

Procedure

Academic Appeals

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Note: Hyperlinks have been provided for ease of reference. For other documents please see the Policies page on the main University website (<http://bucks.ac.uk/about-us/governance-and-policies/policies>) or visit the Academic Advice webpages (<http://bucks.ac.uk/students/academicadvice>)

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This document has been designed to be accessible for readers. However, should you require the document in an alternative format please contact Academic Registry.

Introduction

- 1 This document describes the institution-wide process for the management of academic appeals for students on taught and research degree programmes at Bucks New University.
- 2 This appeals process operates within the context of the *Learning Partnership Agreement* and the UK Quality Code Section B9: Complaints and appeals and Section 11: Research degrees and with reference to the Good Practice Framework for Complaints and Appeals (OIA, 2014).
- 3 No appeal, even if unsuccessful, will disadvantage the student.

What is an academic appeal?

- 4 An academic appeal is a request that a decision made by either:
 - an Assessment Board with regard to assessment, progression or award, or
 - an MPhil/PhD transfer panel, or
 - a PhD viva Panel
- 5 An Academic Appeal will be reconsidered on the basis that a mistake has been made and that this has had a significant negative impact on the student.
- 6 Other appeals should be raised through the Review stage of the appropriate process:
 - a *Student Complaints Procedure*
 - b *Student Disciplinary Procedure*
 - c *Fitness to Practise*
 - d *Academic Misconduct*

Scope

- 7 This procedure applies to all Bucks New University students, including degree and higher degree apprentices.

Note: Where this document refers to 'students' this will include degree and higher degree apprentices unless specified otherwise.
- 8 No appeal is allowed on matters relating to academic, or in the case of practice based assessments, professional judgement.
- 9 An appeal may only be raised from the most recent decision, e.g. the most recent Assessment board decision on progression.
- 10 Appeals cannot be back dated to a previously held event, as an appeal should have been made at the time.
- 11 Other concerns should be raised through the appropriate process:
 - the tutorial system or a student representative
 - the Student Complaints process for concerns relating to the provision of a programme of study or service

- the *Mitigating Circumstances* process where a student's performance has been impacted by personal circumstances

Grounds for an academic appeal

- 12 An Academic Appeal may only be raised on the grounds of Procedural Irregularity.

A procedural irregularity is a failure of a decision-making body/ decision maker to follow the process or rules in place for making decisions, or when a decision has been made based on an error of fact.

Examples could include:

- Assessed work not properly assessed in accordance with University regulations;
- Mathematical error or an error in recording marks;
- Work not assessed by an approved assessor or examiner;
- Decision-making body not properly constituted;
- Decision-making body did not act in accordance with University regulations or procedures;
- Prejudice or bias on the part of one or more examiners, assessors or panel members.

- 13 A procedural irregularity will only be considered grounds for an appeal where the failure has had a **material effect** on the decision which is being appealed.
- 14 Dissatisfaction or disappointment with the result of an assessment or decision of those areas covered within the *Academic Appeals* process is **not sufficient grounds** for an academic appeal.

Evidence

- 15 For an appeal to be considered there must be evidence supporting the claim.
- 16 Admissible evidence must be factual and specific in supporting the grounds for appeal; it might include **original** versions of:
- Assignment feedback forms
 - Correspondence (written or email)
 - Witness statements (which must be dated and signed)
 - Tutorial record forms

The decision letter or e-mail notification containing information on which appeal is based **must** also be provided.

- 17 Copies of documents are not normally acceptable. Originals will be copied and returned to the student if requested.
- 18 Providing documents that are fraudulent or include unauthorised amendment may cause a student to be referred to the *Student Disciplinary Process* and / or *Fitness to Practise* where applicable.

- 19 Unsupported claims or unsupported allegations against any individual or group of staff will not be considered. False information or defamatory allegations submitted as part of an appeal can lead to disciplinary action.
- 20 Evidence of mitigating circumstances will not be accepted directly as grounds for an Academic Appeal. A student wishing to submit a mitigating circumstances claim must do so by following the *Mitigating Circumstances* process.

Impact of participation in the appeals process

- 21 Where a student is in the process of any stage of an academic appeal they may attend a graduation ceremony for any award that has been confirmed. Should the outcome of the appeal lead to a change in classification or a different award being made, an updated certificate will be provided on return of the original award.
- 22 The University reserves the right under this process to take no further action in response to an appeal if the matter becomes the subject of court or tribunal proceedings which have not been stayed (adjourned or put on hold). In effect consideration of the appeal will be suspended until such time as the proceedings are completed.
- 23 By engaging in the *Academic Appeals* process, students remain subject to all other processes and procedures of the University, e.g. disciplinary action.

Sources of advice and guidance

- 24 Students are encouraged to seek advice from the Students' Union Advice Centre before submitting a formal appeal.
- 25 Students may also approach the Academic Registry for information regarding how the appeals process works.

The academic appeals process

- 26 The appeals process is divided into three stages as follows:
 - Stage 1: Early Resolution
 - Stage 2: Formal Academic Appeal
 - Stage 3: Review

A procedure flow chart is provided at Appendix 1

- 27 In the first instance an attempt to resolve queries and concerns at the early resolution stage should be made.
- 28 Decision-making bodies are expected to be open to re-examining their decision-making processes when queried by a student and, where an error has been made, evidence misinterpreted, or procedures not been followed, they should change a decision if appropriate, without the need for a formal appeal.

- 29 The University seeks to resolve academic appeals as quickly as possible and normal timescales are included in this document. On occasion, a student or the University may not be able to meet the normal timescales for a good reason and all parties will be kept informed of any changes to timescales.
- 30 It is the right of a student to withdraw from the appeal process at any time.
- 31 Students should be advised that if they are in a referral situation, and have submitted an appeal, they should still complete and submit their referral work within the given time limit.
- 32 Students, where permitted to progress or continue a programme of study, should also continue to undertake relevant learning and teaching and assessment activities.
- 33 Appeal submissions should be as clear and concise as possible, concentrating on the grounds for the appeal and linked to the evidence. Other information which does not constitute an appeal, such as a complaint about the level of service provided, should be excluded and the appropriate route followed for these kinds of concerns.

Stage 1 – Early Resolution

- 34 Students should make their concerns known informally with staff who will be able to provide a resolution, such as their Personal Tutor, the Course or Module Leader, or the relevant Registry Officer. Research students should contact the RED unit. This must be done **within 10 working days** of the notification of the decision for which they wish to raise an appeal.

This approach is generally more effective as it offers a quick solution and avoids the inevitable delays incurred in submitting and processing a formal appeal.

Stage 2 – Formal Academic Appeal

Submitting an appeal

- 35 If a student wishes to proceed with a formal appeal this should be submitted to the Academic Registry (appeals@bucks.ac.uk) within 10 working days of receiving notification of the conclusion of the local appeal process
- 36 To make a formal appeal a student must complete a '**Notice of formal academic appeal**' form and submit this together with:
- A copy of the decision notification that they are appealing against
 - Information about the early resolution stage – who the student spoke to, what the outcome was etc.
 - all relevant evidence to support the appeal (see paragraph 14 above regarding evidence)
- 37 At any point during the formal process where it proves possible to come to a resolution, formal proceedings will cease, the appeal will proceed no further and will be closed.
- 38 Students undertaking a course of study with a collaborative partner of the University should follow the local stage within their home institution. Formal appeals should be directed to the University immediately after the informal stage has been completed and within the University's timescales.

Academic Registry initial review of documentation

- 39 When an appeal is received it will be reviewed initially by a member of Academic Registry to determine whether it has been submitted within the requirements of the process. If one or more requirements are not met, the actions will be taken as listed in the table below:

Requirement	Action
Not within the designated time limit	Rejected
Not / Inappropriately completed 'Notice of Academic Appeal form'	Returned to student for completion/clarification with set deadline ¹ for response
No evidence of an attempt at local resolution	Request clarification of local resolution and if none undertaken refer back to the appropriate local stage.
No admissible grounds / grounds not explained	Request clarification from student with set deadline for response. If not received the appeal will be rejected.
No evidence supporting the grounds	Request clarification from student with set deadline for response. If not received the appeal will be rejected.
The matter raised does not fall under the <i>Academic Appeals</i> procedure	Refer to another procedure as appropriate and inform the student

- 40 Appeals submitted which require further clarification or additional evidence to proceed will be referred back to the student for response within a specified time period, usually 5 working days. Failure to respond by the stated deadline will result in the appeal being rejected.
- 41 Appeals brought on inadmissible grounds will be rejected with, if appropriate, a recommendation for the student to pursue an alternative process, e.g. student complaints.
- 42 Appeals rejected at the Academic Registry initial review stage will complete the formal stage of the process.

Appeal Manager and Academic Registry Case Officer

- 43 Following the initial review by a member of Academic Registry which confirmed that the appeal met the initial requirements for consideration, the case will be referred to an Appeal Manager. This will usually be a Head of School, Associate Head of School, or other senior member of academic staff.
- 44 A Case Officer will also be assigned from Academic Registry to prepare undertake an investigation. The Case Officer's role is to undertake a thorough investigation into the matters raised in the complaint, and compile a report setting out their findings and recommendations. They will not make a judgement on the case.

¹ Deadlines will usually be up to 5 working days.

- 45 The Case Officer may need to request further information from the student within a specific timescale. A meeting may be arranged in certain circumstances; otherwise correspondence will be conducted by email.
- 46 The Case Officer's report will be submitted to the Appeal Manager for consideration. They will make one of the following recommendations:
- a The case is so complex that it should be referred to an Academic Appeals Panel (see below for more information on panel hearings)
 - b The appeal should be upheld and a remedy put in place
 - c The appeal should be rejected because it does not meet the grounds as described above
 - d The case should be referred to another University procedure.
- 47 The Appeal Manager will email their decision to Academic Registry, ensuring they include full reasons for the decision and information about the next steps to be taken.
- 48 The Academic Registry will email the student with the decision, a copy of the report and evidence, and information about what happens next.

Academic Appeals Panel

- 49 Academic Appeals Panels will be scheduled to take place as required.
- 50 It is the responsibility of the Panel to:
- Consider the evidence presented by the student and decision-making body
 - Consider the Case Officer's report
 - Determine if the evidence provides that the grounds have been met
 - Make recommendations to the original decision-making body, if appropriate, to reconsider the decision in the light of the grounds that have been established.
- 51 The Academic Registry will be responsible for arranging the hearing date, the panel, and informing all parties.
- 52 The student (and their representative) will be notified of the date and time of the Panel and be provided with the full documentation. A minimum of 10 days' notice will be given before the hearing date.
- 53 If a student is unable to attend the Panel on the date and time set they may ask for their case to be deferred and a new panel date will be arranged.
- It should be noted this may result in a significant delay of several weeks. Further postponement will not be granted except in exceptional circumstances.
- 54 If a student chooses not to attend, or is unable to make a second proposed Panel date, the appeal will be decided in the student's absence based on the evidence presented.
- 55 The decision making body will be invited to send a representative to the meeting – normally the individual who investigated the appeal at the local stage. The decision of the Panel will not be invalidated by failure of the representative being available.

- 56 The Academic Appeals Panel will comprise:
- A senior member of University staff, at an equivalent level of Head of School or higher
 - Two School appeals nominee (from a different School to that to which the case relates)
 - The Students' Union Vice-President of Education & Welfare (or nominee)
 - Chair of the Research Degrees Committee (for research student appeals only)
 - A Secretary provided by the Academic Registry
- 57 The Appeals Manager or their nominee will be required to attend the hearing to present the case to the panel.
- 58 The Chair may also invite observers or co-opt additional panel members to provide specific expertise. In order for the panel to be quorate, a minimum of one of the School's appeals nominees must attend the panel.
- 59 A student attending a Panel has the right to be accompanied by one other person acting as a supporter or representative. See the section below 'Support and Representation' for definitions.
- 60 If a student who is normally based at one of the University's campuses is not currently attending the University campus – for instance during vacation or on placement - they will be entitled to be reimbursed for reasonable, personal out-of-pocket expenses in attending a Panel on receipt of appropriate evidence being provided. Students undertaking distance learning or who are based at Partner organisation campuses either in the UK or overseas and are unable to attend for good reason will be invited to join the meeting by telephone or other electronic means.
- 61 If the student does not attend owing to unforeseen circumstances and is able to submit evidence to support this, in the interest of fairness the Panel will not consider the case and a new panel date will be arranged.
- 62 The Chair will ensure that both the student and representative of the decision making body are given an opportunity to present to the Panel and to answer questions posed by the Panel for clarification.
- 63 After both parties have presented their cases, the Chair will ask them to leave and the meeting will be concluded in private. The Chair of the Panel may also at their discretion defer the appeal to be concluded at a later date

Examples of why this may be required include:

- If the representative of the decision making body is ill on the day and cannot be replaced at short notice
- If there is additional information that the panel requires to make its decision, or
- If additional information is raised in the meeting to which either the student or representative has been unable to respond which may have a material bearing on the decision

Outcomes

- 64 The secretary to the Panel will inform both the student and the representative in writing of the Panel's decision within 5 working days. The appropriate Registry Officer will also be informed.

65 If an appeal is upheld it will result in a recommendation to the relevant decision making body to reconsider the case in the light of the findings of the appeal.

66 The recommendation may cover one or more of the following:

- Guidance to the decision-making body in terms of correct procedure or the interpretation of procedure for the case in hand and/or in general
- Highlighting of an error or errors which have been made, or information which has not been taken into consideration
- Suggestions as to a change in practice or procedure
- Suggestions as to a potential remedy or course of action.

Note: Even in the case of a successful appeal this may not make a difference, significant or otherwise, to a student's overall position or final award.

67 For appeals against the decisions of the **Assessment Board** the board must be re-convened, or a decision taken by Chair's Action within 10 working days of the notification of the Appeals Panel decision. The student and the Appeals Panel secretary will be notified in writing within 5 working days of the decision taken.

68 For **MPhil/PhD transfer or PhD viva panel** appeals, the RED unit will send written confirmation of the actions to be taken within 10 working days of the notification of the decision.

Rejected Appeals

69 If the appeal is rejected by the panel the student will be informed of their right to request a 'review of appeal' (Stage 3 below).

70 If the student does not request a review within the specified time scale, the case will be closed.

71 The student may request that the University provide a 'Completion of Procedures letter' in order to make a complaint to the Office of the Independent Adjudicator. The University will provide these as requested and it will clearly state that the student has not completed the procedures of the institution.

Stage 3 – Review

72 If a student is dissatisfied with the outcome of the formal appeal, they may be able to request a review. The review stage will **not** consider the case afresh or involve a further investigation and will **not** consider any new issues raised by the student.

73 Requests for review will **only** be accepted on the following grounds:

- The procedures during the formal stage were not followed properly
- The outcome was not reasonable given the circumstances presented
- New evidence which was unable, for valid reasons, to be provided earlier in the process and which would have had a significant ('material') effect on the decision.

Note: Students should use the **Request for review form** which will help them to identify their grounds for a review and provide associated guidance on the process. Completed forms should be submitted to appeals@bucks.ac.uk **within 10 working days** of receiving notification of the outcome of the formal stage.

74 A request for review will be allocated to an appropriate member of staff who has not been involved at any previous stage. Reviewers will be asked to consider whether:

- The procedure was followed during the formal stage
- The outcome was reasonable in all circumstances
- The student received clear reasons for the decision of the panel
- New 'material' evidence has been provided
- Valid reasons have been supplied by the student for not submitting such evidence during the formal stage.

Note: It is expected that Reviews will be completed **within 10 working days** of receipt.

75 Where a review identifies issues with the outcome of the case at the formal stage, the review will be **upheld** and the matter will be **referred back** to the formal stage for reconsideration. This decision will be communicated to the student in writing along with an explanation of the next steps in the process and the likely timeframe.

Note: Reconsideration of the case should be concluded as soon as possible. If a compelling case to overturn the decision is identified, appropriate action may be taken to ensure that the matter is resolved without further delay, i.e. without reconvening the original decision-making body.

76 Where a Request for Review is **not accepted** (because it did not correspond to one or more of the grounds in paragraph 72 above) or is accepted and subsequently **not upheld**, this decision will be communicated to the student in writing by issuing a Completion of Procedures letter outlining the reasons for the decision.

Note: The Completion of Procedures letter will also advise the student about:

- Their right to further action through the Office of the Independent Adjudicator (OIA)
- The timescales for doing so
- Where and how to access support.

Research Students

77 Students on research programmes (MPhil, PhD or Professional Doctorate) may have further recourse to their awarding body. This will be dependent on the agreement between Buckinghamshire New University and the research partner which the student is linked.

The RED Unit will be able to offer advice on the specific procedures in place.

78 If there is an additional stage at the research partner, under the rules of the OIA scheme, a student may be eligible to file a complaint either after the Review of Appeal stage at Buckinghamshire New University and/or after the completion of procedures at the research partner.

Support and Representation

79 Students attending an Academic Appeals panel are entitled to be accompanied by another person to act as a supporter or as a representative.

- A **supporter** is defined as ‘a friend or other supporting person, attending the meeting to provide moral and emotional assistance’. A supporter is not expected to speak or take any formal part in the proceedings. This may be, for instance, another student, a member of staff, a family member or a Students’ Union Adviser.
- A **representative** is defined as ‘a person authorised to act as an advocate of the student’. A representative has the right to speak and question witnesses on behalf of the student and would be expected to present the student’s case if required, though it is preferred that the student make any statements regarding the case themselves. This role is normally fulfilled by a member of the Students’ Union Advice Centre.

80 When responding to the invitation to attend the Panel the student should state if they are to be accompanied to the meeting and in what capacity.

81 At the beginning of the Academic Appeals panel the role of any person accompanying the student must be confirmed.

Note: The University does **not** allow formal legal representation as part of its internal appeals process.

Monitoring and review

82 In order to maintain a rigorous and equitable procedure, the appeals process will be subject to regular monitoring carried out by the Academic Registry.

83 Students will be able to access information regarding the process through the University’s website.

84 An annual report on Academic Appeals, collated by Academic Registry, will be presented as part of the University annual monitoring process. This report will publish statistics relating to the Appeals received throughout the academic year.

Conduct & Behaviour

85 The University has zero tolerance towards those whose behaviour is considered to be unacceptable and will take action to protect its staff.

86 The University’s definition of unacceptable behaviour includes communicating with the University in a malicious, vexatious or aggressive manner, e.g.:

- a Making frivolous appeals, or multiple appeals regarding the same subject
- b Acting in a threatening manner either verbally, through an e-mail or by letter
- c Making appeals that are knowingly false or unfounded

87 If the behaviour of a student is unacceptable the University will normally tell them why their behaviour is considered unacceptable and give them an opportunity to amend it. If the behaviour continues, the University will take action.

88 Action that may be taken may include but is not limited to:

- Requesting contact in a particular form (for example letters only)
- Requiring contact to take place with a named person

- Restricting telephone calls or emails to specified days and times
 - Asking the student to appoint a representative for all correspondence
 - Asking the student to enter into an agreement about their conduct
- 89 Where a student continues to behave in a way considered to be unacceptable, they may be referred under the University disciplinary and/or Fitness to Practise procedure if appropriate.
- 90 Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, the University will consider reporting the matter to the Police or taking legal action.

Appendix 1 – Academic Appeals Process Flowchart

