

Higher Education within Loughborough College

Policy and Procedure Title	Higher Education Academic Appeals Policy
Date Approved	January 2018
Approved by	Higher Education Academic Board
Date of Equality Impact Assessment	January 2018
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Executive Lead	Vice Principal – Curriculum, Quality and Learner Experience
Applicable to:	Staff & Learners
Accessible to:	Staff/Learners/Governors/Public

1.0 General Information

1.1: This section explains your rights, processes and the limits to any grounds for academic appeals.

1.2: An academic appeal is not to be confused with your right to submit ‘Extenuating Circumstances’ under the Extenuating Circumstances Policy and Processes. These are available to students on HE Learn Zone ‘Student Registry’ or seek advice from the Student Registry.

1.3: Before any appeal it is expected that in normal circumstances, the student will raise the matter/concern with the course/module tutor before undertaking any formal appeal.¹

1.4: All appeals are confidential and discussion and records must be treated as such, by both staff and students.

1.5: In circumstances where students are not be able to graduate in the same academic year, they will be given the opportunity to attend the graduation ceremony the following year.

2.0 Grounds for Academic Appeals:

2.1 Assessment Conduct:

That the assessment was not conducted in line with the published documentation/requirements.

2.2 Administration of Assessments:

That the administration of the assessment procedures created a ‘disadvantage’ that effected the appellant in particular, and/or there was a significant error in the administrative processes.

¹ If a student has any doubts over who or the role of the person they need to approach to make an informal query around academic concerns that could lead to a formal appeal, they can contact the Higher Education Office for advice. Staff there will direct them to the appropriate tutor.

2.3 Consideration by assessors/assessment boards:

That the assessor or the assessment board failed to consider all significant matters related to the student raised prior to the assessment task(s) or the assessment boards consideration.

3.0 Reasons why you cannot appeal:

3.1: You cannot appeal against an academic judgement i.e. the grade given to you by an approved assessor.

3.2: You cannot appeal if you are considering a complaint but have not yet lodged it or begun the processes of undertaking and having a complaint investigated.²

4.0 How to make an Academic Appeal:

4.1 There are three routes to appeal:

- 1) To Loughborough College using the rules for appeal procedures, where the programme is a designated Higher Education Programme (Levels 4 -6), and the programme is subject to Higher Education Regulations by QAA/HEFCE/OfS, and internally requires Exam Board consideration.
- 2) To the awarding body (University or other) that validates the awards available at Loughborough College. Normally, this route would not be used until the internal appeals process has taken place in (1) above. You must seek advice from your programme leader/Student Registry if you have any doubts.
- 3) External Awards: where a professional body awards a qualification through the College, there may be a route to appeals with said professional body. Again, normally, this route would not be used until the internal appeals process has taken place in (1) above. You must seek advice from your programme leader/Student Registry if you have any doubts.

5.0 Appeal Procedures:

5.1: Formal appeals (not informal queries- 1.3) can only be made when the results from an assessment are 'formally released' following the appropriate exam boards.

5.2: When the student receives their exam board published results, they should approach the programme leader for advice. Discuss any concerns and consider if the matter can be resolved at this stage.

² Where a complaint is on-going, a judgement can be taken by the Extenuating Circumstances panel that the on-going complaint had an adverse impact of the students' ability to complete the assessment, in such as case, the panel can make a recommendation to the assessment board. It must be made clear, how the process of the complaint has substantially adversely effected the students ability i.e. the hearing coincided on the day the exam was sat; the student had a practical exam in the work place, and on the same day had to travel to college for a hearing/investigation meeting etc.

5.3: If the discussion fails to resolve the matter, the student can submit an appeal form (available on HE Learn Zone) to the Student Registry within 21 working days of the formal publication of results.

5.4: In the case of the award being a 'franchised award', students should seek advice from the appropriate awarding bodies; the college has no management controls over the appeal to the next stage. Therefore, at this stage, after publication of the results by the awarding university exam board, and having sought clarification from the Loughborough College programme leader, the student would refer themselves to the relevant university's appeal processes. The programme leader is required to offer advice on how to complete this stage.

5.5: For all other students not on a 'franchised award' (see 5.4), a completed form will be submitted to the Student Registry and checked for completeness. All must be:

- a) Signed and dated.
- b) Have evidence attached.
- c) Explain clearly the specific ground(s) for an appeal (see section 2.0).

5.6: The College will reject an appeal where the information submitted is not complete.

6.0 Receipt of Appeals:

The Head of Higher Education will normally acknowledge receipt of the appeal within 5 working days. Before they contact the student, they will have confirmed with the Vice Principal Curriculum, Quality and Learner Experience that the appeal meets the requirements above and will have nominated a staff member to investigate the appeal. Students are advised that a complex appeal, requiring an investigation and an appeals panel can take up to 4 months. In the interim, students are strongly advised to continue with, and engage fully in, their programme of study.

7.0 Key Officers:

Copies of the appeal must be provided to:

- 1) The Chair of the Assessment Board
- 2) Vice Principal Curriculum, Quality and Learner Experience
- 3) The Programme Leader
- 4) Curriculum Manager

8.0 Next Steps:

The Head of Higher Education may collect evidence related to the appeal from relevant academic staff or assessment board members, minutes of external examiners and will always consult with the Vice Principal Curriculum, Quality and Learner Experience.

8.1: If after (8) the Head of Higher Education (or nominee) concludes that the appeal does not meet the guidance set out in (2) Grounds for Academic Appeals: the Head of Higher Education will recommend to the Vice Principal Curriculum, Quality and Learner Experience that the appeal is rejected.

8.2: If the Head of Higher Education (or nominee) conclude that there are grounds under section 2, consultation with the board and external examiner will take place. The consultation with the board and external examiner will lead to a recommendation for next steps. If the conclusion is further steps that DO NOT include an Appeals Panel, this recommendation must be explained clearly to the Chair of the Board and reported back to the next board.

8.3: The Student Registry will normally notify the student within 14 working days of the decision.

8.4: The student has 14 days to respond. If they reject the recommendations arising from the action in (10.0), they are required to provide explicit grounds for rejecting the recommendation and may request an appeals panel.

8.5: Vice Principal Curriculum, Quality and Learner Experience will review the appeal and reject or refer to the Head of Higher Education to convene an Appeals Panel Hearing. The student will be informed of this decision in writing within 14 working days.

9.0 Conduct of Appeals Panel:

Head of Higher Education (or nominee) convenes an Appeals Panel, the membership will be:

- a) **A Chair:** Curriculum Manager with responsibility for curriculum teaching learning and assessment
- b) **Two Academic Staff:** from the HE Department. These members must not have any involvement in the students programme(s).
- c) A Student or Loughborough University Student Union Representative where required. These members must not have any involvement in the students programme(s).
- d) The Head of Higher Education: will act as secretary to the panel.

9.1: Students will be given a minimum of 14 working days' notice for any Appeals Panel hearing.

10.0 Student Obligations:

The student will prepare their own case and present that case and information to the panel. Detailed information must be submitted in advance to the panel whenever possible. Students should request any reasonable adjustments necessary in supporting them to making their case. Any such requests will be duly considered under equalities legislation.

11.0 Support:

The student can bring a friend for support. The friend is not allowed to act as a representative. Where a student has assessed learning support needs, they should notify the Head of Higher Education or nominee of his/her needs, and seek guidance on the appropriateness of nominating a representative. The Head of Higher Education or nominee will consider any reasonable adjustments under the Equality Act 2010. Where a student is under 18, or assessed as vulnerable, they may be accompanied by a parent/carer or guardian. The panel must be made aware of who will be attending in support 7 days before the panel meets.

12.0 Witnesses:

Both the panel and the student can call witnesses, but they must give 7 days' notice to the Head of Higher Education or nominee.

13.0 Information:

Students would normally be provided with any relevant information unless such information is confidential i.e. provisional grades, other student profiles, staff information protected by data protection legislation etc. The student should be present throughout the hearing apart from when the panel meets in private to deliberate.

14.0 Conduct of Hearing:

- 1) Both the student and the panel may ask witnesses questions.
- 2) Witnesses must leave after they have given evidence.
- 3) No digital or audio recording of the panel is allowed.
- 4) No use of social media during the process is allowed.
- 5) No information relating to the panel members, students or witnesses should be published during or post the panel on any media or in any format.
- 6) Only the official minutes of the meeting and the panel's reports and recommendations constitute a valid and official record of the hearing.

15.0 Outcomes of panel hearings:

Based on the hearing there are only two recommendations that can be made:

- 1) The Panel upholds the decision of the assessment boards (or published final result).

- 2) Require the assessment board to cancel the original recommendation or rescind the published result(s) and agree on a new recommendation.

16.0 Appeal:

16.1: There is no further appeal within Loughborough College, the panel decision is final.

16.2: Students may have rights to appeal to the awarding body/university or to a professional/external awarding body.

17.0 Communicating the decision:

1. Normally the decision will be communicated verbally and immediately to the student following the deliberations of the Appeal Panel.
2. The Chair will produce a written report with its recommendations.
3. The report will normally be produced and distributed within 15 working days.
4. Copies will be provided to the student, Chair of Assessment Board, Vice Principal Curriculum, Quality and Learner Experience

18.0 Completion:

On completion of Loughborough College's Higher Education Appeals Procedures:

1. Students have been informed in writing that the college now views that matters are closed and completed.
2. The student retains the right to appeal to the Office of the Independent Adjudicator (OIA) www.oiahe.org.uk

19.0 Appeals to Validating Institutions/Universities:

Where the processes outlined in the Higher Education Academic Appeals policy have been exhausted, or the student has been advised that the appeal should be made directly to the University and/or awarding body, then both the Programme Leader/Curriculum Manager and the Student Registry have a duty to provide guidance and support to the student in accessing the appeals processes of the validating institution.

20.0 Office for Independent Adjudication (OIA):

The student can exercise their right under the Office for Independent Adjudication (OIA) www.oiahe.org.uk.

The OIA deals with individual complaints from students, normally when students have exhausted the college or university procedures of the provider. It is the students right to make a complaint directly to

the OIA, normally following the completion of the college's own procedures. This choice does not take away the rights of a student to make a complaint or appeal to the College/University/awarding body.

Scheme Application Forms are available from the OIA at:

Office of the Independent Adjudicator
Second Floor
Abbey Gate
57-75 Kings Road
Reading
RG1 3AB

Telephone: 01189 599813

Email: enquiries@oiahe.org.uk

This policy has been assessed for its impact on equal opportunities and will be informed by the aim to eliminate all forms of discrimination in all strands of the equal opportunities legislation.