

<b>Hull College Group Procedure</b>	<b>Procedure Status: HE 1.77</b>	
<b>Procedure for Higher Education Academic Appeals</b>	<b>Ref: HE1.77</b>	<b>Next review date: 31 August 2020</b>
<b>Brief Explanation: Key Policy underpinning the Group commitment to review academic appeals.</b>		

## 1. Introduction

This procedure shall apply only to academic appeals which shall be understood as the request to review a decision regarding the progress of the student on his/her programme of study, including the award of any qualification as a result of that progress.

All appeals and queries shall be conducted in accordance with these regulations and the precepts set out in the UK Quality Code for Higher Education (November 2018) and the Office of the Independent Adjudicator's Good Practice Framework for handling complaints and academic appeals (December 2016). The appeals are also subject to university partner regulations.

## 2. Definitions

### 2.1. Academic Judgement

The mark to be awarded for an individual piece of work - whether coursework, written examination or similar, and whether formative or summative - or the award of an overall mark or classification for an award shall be regarded as the academic judgement of the examiner or examiners, or the Board of Examiners concerned, and as such shall not be appealable under these or any other regulations or procedures of the college or university.

A candidate who wishes to question academic judgement shall be entitled to ask the examiner, or Board of Examiners to confirm that the work has been marked in accordance with the regulations and procedures in force at the time governing such matters as second marking, and referral to the external examiner. Provided such confirmation is stipulated in writing, with an explanation of the procedures followed, the matter shall be deemed closed and the mark or other decision upheld.

### 2.2. The distinction between Academic appeal and Complaint

Other matters of dispute involving a student and the College or curriculum area, shall be termed "complaints" and subject to the College's Higher Education Complaints Procedure.

### 2.3. Impartiality of Decision-Makers

No person shall be permitted to take part in the making of a decision regarding an appeal where s/he has an interest through being a member of the same academic department in which the student is registered.

Any person who may be involved in the making of a decision regarding an appeal shall be required to declare an interest where s/he has any other material connection with the student, and shall thereby be disqualified from being involved in the making of the decision.

### 2.4. Privacy, Confidentiality and Data Protection

All evidence submitted by an student in support of an appeal shall be treated with respect for the privacy of the student, and shall be confidential to those members of staff concerned with the matters raised in the appeal.

While all evidence submitted by an student will normally be seen by those in the Department(s)

against whom the appeal is lodged, exceptionally, the student may request in writing that information which s/he specifies not be so disclosed. The chair of the relevant committee shall determine whether such exceptional circumstances exist. Where the Chair determines that they do not exist s/he shall inform the student in writing of that decision and the reasons for it, and shall provide the student with the opportunity to have a summary of the evidence, which balances the request for confidentiality against the ability of the Department to respond to the appeal, disclosed. If the student is unable to accept either option the appeal shall be deemed to have been withdrawn by the student.

Any member of staff involved with an appeal in any capacity will ensure that the relevant current legislation is complied with at all times.

Matters raised or disclosed during the hearing shall be deemed confidential.

### **2.5. Decisions which may be appealed**

A candidate for an undergraduate or taught postgraduate programme of study may appeal against the recommendation or decision of a Board of Examiners for any of the following reasons:

- a) to terminate the candidate's programme of study for non-compliance with the attendance and/or submission requirements of the programme;
- b) to terminate the candidate's programme of study on grounds of professional unsuitability or professional misconduct;
- c) to exclude the candidate from an examination, dissertation, placement or other form of study or assessment forming part of the candidate's programme of study;
- d) to award or refuse to award the candidate the qualification or classification of the qualification;
- e) decisions made regarding partial or contained awards to which an student has been awarded at a Board of Examiners;
- f) Any other decision of a Faculty or Board of Examiners concerning the academic progress of a candidate.

### **2.6. Grounds for Appeal**

All candidates registered for an award have the right to appeal on one or more of the following grounds:

- a) that there was a procedural irregularity in the conduct of the examination or assessment or material administrative error;
- b) That the candidate can demonstrate that the assessment was adversely affected by illness or factors which the candidate was unable, or for valid reasons unwilling, to divulge before the Board of Examiners reached its decision.

Any application relating to illness or other form of incapacity relevant to (b) must be accompanied by supporting independent medical or other relevant documentary evidence.

**Appeals questioning the academic judgement of the examiners do not constitute valid grounds for appeal and will be dismissed.**

## **3. Responsibilities**

- 3.1.** Quality and Registry Officer to receive and record the appeal and arrange for appeal board if deemed necessary.
- 3.2.** Head of HE Quality and Registry to be designated appeals officer and review the decision and communicate response back to the student.

## **4. Process**

### **4.1. Stage 1 – Informal Resolution**

Informal resolution is achieved when both parties are in agreement. The Faculty's offer of informal resolution must be made without prejudice to the right of the student to insist that the regulations be applied in full.

A student may raise a query with their Faculty about a decision or result within ten working days of the formal publication of the result. It is expected that all teams will publicise to their students the arrangements by which students may seek advice and guidance at a point where module and programme results are formally published. Informal resolutions should be recorded with HE Quality and Registry.

Informal resolution of a dispute, at whatever stage of the process, is always the College and university partner's preferred option and it remains an option available even after the query has reached the formal appeal stage.

Where an academic query has been raised with a Faculty and they are unsure of the next steps to take to resolve the query, then they should consult with either the Assistant Principal Higher Education or the university partner.

Where an informal resolution is agreed after a formal appeal has been submitted, then such informal resolution shall be approved by the relevant Higher Education Committee.

### **4.2. Stage 2 - Formal process**

The Student must lodge an appeal within ten working days of results being published. The HE Quality and Registry Officer will log the appeal and the Head of HE Quality and Registry will investigate and confirm whether the appeal meets the criteria and sufficient evidence has been provided.

The Head of HE Quality and Registry will, on the basis of the information submitted, determine whether there are sufficient grounds to convene an Academic Appeals Panel and will proceed to notify the university partner. The Academic Appeals Panel reports to the HE Academic Board and comprises of:

- Members of the Faculty Management Team or nominee independent of the candidate's faculty (Chair)
- Two members of Academic Quality and Standards Committee
- A representative from student support services/Student Engagement Officer
- Secretary (A HE Quality and Registry Officer nominated)

In exceptional circumstances, any other representatives as required by the regulatory framework of a validating partner university or professional body.

The HE Academic Board has formal responsibility for ensuring that any appropriate remedial action is taken in response to proven cases of procedural irregularity. Only the HE Academic Board has authority to annul a decision of the Board of Examiners. Where an irregularity affects more than one candidate, the Academic Board may annul the entire examination or part of it subject to any further requirements and authorisation from the relevant awarding body.

The outcome of the Appeals Panel, or decision to halt proceedings will be communicated to the student in writing within 28 days with a clear explanation of the reasons for the decision.

### 4.3. Stage 3 - Right to final challenge

If students have exhausted all stages of the Academic Appeals Policy, they will be advised about the next stages of the guidelines for the Office for Independent Adjudicators and the validating partner/professional body procedures.

Where the appropriate panel of the university or professional body determine that the College has not acted in accordance with the regulations or that a decision is not reasonable then a new college hearing, organised by the HE Quality Manager, may be set not involving any staff involved in the original decision. For awards validated by Hull College under FDAP, having exhausted all options, the student can lodge a formal complaint to the college by following the Higher Education Complaints Procedure.

Where the university partner finds that the decision was reasonable and made in accordance with regulations the challenge will be rejected.

### 5. Recording and Monitoring of Appeals

- (a) The following information must be held:
- the type of decision against which the appeal is lodged
  - the ground(s) on which the appeal is based
  - the outcome of the appeal
  - the time taken for each stage.
- (b) The HE Academic Board and Academic Quality and Standards Committee will receive and review these reports annually and make internal recommendations as to:
- adequacy of advice, guidance and support mechanisms for students;
  - adequacy of staff development and support for those operating the appeal procedures;
  - the level of understanding of staff and students of the procedures;
  - The effectiveness of the overall procedures in meeting their aims.

### 6. Linked policies

Other policies linked to this Complaint policy are:

- Fees Policy
- HE Fee regulations
- Student and Staff Behaviour policy
- HE Academic Regulations
- Student Protection Plan
- HE Refund and Compensation Policy
- HE Complaints Policy
- UK Quality Code for Higher Education, Part B: Assuring and Enhancing Academic Quality; Chapter B9: Academic Appeals and Student Complaints  
[https://www.qaa.ac.uk/docs/qaa/quality-code/chapter-b9\\_-\\_academic-appeals-and-student-complaints.pdf?sfvrsn=c002f781\\_8](https://www.qaa.ac.uk/docs/qaa/quality-code/chapter-b9_-_academic-appeals-and-student-complaints.pdf?sfvrsn=c002f781_8)
- The OIA Good Practice Framework (2016) <http://www.oiahe.org.uk/media/96361/oia-good-practice-framework.pdf>

### 7. Procedure Checklist

#### Policy Checklist

Senior manager	Head of HE Quality and Registry
College Committee	Academic Board
Date of next policy review	31 August 2020
Date Equality Analysis	September 2016