

Academic Appeal Policy

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Introduction

The College's assessment process is subject to quality assurance procedures which are approved by the awards board and which conform to the guidance issued by the Quality Assurance Agency in its Quality Code. In certain circumstances, students of the College have the right of appeal against the decision of an Award Board and this policy outlines that process.

Definition

For the purposes of this policy an academic appeal, as defined by the Office of the Independent Adjudicator (OIA), is a "request for a review of a decision of an academic body charged with making decisions on student progress, assessment and awards."

It is important that students understand how an appeal differs from a complaint, or a request for the recognition of mitigating circumstances.

- a) The College operates a complaints policy and a system for considering mitigating (extenuating) circumstances. If you wish to raise a complaint, or if you request the consideration of extenuating circumstances, be aware that these need to be made prior to a decision at an Award Board. Matters must be brought to the College's attention before a specified deadline immediately preceding the relevant Award Board.
- b) Academic appeals are only valid in respect of decisions already made by an Award Board. Therefore the appeals procedure must be followed after an Award Board has taken a decision and students have received their confirmed results.

Overview of the appeal process

The College endeavors to resolve all appeals as early as possible and is committed to dealing openly and fairly with students who make an appeal. The College will not penalise students for appealing.

The Academic Appeals has no authority to set aside the decision of the examiners or the Award Board and thereby no authority to recommend the award of MLCOM

There are two stages to the College's appeal process:

Stage One

During stage one the Appeal's Reviewer is empowered to take one of the following courses of action following its consideration of an appeal against an Award Board decision:

- (i) to reject an appeal;
- (ii) to uphold the appeal, and require the Award Board to review or revise its decision or process
- (iii) to determine that an appeal cannot be resolved at stage one and must progress to stage two.

Stage Two

During stage two the academic council reviews the case. This will only be permitted on the basis of new and significant information or evidence.

A student who wishes the academic council to review their appeal must inform the Course Director in writing within ten working days of the outcome from stage one.

In requesting a review of a stage one decision, a student may not introduce new grounds for appeal, or any supplementary evidence beyond that directly related to the initial basis of appeal.

Where stage two criteria have been met the Course Director will arrange a meeting of the academic council and inform the the student in writing.

No member of the Award Board shall sit on the Appeal Review Panel of the academic council. The Course Director and Deputy Course Director will not be permitted as panel members.

The Chair of the academic council is responsible for investigating the background to any new evidence.

A student has the right to appear in person at the academic council at which their appeal is considered, and to be accompanied by a student representative, or a student currently registered on the course.

Students must notify the College of the name and affiliation of the person who will accompany them.

The review conducted by the academic council will lead to one of the following:

- a) to not uphold the stage two appeal, and inform the student that the review has upheld the award's board decision with confirmation of this decision in writing letter within 15 days;
- b) to uphold the appeal and inform the student that the Award Board will be requested to consider appropriate action;

No revision will be undertaken within this process to the detriment of the student.

The Course Director will inform the student of stage two outcome within 15 working days of the Academic council decision.

The student will also be advised of their right to request a Completion of Procedures letter. This letter formally acknowledges that the College's internal processes have been completed.

The student will need this letter if they wish to refer their complaint to the Office of the Independent Adjudicator (OIA)

The outcome of the Appeal Review Panel will be final within the College's processes.

The Office of the Independent Adjudicator for Higher Education (OIA)

After the internal College processes have been exhausted, students have the opportunity to have their case independently reviewed by the Office of the Independent Adjudicator (OIA).

Details are available at: <http://www.oiahe.org.uk/>

Who can use the appeal process

The appeals procedure is available to all students studying at LCOM.

It is expected that the need to appeal will only occur as a last resort; students must ensure that, as far as possible, the Awards Board is informed prior to its meeting using the Extenuating circumstances form EC1 of any circumstances which might have adversely affected their performance.

Academic appeals are only valid in respect of Award Board decisions already made.

Submitting an appeal

A student who wishes to lodge an appeal against a decision of the Awards Board must do so in writing to the Course Director.

They must specify precisely the grounds for appeal (see above) and submit supporting documentary evidence that the student wishes to be considered.

Appeals must be received by the Course Director in writing within 10 days from the date on which the student received formal notification from the Awards Board.

Students will normally be deemed to have received formal notification of their award 48 hours after confirmation by the Awarding Board.

If the appeal is submitted within time and meets the criteria for appeals the Course Director will nominate a reviewer to conduct Stage 1 of the appeal process.

Grounds for appeal

It is for the student to establish the case and only claims for the following circumstances will be considered as grounds for appeal:

- (i) That parts of the documented assessment procedure were not applied and that this procedural irregularity, which has disadvantaged the student was significant enough to have materially affected the decision/recommendation made, rendering it unsound.
- (ii) That prejudice or bias on the part of one or more of the Examiners took place and can be proven or there are reasonable grounds to support the perception of prejudice or bias.
- (iii) That the Award Board took a decision which no reasonable person would find comprehensible. To apply this ground you must provide substantive argumentation as to why no reasonable person could have arrived at the decision that was made.
- (iv) The student's performance was materially affected by circumstances which were, for good reason, not fully communicated and evidenced to the board at the time the decision was made.

The following circumstances will not be considered grounds for appeal:

- Perceived shortcomings in tuition, supervision or support.
- Concerns relating to the quality of teaching or supervision, or other circumstances that relate to the delivery of a programme of study should be raised to the Course Director or Trustees before the point of assessment or the submission of essays.
- Matters of academic judgement of the Awards Board. The student will not be permitted to argue the academic merits of his/her work.
- Disagreement with the actual mark awarded for a piece of assessed work.

Principles of the appeal policy

The decisions made will be reasonable and where required, provide appropriate redress.

Appeals submitted outside the timescales will only be considered in the most exceptional circumstance and where there is good reason, supported by evidence, for the late submission.

Appeals will be treated seriously and students will not suffer any disadvantage or recrimination as a result of making an appeal in good faith.

It is expected that student or person(s) communicating on behalf of a student will conduct themselves responsibly and treat the process and those members of the College involved in the process with respect at all times.

The procedures are fair and transparent.

All appeals are considered impartially by someone who is not directly involved in the matter upon which the appeal is based.

This impartiality is protected throughout the process. At each stage of an appeal a new member of staff is appointed. No member of staff is permitted to be part of the process at more than one stage

As far as possible, impartiality and confidentiality of both individuals and proceedings will be maintained.

Acceptance of an award certificate, or a failure to respond within 10 working days of receipt constitutes acceptance of the award and the closure of any appeal within the University's procedures.

Students are encouraged to seek advice at any stage in the process, including seeking advice on how to present their case effectively.

Students will be notified early in the process if the remedy sought within the appeal is beyond what the College can reasonably provide or what is in its power to provide.

The College reserves the right to decline, suspend or to discontinue an appeal made under the Appeal Procedure, in the event that legal proceedings are commenced and the claim concerns the same subject matter as the appeal.

Recording and monitoring Appeals

It is important that appeals are monitored in order to improve the student experience. The Course Director will record and provide reports to indicate the nature of appeals and outcomes.

Such reports will Feed into the monitoring and evaluation procedure at various levels of the organisation ie management committee and academic council;

Assist in identifying problems and trends across the College, demonstrating that identified issues have been resolved;