor, however, it is recognised that a student may feel uncomfortable approaching their personal tutor where that tutor is also the marker of the assessed work, so impartial advice may be sought from Learner Services, the Academic Skills (ASK) Team or the HE Officer (SU).
- 1.4. **Group appeals:**

Where the same issue/s affects a number of students then a group appeal may be submitted, where the student named on the appeal form acts as a representative for the whole group. In this case the College will deal with the named appellant only and the appellant will liaise with the other members of the group.
- 1.5. **Confidentiality and Privacy:**

The College respects the right to confidentiality and privacy, however, by submitting an appeal form the College assumes that appellants give permission to disclose, as necessary, any of the information that is provided. Appellants must clearly state if they wish any matter to remain private or confidential, but should be aware that preventing disclosure may have an effect on the College's ability to consider the appeal appropriately.

## 2. Appeals and Complaints

- 2.1. If a student wishes to make a complaint then s/he should be signposted to the **Complaints Policy and Procedure**, or if a complaint is submitted alongside an appeal, the student will be notified within 10 working days<sup>1</sup> of receipt which part of their submission will be handled through the **Complaints Policy**.
- 2.2. A formal complaint is an expression of dissatisfaction with a service provided or the lack of a service. It must relate to services that students were led to believe would be provided.
- 2.3. In some instances, and with student agreement, the College may consider a complaint and appeal together.

## 3. Grounds for Appeal

Students can appeal a decision of the Board of Examiners where one or more of the following applies (as detailed in Section H: Grounds for Appeal, *Regulations for validated awards of the Open University*):

- 3.1. Where written evidence is provided to support a claim that performance in an assessment was adversely affected by mitigating circumstances which the

---

<sup>1</sup> Working days do not include weekends, Bank Holidays or College staff development days.

- student was unable or, for valid reasons, unwilling to divulge before the Board of Examiners reached its decision; or
- 3.2. Where there is prima facie evidence, whether provided by the student or otherwise, that:
  - 3.2.1. there has been a material administrative error; or
  - 3.2.2. the examinations or other assessments were not conducted in accordance with the regulations for the programme and/or special arrangements formally agreed; or
  - 3.2.3. some other material irregularity relevant to the Board of Examiners' decision has occurred.

#### **4. What is Not Grounds for Appeal**

- 4.1. An appeal may not be submitted against academic judgement, that is, the decision made by academic staff on the quality of the work itself or the criteria being applied to mark the work, however, an appeal may be made on the grounds, for example, that an administrative error or material irregularity occurred during the assessment process.
- 4.2. It may not be submitted if there is disagreement of how extenuating circumstances were considered unless there is clear evidence that policy/procedure was not followed by the Mitigating Circumstances Panel, or its recommendations was not fully considered by the Board of Examiners.

#### **5. Procedure for Academic Appeal**

- 5.1. A completed appeal form should be submitted to the Curriculum Office (F10) as soon as possible, or within 10 working days of the publication of the decision of the Board of Examiners which is being disputed. The College will exercise discretion if there is good reason (with evidence) for late submission of an appeal form.
- 5.2. A confirmation of receipt will be sent via email.
- 5.3. The Head of HE, Access and Professional Studies will examine the appeal form to identify whether 3.1., 3.2.1., 3.2.2. or 3.2.3. has occurred and sufficient evidence has been presented.
- 5.4. Notification of a decision not to hear an appeal will be sent to the appellant in writing, with a full explanation, within 5 working days of receipt of the appeal form.
- 5.5. **Frivolous or vexatious complaints and academic appeals:**  
If an appeal or complaint is reviewed and considered to be frivolous or vexatious then it will not be considered further and dismissed. Examples of such appeals include:
  - 5.5.1. academic appeals which are obsessive, harassing, or repetitive
  - 5.5.2. insistence on pursuing non-meritorious appeals and/or unrealistic, unreasonable outcomes
  - 5.5.3. insistence on pursuing what may be meritorious appeals in an unreasonable manner
  - 5.5.4. appeals which are designed to cause disruption or annoyance
  - 5.5.5. demands for redress which lack any serious purpose or value.
- 5.6. If an appeal is dismissed according to 5.5. notification of the decision will be given in writing, with a full explanation, within 5 working days of receipt of the appeal form. The appellant still has the right to request a review of the decision by the Open University, according to 7.1.
- 5.7. Notification of a decision to hear the appeal will be sent to the appellant in writing, at least 5 working days before the date of the appeals panel.

- 5.8. If a student responds to say that they can't attend the hearing then if the reason for their non-attendance is significant (ill-health, for example), the date and time can be moved.
- 5.9. If a student does not respond or cannot be contacted, or responds with an insufficiently significant reason for their non-attendance, then the panel will review the information and evidence and make a decision.
- 5.10. In exceptional circumstances telephone or Skype can be used during the hearing.
- 5.11. The Appeals Panel will include:
  - 5.11.1. Head of HE, Access and Professional Studies (or nominated deputy)
  - 5.11.2. An award leader from a course not directly related to the appeal/s under review
  - 5.11.3. A notetaker (non-voting)
- 5.12. Also invited to attend the panel hearing will be:
  - 5.12.1. The student and a friend/supporter
  - 5.12.2. The award leader presenting the case on behalf of the College

## **6. Possible outcomes of the Appeals Panel Hearing**

- 6.1. Decisions of the panel will be made by a majority vote. If the panel's votes are split then the decision shall be made in favour of the student.
- 6.2. The Panel may require the Board of Examiners to reconsider a decision relating to an assessment, a student's progression from one level to the next or a final award if it is satisfied that the appellant has supplied information and evidence that:
  - 6.2.1. supports a claim that performance in an assessment was adversely affected by mitigating circumstances which the student was unable or, for valid reasons, unwilling to divulge before the Board of Examiners reached its decision
  - 6.2.2. there has been a material administrative error; or
  - 6.2.3. the examinations or other assessments were not conducted in accordance with the regulations for the programme and/or special arrangements formally agreed; or
  - 6.2.4. some other material irregularity relevant to the Board of Examiners' decision has occurred.
- 6.3. For all outcomes, the appellant will be notified in writing, with a full explanation, within 10 working days of the date of the panel hearing.
- 6.4. Where an appeal has been upheld, the panel will decide what remedy should be recommended and whether an apology should be included in the written explanation.

## **7. Review**

- 7.1. If the appellant is not satisfied with the outcome of the appeal after the College procedure has been completed, a request may be sent to the Director of the Centre for Inclusion and Collaborative Partnerships (CICP) for a review, as outlined in Appendix 3: Appeals and Complaints, *OU Handbook for Validated Awards 2014-15*.

## 8. Related documents:

<i>Calderdale College Complaints Policy and Procedure</i>	Available on Moodle
<i>Open University Handbook for Validated Awards 2014-15</i> Appendix 3: Appeals and Complaints	Available on Moodle
<i>Regulations for validated awards of the Open University (Effective from 1<sup>st</sup> September, 2015)</i> Section H: Academic Appeals and Complaints	Available on Moodle
<i>The good practice framework for handling complaints and academic appeals (December 2014)</i>	Available at: <a href="http://www.oiahe.org.uk/">http://www.oiahe.org.uk/</a>

## Appendix 1: Academic Appeal Form

You should read all the notes carefully before filling in and submitting this form.

You must submit this form within 10 working days of publication of your results. If you cannot submit it within this time then you must provide a valid reason, with evidence, and this will be considered. You will be sent a receipt via email as soon as the form has been received.

You may wish to seek advice from Learner Services, the Academic Skills (ASK) Team or the HE Officer (SU) before submitting this form.

You should complete this form if you want to appeal against a decision made by the Board of Examiners about your:

- Final award (for example, Pass, Merit or Distinction)
- Progression from one level to the next (i.e. progression from Year 1 to Year 2 of a FD or HND)
- Marks for an individual module

Appeals will ONLY be heard if you can show evidence of any one of the following:

1. That your performance during the assessment was adversely affected by circumstances (illness or other factors) which you were unable or, for valid reasons, unwilling to tell the College about before the Board of Examiners reached its decision.  
*Evidence in this case must be medical evidence or other independent evidence.*
2. That there has been there has been a material administrative error that has directly affected your mark or grade (for example, a mistake has been made when recording your marks or final award)
3. That the examination/s or assessment/s were not conducted in accordance with the regulations for the programme and/or special arrangements formally agreed
4. That some other material irregularity relevant to the Board of Examiners' decision has occurred

Please note: if you want to raise your concern as a complaint then please refer to the College Complaints Policy and Procedure (available on Moodle).

**The appeal form may be delivered by hand to the Curriculum Office (room F10).**

Where posted, the address to send the appeal form to the College is:

Curriculum Office (Room F10),  
Calderdale College,  
Francis Street,  
Halifax,  
HX1 3UZ

**Please complete relevant sections IN FULL:**

<b>Name</b>		<b>Postal address:</b>
<b>Student ID</b>		
<b>Course</b>		
<b>Date</b>		
<b>Email address</b>		
<b>Telephone number</b>		

**Important:**

**Please attach copies of ALL documentation relating to your appeal:**

- the letter you received which notified you of the Board of Examiners' decision you wish to appeal against
- any other documentation you wish to be considered
- any evidence that you feel helps to support your appeal, including medical evidence

**Grounds for the appeal**

(please describe how the appeal relates to points 1, 2, 3 or 4 on the previous page)

--

**If your appeal relates to point 1 on the previous page, please state what information you have previously made available to the Board of Examiners in connection with the relevant Mitigating Circumstances**

--

*Please note: if the Board of Examiners was aware of these circumstances when it reached its decision then your published result will stand and no further action will be taken.*

**If your appeal relates to point 1 on the previous page and you have not made previously made any information available in connection with the relevant Mitigating Circumstances please state the reasons why you were unable to do so and what information and evidence you have attached in support of this reason**

*Please note: if you do not have a valid reason for not having made your circumstances known to the Board of Examiners then your published result will stand and no further action will be taken.*

**If your appeal relates to points 2, 3, or 4 on the previous page, please state what evidence you have attached that supports your claim and describe the impact on your results/final award/progression**

**Signed:**

**Date:**

For Curriculum Office use only

*Form needs to be Referred to Head of HE, Access and Professional Studies*

*Date Referred:*

For referee's use only:

**Appeal to be heard? (tick, sign, date and specify next action)**

**Yes**

**No**

**Signed**

**Date**

**Next action:**