



Academic Appeals Policy and Procedure for Open University Programmes

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VERSION: 2

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1. Purpose

The University Centre Calderdale College is committed to providing high quality teaching and learning for its students with assessments carried out in a fair, consistent and reliable manner. This policy is in place to provide learners with the mechanism to request a review of a decision following the Board of Examiners meeting.

2. Definitions

- 2.1. An academic appeal is defined within the QAA Quality Code (2018) as 'A request for a review of a decision of an academic body around a mark, outcome or decision. Students may appeal an outcome on the basis of evidence or procedure, but not on the basis of disagreement with academic judgement.¹.
- 2.2. An assessment decision is not final until it has been approved by the Board of Examiners. Any assessment decision may be amended during the assessment process leading up to the Board of Examiners meeting according to the Assessment Policy for Open University programmes, or the applicable regulation of the awarding body concerned.
- 2.3. Students may raise concerns informally during the assessment process if they believe that an error has occurred or they have concerns about the way that the assessment process has been conducted.
- 2.4. Academic appeals may only be made after confirmation of a decision of the Board of Examiners about a student's:
 - 2.4.1. Final award
 - 2.4.2. Progression from one level to the next
 - 2.4.3. Assessment outcome
- 2.5. Students should initially discuss concerns about their final award, progression or assessment outcomes with a member of the University Centre Management Team (UCMT).

¹ Concerns, Complaints and Appeals, QAA Quality Code (2018) available at: <https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/concerns-complaints-and-appeals>

2.6. **Group appeals:**

Where the same issue/s affects a number of students then a joint or 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 University Centre will deal with the named appellant only and the appellant will liaise with the other members of the group.

2.7. **Confidentiality and Privacy:**

The University Centre respects the right to confidentiality. However, by submitting an appeal form an appellant gives permission to share, where necessary, the information that is provided. Appellants must clearly state if they wish any matter to remain confidential, however, should be aware that preventing the sharing of information may hamper the University Centre's ability to resolve the appeal.

3. Key differences between appeals and complaints

- 3.1. An appeal that is not based on the grounds for appeal outlined in section 3. should be dismissed, or the appellant redirected to make a complaint.
- 3.2. A complaint is defined within the QAA Quality Code (2018) as 'A specific query about an aspect of experience of the provider.'². The Open University define it 'as an expression of dissatisfaction with a service provided or the lack of a service. It must relate to a service or services that students were led to believe would be provided' (Section H. Academic Appeals and Complaints, *Regulations for Validated Awards of The Open University*).
- 3.3. If an appeal is submitted that also contains a complaint, it may be necessary to separate the appeal from the complaint and deal with each under the relevant process.
- 3.4. In some instances, and with the agreement of the student, the University Centre may consider a complaint and appeal together.

4. 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. Academic Appeals and Complaints, *Regulations for validated awards of the Open University*):

- 4.1. Where written evidence is provided to support a claim that performance in an 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
- 4.2. Where there is *prima facie* evidence, whether provided by the student or otherwise, that:
 - 4.2.1. There has been a material administrative error; or
 - 4.2.2. The examinations or assessments were not conducted in accordance with the regulations for the programme and/or special arrangements formally agreed; or
 - 4.2.3. Some other material irregularity relevant to the Board of Examiners' decision has occurred.

² Concerns, Complaints and Appeals, QAA Quality Code (2018) available at: <https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/concerns-complaints-and-appeals>

5. What is not grounds for appeal

- 5.1. An appeal may not be submitted to express disagreement with an academic judgement. That is, the decision made after completion of the assessment process. However, an appeal may be made on the grounds that an administrative error or material irregularity occurred during the assessment process.
- 5.2. An appeal may not be submitted to express disagreement with the outcome of an application for Extenuating Circumstances, unless there is clear evidence that the process was not followed correctly by the Extenuating Circumstances Panel, or its recommendations was not fully considered by the Board of Examiners.
- 5.3. Disagreement with the academic judgment of a Board of Examiners cannot constitute grounds for an appeal.

6. Procedure for academic appeal

- 6.1. A completed appeal form should be submitted to the Curriculum Office (F10) within 10 working days of the publication of the final decision of the relevant Board of Examiners. The University Centre will exercise discretion if there is good reason (with evidence) for late submission of an appeal form.
- 6.2. A confirmation of receipt will be sent via email within three working days.
- 6.3. A member of the University Centre Management Team (UCMT) will review the appeal form to identify whether it meets the grounds for appeal in section 3 and that sufficient evidence has been presented. An appeal may be dismissed at this stage if it does not meet the grounds for appeal, or that sufficient evidence has been presented, or is judged to be frivolous or vexatious (see 5.5.). The appellant may be redirected to make a complaint, if applicable.
- 6.4. Notification of a decision to dismiss an appeal will be sent to the appellant in writing, with an explanation for the decision, within ten working days of receipt of the appeal form.

Frivolous or vexatious complaints and academic appeals:

- 6.5. 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:
 - 6.5.1. Academic appeals which are obsessive, harassing, or repetitive
 - 6.5.2. Insistence on pursuing non-meritorious appeals and/or unrealistic, unreasonable outcomes
 - 6.5.3. Insistence on pursuing what may be meritorious appeals in an unreasonable manner
 - 6.5.4. Appeals which are designed to cause disruption or annoyance
 - 6.5.5. Demands for redress which lack any serious purpose or value.
- 6.6. If an appeal is rejected according to 5.5. notification of the decision will be given in writing, with an explanation, within ten working days of receipt of the appeal form.

Hearing the appeal

- 6.7. The appeal will be considered by two members of the University Centre Management Team (UCMT), who will consider the information presented to decide on an outcome. The Chair of the Board of Examiners may not sit on an appeal panel.
- 6.8. It may be necessary to consult with other members of staff, including:
- The staff involved in the assessment process;
 - The Chair of the Board of Examiners meeting;
 - The External Examiner;
 - The Quality Systems Manager;
 - Other members of staff who had involvement in the assessment process, the Board of Examiners meeting or the recording of final marks.

Possible outcomes of the appeal hearing

- 6.9. An outcome will be agreed jointly by two members of the University Centre Management Team (UCMT). If an agreement cannot be reached then a third member of the UCMT should be appointed to consider the appeal.
- 6.10. An appeal may be upheld on the basis that the appellant has supplied information and evidence that:
- 6.10.1. Supports a claim that performance in an 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
- 6.10.2. There has been a material administrative error; or
- 6.10.3. The examinations or other assessments were not conducted in accordance with the regulations for the programme and/or special arrangements formally agreed; or
- 6.10.4. Some other material irregularity relevant to the Board of Examiners' decision has occurred.
- 6.11. Where an appeal is upheld the Board of Examiners will be required to reconsider its final assessment decision. The Panel and the Chair of the Board of Examiners should agree a suitable course of action and whether an apology should be included in the written explanation. The list of actions shown below is not exhaustive, but should guide the Chair where an appeal has been upheld:

Grounds for appeal	Course of action where upheld
A claim that performance in an 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	Extenuating Circumstances may be granted, and remediation applied according to the Extenuating Circumstances Policy and Procedure.
There has been a material administrative error	The error shall be corrected
The examinations or other assessments were not conducted in accordance with the regulations for the programme and/or special arrangements formally agreed	The examination or assessed component(s) shall be re-assessed according to the Assessment Policy for Open University Programmes, or the applicable regulation of the awarding body concerned

Some other material irregularity relevant to the Board of Examiners' decision has occurred	An appropriate course of remedial action should be agreed to correct or make right the irregularity
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6.12. Where an appeal has not been upheld, no remedial action will be taken and the agreed final assessment decision shall stand.

6.13. For all outcomes, the appellant will be notified in writing, with an explanation, within ten working days of the date of the panel hearing.

Review

6.14 If the appellant is not satisfied with the outcome of the appeal after the University Centre procedure has been completed, a request may be sent to The Open University for a review, under the conditions outlined in Section 5 of Appendix 3: Appeals and Complaints in the *Handbook for Validated Awards*.

7. MONITORING

Compliance to this policy will be monitored through the internal and external moderation processes. The policy will be reviewed Biannually.

8. RELATED POLICIES/PROCEDURES/DOCUMENTS

Assessment Policy for Open University Programmes

Academic Misconduct Policy

Extenuating Circumstances and Interruption of Studies Policy

Single Equality Scheme

Staff Code of Conduct and Malpractice Policy

Malpractice and Maladministration Policy

Calderdale College Complaints Policy and Procedure

Open University Handbook for Validated Awards - Appendix 3: Appeals and Complaints

Regulations for validated awards of the Open University - Section H: Academic Appeals and Complaints

The good practice framework for handling complaints and academic appeals (2016)

Available at: <http://www.oiahe.org.uk>

9. POLICY REVIEW

Change(s) Made		Reason for Change			
Changes made in line with OU					
Review Date	Reviewed by:	Initial Approval by:	Final Approval by:	Next Review Date:	Review Period
Sep 2020	Quality, Partnership and Learner Engagement Manager	Academic Board	Policies and Procedures Committee	Sep 2022	2 years

15. EQUALITY IMPACT ASSESSMENT

First Assessment Conducted by:	Date:	Final/Approved Assessment Conducted by:	Date:
Angela Harrison – Quality Administrator	09/10/2019	Angela Harrison – Quality Administrator	09.09.2020

16. PUBLICATION

Audience:	Published:
Staff	Staff Intranet
Learners	Moodle

Appendix 1: Academic Appeal Form

You must submit this form within 10 working days of receiving your results letter. If you cannot submit this form within 10 working days then you should submit it as soon as possible and provide a valid reason, with evidence, at the point of submission. You will be sent a receipt via email as soon as the form has been received.

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 / First, 2:1, 2:2, etc.)
- Progression from one level to the next (i.e. progression from Year 1 to Year 2 of a FD)
- Marks for an individual module

Please complete relevant sections IN FULL:

Name		Date	
Course		Student ID	
Email address		Telephone number	

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

- any documentation you wish to be considered
- any evidence that you feel helps to support your appeal, including medical evidence

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

Grounds for the appeal (please tick or put an 'X' in the relevant box)			
	1. 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. (Please complete boxes A and B)		2. 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) (Please complete box C)
	3. The examination/s or assessment/s were not conducted in accordance with the regulations for the programme and/or special arrangements formally agreed (Please complete box C)		4. Some other material irregularity relevant to the Board of Examiners' decision has occurred (Please complete box C)

The boxes will expand as you type into them.

A If you selected 1, please state what information you have previously made available to the Board of Examiners in connection with the relevant Extenuating Circumstances
<i>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.</i>

B

If you selected point 1 on the previous page and you have not made previously made any information available in connection with the relevant Extenuating 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

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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.

C

If you selected 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

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Signed:		Date:	
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For referee's use only:

Appeal to be heard? (tick, sign, date and specify next action)							
Yes		No		Signed		Date	
Next action:							