

Academic Appeals Policy for all students enrolled on Higher Education programmes leading to AECC awards

1. Scope and Purpose

- 1.1 This document sets out the policy under which students enrolled on AECC awards may appeal against an academic decision, the grounds for appeal and the mechanism by which appeals will be considered. It applies to all current students on AECC awards. Chiropractic students on Bournemouth University (BU) awards should refer to the AECC Academic Appeals for BSc (HS) MSc (Chiro) and MChiro (Hons) Programmes, available on the Virtual Learning Environment (VLE). Students on part-time MSc programmes leading to BU awards should refer to BU 11A - Academic Appeals: Policy and Procedure for Taught Awards. Recent students/graduates should refer to the relevant policy for the award they have completed.¹ An academic appeal can only be considered if it meets specific grounds as detailed in paragraph 4.4 of this document.
- 1.2 The College is committed to the fair and equal treatment of all individuals regardless of gender, age, disability, colour, race, ethnic or national origin, socio-economic group, sexual orientation, marital status, family responsibilities, religious or political beliefs.
- 1.3 The Academic Appeals Policy is an internal procedure and is not a legal process. AECC does not normally use legal professionals in the handling of cases, and therefore it is not expected that students would be required to do so either. As such the engagement of legal professionals by students in relation to academic appeals is normally not permitted, and would be allowed only in exceptional circumstances, in discussion with the Academic Registrar and the Academic Appeals Panel Chair.

2. Key Responsibilities and delegated authority

- 2.1 Responsibility for the management and implementation of this policy and its procedures lies with the Academic Registrar.
- 2.2 The Appeals Board operates with delegated authority from the Academic Board and is authorised to make decisions on behalf of an Assessment Board and/or other College decision-making body. All decisions made will be reported to the relevant Assessment Board and to Academic Board.
- 2.3 Under this policy and associated procedures any College role or officeholder or officer of the Student Union may act through her or his appointed nominee.
- 2.4 Where members of the Student Union have a role as a panel member in any proceedings under this policy their role is to serve as a full member of the panel in determining the matter under consideration and not to act as an advocate for the student submitting the academic appeal.
- 2.5 Members of the Academic Appeals Board and other key staff should receive appropriate training.
- 2.6 Academic Development and Quality Committee considers the effectiveness of the arrangements for academic appeals and recommends changes to current policy to Academic Board via the Academic Audit Committee (AAC).

¹ Academic Appeals from recent students/graduates are subject to the timescales contained within this document.

2.7 Academic Board approves new policies or amendments to existing policies relating to academic appeals.

3. Introduction and context

3.1 This policy relates to all forms of academic assessment for all programmes, whether by examination, written assignment, presentation or any other assessment method specified in the relevant programme or unit specifications and assessment/assignment briefs.

3.2 The College's Student Charter, the Student Agreement and the policies and procedures described within, outlines the students' and the College's expectations and responsibilities, and provides the framework for students' learning experiences. Specific guidelines about the responsibilities in relation to assessments are provided in the Student Handbook, updated annually and on the Virtual Learning Environment (VLE). Students who wish to submit mitigating circumstances for consideration must do so in accordance with the Mitigating Circumstances Policy using the appropriate form available from the relevant Programmes Office. Copies of these procedures and forms are also available on the VLE for students and the SIP for staff.

3.3 The College will seek to ensure that the consideration of appeals under these procedures is conducted transparently and in a way which is fair to all parties concerned. All appeals will be considered on their merits and in accordance with the Dignity Diversity and Equality Policy. Where a student or staff member working with this policy has specific protected characteristics under the Equality Act 2010, all endeavours will be made to ensure that information is available in appropriate formats and reasonable adjustments are made to the proceedings and facilities to accommodate their needs.

3.4 No student bringing an appeal under this procedure, regardless of the outcome, will be treated less favourably than if he or she had not brought the appeal.

3.5 Should a student raise issues relating to an appeal directly with the Principal or Vice-Principals, the Principal or Vice-Principals will not undertake any investigation but will refer the student to this policy.

3.6 The College is committed to providing a safe working environment for staff, and staff have the same rights as students to be heard and respected. Unacceptable behaviour by any student using the appeals procedure will not be tolerated. When the actions or behaviour of a student making an appeal is unacceptable they will be told why this is the case and given the opportunity to modify their actions or behaviour. Should the unacceptable actions or behaviour continue, action may be taken against the student under the student disciplinary policy.

3.7 The College may reject an appeal at any time if, in the opinion of the Academic Registrar, the appeal is vexatious or motivated by malice - for example:

- academic appeals which are obsessive, harassing or repetitive
- insistence on pursuing non-meritorious academic appeals and/or unreasonable outcomes
- insistence on pursuing meritorious appeals in an unreasonable manner
- appeals which are designed to cause disruption or annoyance
- demands for redress which lack any serious purpose or value.

If a student's appeal is considered vexatious or motivated by malice, action may also be taken against the student under the student disciplinary procedures.

3.8 Appeals against an Assessment Board decision may not always be completed in time for the student to progress into the next year of study. Students are not permitted to progress provisionally into the next year of study while their appeal remains under consideration,

although the College will seek to expedite the process as far as possible to enable progression at the normal time if an appeal is successful. Students should be aware that even when an appeal is successful, all students still need to complete and pass all elements of their work before progressing to the next stage of their programme.

- 3.9 In the event that an appeal also embodies a complaint, where possible both will be dealt with concurrently. Where this does not prove possible the complaint will be resolved in accordance with the Student Complaints Policy and Procedures before the appeals process is initiated. Where a student is also subject to another College procedure (whilst pursuing an academic appeal) such as (but not limited to) Fitness to Practise/Study or a Disciplinary Procedure, the Academic Registrar will determine which Procedure takes precedence. The student will be kept informed at all stages.
- 3.10 The time limits set out in this policy will normally be followed. However where, for good reason, this is not possible, all parties will be informed of the reasons for delay and kept informed of progress.
- 3.11 An academic appeal should be lodged with Registry within **10 working days or in the case of the summer resit assessments, within five working days**, of the publication of results by the relevant Programmes Office.

4. Definitions and scope of the procedure

- 4.1 An academic appeal is defined as **a request for a review of a published decision of an academic body charged with making decisions on student assessment, progression (i.e. progress from one stage or level of a programme to the next) and awards.**
- 4.2 Those involved in consideration of an appeal at any stage will not attempt to re-examine the student, or to appraise the professional judgement of the examiners; rather they will consider whether the decision of the Assessment Board was fair and whether all relevant factors were taken into account.

Grounds for making an appeal

- 4.3 An academic appeal can only be considered on the grounds of one of the following:
- i. there has been a material irregularity or significant procedural error in the assessment process
 - ii. the assessment was not conducted in accordance with the regulations for the programme
 - iii. there is evidence of bias, or prejudice by the examiners which affected the academic result or decision
 - iv. a student's performance in assessment has been affected by illness or other factors which, for valid reason(s), s/he was unable to divulge, by the deadline for presenting evidence of mitigating circumstances (but see the Policy for the consideration of Mitigating Circumstances affecting assessments (including Extensions).
- 4.4 Disagreement with the academic judgement of the examiners assessing the merits of an individual piece of work or in reaching any decision based on the marks, grades and other information relating to a student's performance does not in itself constitute grounds for a request by a student for reconsideration.
- 4.5 **Third party appeals:** As independent adults responsible for their own learning, students are expected to make their own representations within this policy. No investigation of an appeal made on behalf of a student will be undertaken without that student's written agreement to that

person acting on their behalf. This includes appeals made by the parent(s) or partner of the student concerned.

- 4.6 **Group appeals:** Where the issues raised affect a number of students the affected students may submit a 'group appeal'. Each member of the group must be able to demonstrate that s/he has been personally affected by the matter which is the subject of the appeal. In such a case the students must nominate one individual to act as the group representative, and all affected students must agree in writing to the spokesperson acting on her/his behalf. Correspondence will be directed to that named individual.
- 4.7 **Reimbursement of Expenses:** If an appeal is upheld, the College will normally meet any reasonable 'out of pocket' expenses incurred by the student in connection with the Appeals Panel, on production of receipts; this may include UK travel and subsistence costs in connection with the student's attendance at the Appeals Panel.
- 4.8 **Privacy and confidentiality:** Privacy and confidentiality will be maintained as far as this is compatible with the effective investigation of an appeal. However the College will disclose information to relevant staff in order to progress the investigation of an appeal and give staff an opportunity to respond. Any person named in connection with an appeal will be informed of the substance of the appeal and will be offered the right to reply. Any information so disclosed will be treated sensitively and confidentially. However, if a student has specific concerns regarding confidentiality, this should be raised in their letter of appeal.
- 4.9 **Access to Information:** Students pursuing an appeal through this policy will be entitled to apply for access to personal data in accordance with the policies and procedures of the College under the provisions of the Data Protection Act 1998 and other legislation. Applications should be made in writing to the Academic Registrar.
- 4.10 Guidance notes are available for students considering pursuing an appeal through this policy. The Academic Registrar, the Head of the relevant Programmes Office and the Student Union Manager are available to offer advice on the appeals policy.

5. Stage 1 informal discussions

- 5.1 Before submitting a formal appeal arising from the published decision of Assessment Board students are expected to discuss any concerns or queries with the relevant Unit Leader or Programme Leader, to clarify questions about their general performance or specific marks. This discussion may lead the student to a clearer understanding as to why a certain decision was reached and/or whether they have a valid basis on which to make an appeal. It is best practice for a record of this meeting be retained. If the student's concern cannot be clarified by an informal discussion in this way, students have the opportunity to submit an Appeal in line with section 6 of this policy.

6. Stage 2: Formal Appeal

- 6.1 Students wishing to make an academic appeal must do so within **10 working days or in the case of the summer resit assessments, within five working days**, of the publication of the decision of the Assessment Board.
- 6.2 Appeals submitted after the deadline will not normally be considered. Special consideration will only be given very exceptionally, if a student provides a valid reason for any delay, supported by evidence. If no such evidence exists and an appeal is out of time the Academic Registrar will issue a completion of procedures letter explaining why the appeal is out of time and referring to the relevant regulations.
- 6.3 Students must complete the [Academic Appeals form](#) and e-mail this to registry@aecc.ac.uk by the deadline specified above. All sections of the form must be completed in full. The appeal

form should be supported by all available written evidence to substantiate the claims made. Claims which cannot be substantiated with independent evidence are likely to be dismissed. It is the student's responsibility to ensure that all the relevant evidence is presented with their appeals case.

Investigating Panel

- 6.4 The Investigating Panel shall normally consist of the Academic Registrar, the Quality and Enhancement Manager and a nominated Student Union Officer. The Investigating Panel will consider all evidence to determine whether there are grounds for appeal, and whether the request submitted under the correct procedures, is submitted within the deadline, is in the required format, and includes the necessary evidence.
- 6.5 The student is responsible for providing evidence in support of their appeal. The Academic Registrar shall collate this evidence, and where indicated, shall take statements from relevant staff members and/or collect other available evidence to inform the Investigating Panel.
- 6.6 This may result in:
- i. the academic appeal proceeding to formal consideration at the Appeals Board
 - ii. the academic appeal being rejected because it is not made under permissible grounds.
 - iii. the student being referred to a different procedure – for example if there are no grounds for appeal but it would be appropriate for a student to consider submitting a complaint.
- 6.7 Where the appeal is deemed valid, the Academic Registrar will inform the student of the date of the next meeting of the Academic Appeals Board at which their appeal will be considered. Where the appeal is found to be invalid, the Academic Registrar will inform the student of the reason(s) for this decision. The written communication of the decision will also explain that the student may opt to proceed to the review stage, and the grounds on which a review may be considered, and will make clear that if the student does not consider that they have grounds to proceed to the further stage, then they may ask the Academic Registrar for a Completion of Procedures Letter if they wish to refer the matter to the OIA.

The Academic Appeals Board

- 6.8 Normally an Academic Appeals Board will be convened **within 10 working days of the deadline set for the submission of student appeals** and all parties will be given a minimum of 48 hours' notice of the date of the Academic Appeals Board meeting. Where every opportunity has been made to allow the student to attend the Academic Appeals Board, but they are still not able/decline to attend, the Board may take place in their absence.
- 6.9 The Academic Registrar may invite a representative from the programme, who is also a member of the relevant Assessment Board, to attend the Academic Appeals Board to present the Assessment Board's case if appropriate.
- 6.10 The Academic Registrar will collate the evidence for the Appeals Board, which will normally include the following:
- the student's appeal, and all supporting evidence provided;
 - where applicable any response from members of staff or other information gathered under 6.7 above
 - assessment marks; and if appropriate the minutes of the relevant Assessment Board.

All information provided to the Board should be given to the student before the Academic Appeals Board meets. All members of the Academic Appeals Board will be issued with an appeals pack a minimum of 48 hours before the Board convenes.

Right of Representation

- 6.11 It is the responsibility of the Academic Registrar to inform participants of the date and time of the appeal so that the student has the opportunity to represent themselves. This will normally be achieved by advance publication of the appeals schedule on the Virtual Learning Environment (VLE) by the Academic Registrar.
- 6.12 At the meeting of the Academic Appeals Board the student has the right to make written and/or oral representations and to be accompanied by a friend or representative.

Academic Appeals Board membership

- 6.13 The Appeals Board will consist of an independent senior member of academic staff, who will chair the Board, the Executive Director of Administration and a nominated Student Union Officer not involved in the Investigating Panel. The Academic Registrar will convene the Board and will act as Secretary.

Conduct of the Academic Appeals Board

- 6.14 The Academic Appeals Board may if it wishes, hold a private meeting before the start of the Academic Appeals Board meeting.
- 6.15 The order of proceedings for a meeting of the College's Academic Appeals Board shall be as follows:
- Introduction of those present.
 - Student and/or representative presentation (normally no more than 10 minutes).
 - Opportunity for the Academic Appeals Board to question the student.
 - Statement about the case from an appropriate staff member.
 - Opportunity for the Academic Appeals Board to question the staff member.
 - Student and/or representative response/summing up. New evidence is not admissible at this stage.
 - The student (and their representative if present) shall withdraw while the Academic Appeals Board considers the evidence in private. The Board will reach its decision by simple majority vote.
- 6.16 *Right to Call Witnesses:* Should witnesses be called, they will attend only to present their evidence and to answer any questions that the Academic Appeals Board may put to them. Once their evidence has been heard and there are no more questions, witnesses will be required to withdraw.
- 6.17 *Consideration of Evidence:* While the Academic Appeals Board is considering the evidence, the student and staff member must be available and may be required to provide further information or clarification to the Board. If the Academic Appeals Board needs further information or clarification, the student and staff member shall be recalled to the meeting.

Outcome of the Academic Appeals Board

- 6.18 The Academic Appeals Board, having considered the appeal, may:
- i. uphold the student's appeal and agree to implement the outcome they are seeking; or
 - ii. uphold the student's appeal and offer an alternative outcome; or
 - iii. dismiss the student's appeal.

In addition the Academic Appeals Board may make recommendations for a change in College procedures.

- 6.19 *Delivery of Decision:* Wherever possible the Academic Appeals Board shall seek to reach a decision within one hour of its private meeting to consider the evidence. In this instance the student will be recalled and informed verbally of the decision. The Academic Registrar will also confirm the decision in writing, normally within **five working days**. Where it proves impossible

to reach a decision within one hour the student will be informed and allowed to depart. The Academic Registrar will communicate the decision in writing, and the rationale for the decision, normally within five working days.

- 6.20 The written communication of the decision will also explain that the student may opt to proceed to the review stage, and the grounds on which a review may be considered, and will make clear that if the student does not consider that they have grounds to proceed to the further stage, then they may ask the Academic Registrar for a Completion of Procedures Letter if they wish to refer the matter to the Office of the Independent Adjudicator (OIA).
- 6.21 Registry will inform all relevant personnel of the decision of the Academic Appeals Board, to include: Programmes Office, Programme Leader, Personal Tutor and Year tutor. If the appeal directly results in a change of year designation Learning Services will also need to be informed.

7. **Stage 3: Review Stage**

- 7.1 If a student remains dissatisfied with the outcome of a formal appeal, they may request a review of the decision. The review must be requested in writing within **seven working days** of the notification of the outcome of Stage 2 of the process using a Stage 3 Appeals Review Form. The student must explain the grounds for their request for a review, and provide supporting explanation and evidence.
- 7.2 The grounds for which a student may request a review of the decision of the Academic Appeals Board are:
- i. that the procedures at stage 2 did not follow appropriate arrangements and that this influenced or may have influenced the decision in some way;
 - ii. that the outcome was unreasonable, in the circumstances;
 - iii. that new material evidence has become available which the student was unable, for valid reasons, to provide earlier in the process. Students wishing to present additional evidence, will need also to demonstrate that it was not previously available, and explain why.
- 7.3 The review request will be considered by the Principal and a nominated Student Union Officer. No person involved in considering the review request shall have been involved in the Investigating Panel or the Appeals Board. The purpose of consideration at the review stage is not to rehear the appeal itself, but to review the way in which the appeal has been considered.
- 7.4 Those undertaking the review will have access to
- the student's written case as submitted
 - the documentation presented to the Academic Appeals Board at Stage 2, and the written record of the Board outcome.
- 7.5 The review stage will normally be conducted by correspondence (normally to the student's College e-mail). Those undertaking the review may seek clarification of issues raised, from the student and/or from relevant staff.

Outcomes of the Review Stage

- 7.6 The Principal and the nominated SU Officer will reach one of the following decisions:
- i) that no further action should be taken as there is no reason to question the decision of the Academic Appeals Board. This will constitute the end of the College's internal processes.
 - ii) that the initial decision of the Academic Appeals Board should be set aside. In this instance, the Principal will refer the matter back to the Chair of the Academic Appeals Board for action, offering observations on the areas which require attention.

In addition the Review Stage may make recommendations for a change in College procedures.

7.7 The decision will be recorded in writing, including a rationale for the decision taken. The Principal will write to the student within **ten working days** of the receipt of the request for a review, to report the outcome. If it has set aside the decision of the Academic Appeals Board, it will also outline the actions which will now follow.

8. Completion of Procedures

8.1 Once the appeals procedure has been exhausted, the Academic Registrar will issue the student with a 'Completion of Procedures' letter, which confirms that the College's internal procedures are completed.

9. Referral to the Office of the Independent Adjudicator

9.1 If the student remains dissatisfied having completed the internal procedure for appeals they may refer their appeal to the Office of the Independent Adjudicator for Higher Education. Details may be found on the OIA website <http://www.oiahe.org.uk> or from

OIA
Third Floor
Kings Reach
38 – 50 Kings Road
READING, RG1 3AA.

Students wishing to make a case to the OIA must do so within 12 months of the date of the Completion of Procedures letter using the OIA complaint form. Further information is available from the OIA website <http://oiahe.org.uk/making-a-complaint-to-the-oia/how-to-make-a-complaint.aspx>. Students may also contact the OIA by post or telephone and request to be sent a form. The OIA will determine whether the student's case is eligible for consideration under its rules.

10. Monitoring and review of appeals

10.1 The Academic Registrar will prepare an annual review of student appeals across all awards. This annual review will be considered by Academic Development and Quality Committee and Academic Board, with a view to identifying any trends and whether there is a need to revise any policy or practices. This report will not refer to individuals by name.

11. Retention of records

11.1 All data pertaining to academic appeals is retained, in confidence, by Registry, for a period of 6 years from the date of the student's award or withdrawal from the College.

12. Links to other AECC documents

- Academic Appeals Policy guidance notes for students
- Appeals form
- Appeals process flow chart
- Student Agreement
- Student Charter
- AECC Assessment Regulations
- Dignity Diversity and Equality Policy
- Policy for the consideration of Mitigating Circumstances affecting assessments (including Extensions) for all students enrolled on programmes leading to AECC awards
- Student Complaints Policy for all students enrolled on programmes leading to AECC awards

All the above documents are available on the VLE for students and on the Staff Information Portal (SIP) for staff.

Version:	1
Approved by:	Academic Board
Originator/Author	Quality and Enhancement Manager
Policy Owner	Academic Registrar
Reference/ source	The Expectation and Indicators of sound practice set out in the Quality Assurance Agency (QAA)'s UK Quality Code, Part B, Chapter B9: OIA: The good practice framework for handling complaints and academic appeals December 2014 OIA Guidance Note regarding Completion of Procedures Letters (March 2013) Examples from other institutions used as source material (in particular Bournemouth University, Harper Adams University, Leeds Trinity University and University of Southampton)
Date approved	16 November 2016
Effective from	1 September 2017
Review date	Spring 2019
Target	All staff and all students enrolled on programmes leading to AECC awards
Policy location	SIP/VLE, Public website
Equality analysis	No direct impact. All appeals will be considered on their merits and in accordance with the Dignity Diversity and Equality Policy. Reasonable adjustments to this procedure can be made, where appropriate, for students with specific protected characteristics under the Equality Act 2010. Monitoring will be undertaken to assess whether there is any differential impact in the handling of cases