



BISHOP GROSSETESTE UNIVERSITY

Document Administration

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Version Control Table

Version Number	Date Authorised	Summary of Key Changes
2.0	October 2015	
3.0	22 July 2019	To update terminology.



1. Introduction

- 1.1. This Code of Practice sets out the terms under which students of Bishop Grosseteste University (BGU) may appeal against a decision of the Board of Examiners for their academic programme. It provides guidance for a formal, fair and transparent process. It follows the precepts and guidance contained in the Quality Assurance Agency (QAA) *UK Quality Code for Higher Education*, specifically the core practice: *The provider has fair and transparent procedures for handling complaints and appeals which are accessible to all students.*

2. Definitions and Scope

- 2.1. An academic appeal is defined as a request for a review of a decision of the Board of Examiners, which is the 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. It is to be distinguished from a complaint, which is defined as an expression of a specific concern about matters that affect the quality of a student's learning opportunity. It should be noted that the appeals procedure does not cover such complaints or appeals against decisions made by a panel investigating academic misconduct, extenuating circumstances fitness to study, bullying/harassment or a disciplinary offence. The procedure to be followed in such cases fall under the scope of the following Codes of Practice:

- Procedures for Dealing with Complaints by Students
- Code of Practice for Academic Misconduct
- Code of Practice for Extenuating Circumstances
- Support for Study Procedure
- Procedures Relating to Student Disciplinary Offences
- Dignity Policy

- 2.2. Where a student raises a number of issues which do not fall under just one procedure, e.g. a complaint and an academic appeal, the University will inform the student of which specific issues will be considered under which procedure and will direct the student to all appropriate procedures. The University will also explain to the student the possible implications, if any, of following more than one procedure, particularly where one procedure may be suspended pending the completion of the other. In such circumstances, it may be possible, upon written agreement of the parties, to consider all matters together.

- 2.3. A request for a review of a decision of the Board of Examiners may be made if the student has reason to believe

- i. there has been an arithmetical or other factual error;
- ii. there has been a procedural irregularity relating to the assessment process;
- iii. the Board has failed to give proper consideration to information presented to it, or there is a bias or perception of bias; and/or



- iv. there were extenuating circumstances where, for good reason, the Board was not made aware of a significant factor relating to the assessment of a student when it made its original decision.

2.4. An appeal may not normally be made regarding:

- matters of academic judgement, i.e. the decision made by a member of academic staff on the quality of the work itself or the criteria being applied to mark the work (rather than the administrative marking process); and/ or
- the way extenuating circumstances were considered, unless there is clear evidence that the defined procedures were not followed by the panel and/or the panel's recommendation was not properly considered.

3. Principles and Protocols

3.1. In dealing with appeals, the following principles and protocols will be followed:

- i. The University will seek to ensure that the investigation of an appeal under the terms of this procedure is conducted transparently and promptly and in a way which is fair to all parties concerned.
- ii. Every effort should be made to seek clarity of an assessment or examination board's decision, or discuss concerns with a member of staff before the more formal processes are invoked.
- iii. Privacy and confidentiality will be maintained insofar as that is compatible with the effective investigation of an appeal. The student will be informed in advance if any disclosure to a third party is required in order to progress the investigation of an appeal. Students should be aware that 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.
- iv. Anonymous appeals will not be investigated unless the University decides that there are compelling reasons to do so.
- v. Appeals made on behalf of a student by a third party (for example, Students' Union representative) will not be investigated without the student's express written consent, in accordance with the Data Protection Act (1998). This includes appeals by a parent, spouse or partner of the student.
- vi. Where the issues raised affect a number of students, those students can submit a appeal as a 'group appeal' and in such circumstances, the University can ask the group to nominate one student to act as the group representative.
- vii. The University will pay due regard to the interests of those against whom appeals are made. If, on investigation, an appeal is judged to be frivolous, vexatious or malicious, the



student may be liable to penalties under the Procedures Relating to Student Disciplinary Offences and the University may terminate consideration of the appeal. A vexatious or malicious appeal is defined as an appeal which patently cannot be substantiated or which has been made to defame the name and character of another person. Examples of a frivolous and vexatious appeals include:

- 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; and/ or
 - demands for redress which lack any serious purpose or value.
- viii. 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. If any evidence is found to the contrary, the member of staff concerned may be liable to disciplinary procedures.
- ix. Appeals must be pursued in a timely way. The University may refuse to investigate an appeal if the student fails to initiate the stages of the appeals procedure within the specified timescales.
- x. All appeals will be considered on their merits and in accordance with the University's values, ethos and relevant policies, e.g. the Diversity and Equality Policy.

4. Appeals Procedure for Students

- 4.1. The procedure for dealing with appeals is divided into three stages. The first is the Early Resolution stage in which an attempt is made to discuss the matter with a nominated member of staff. The second is the Formal Stage which involves an investigation by an authorised member of staff not previously involved with the appeal. The third is the Review Stage where the student can appeal for a review of the process of the formal academic appeal to ensure that appropriate procedures were followed and that the decision was reasonable.
- 4.2. Impartial advice on the appeals process may be obtained from the Students' Union who can provide representation for students or advice.

5. Representation and attendance at meetings and hearings

- 5.1. Though this is not an expectation, at a meeting or hearing from the formal stage onwards, the student is entitled to be accompanied by one other person, such as a peer, family member, friend or member of the Student's Union, but not a legal representative. If a



student does decide to be accompanied then they must make the member of staff coordinating the appeal aware as soon as possible in advance of the meeting.

- 5.2. The person accompanying may advise the student but is not permitted to speak on their behalf. It is important to hear one voice in order to maintain clarity. The student may however declare in writing that they wish for a third party to represent them throughout their appeal. This representative must agree to act in this capacity. In such circumstances the University will liaise with the third party throughout the investigation.
- 5.3. If for a good reason, a student is unable to attend a meeting or hearing under the procedure, then the student may make a request to the University that their representative attends on their behalf. In such cases, the hearing will only be required to consider representations submitted by the representative and not any written or oral representations made by the student before, during or after the meeting.
- 5.4. The student must provide the name of any person accompanying them to the University within the timescales outlined in paragraph 7.8 of the procedure and must always inform the University immediately of a request to be represented in lieu of their own attendance. Failure to inform the University may lead to the meeting being postponed.
- 5.5. Unless the student has provided written permission for a representative to act on their behalf, resulting in the direction of communications by the University to the representative and not the student, it is the student's responsibility to relay relevant information and communications from the University under this procedure to any other third party.

6. Early Resolution

- 6.1. Students are advised to seek Early Resolution which gives the student the opportunity to seek clarification of an assessment or examination board's decision, or discuss their concerns with an academic member of staff within the University following the publication of their results.
- 6.2. If a student believes that they might be affected by any circumstance described under paragraph 2.3 then they should contact the School and Student Administration Manager via email to qasd@bishopg.ac.uk to discuss their concerns.

7. Formal stage

- 7.1. Students wishing to make an academic appeal must do so within 20 working days of the publication of the decision of the Board of Examiners; the publication date being the date of notification.
- 7.2. An appeal must be made in writing to the School and Student Administration Manager. The appeal must make clear the assessment outcome to which it relates and state the grounds on which it is made, as per paragraph 2.3 above. Students should also include corroborating



evidence from a third party in the case of extenuating circumstances in order to establish good reasons why those circumstances were not disclosed to the Board of Examiners.

- 7.3. The School and Student Administration Manager will undertake an initial evaluation to check that the student's academic appeal is submitted under the correct procedures, falls within the grounds upon which an appeal may be made, is submitted within the deadline, and is in the required format. This may result in:
- i. the student being referred to a different procedure;
 - ii. the academic appeal proceeding to formal consideration; or
 - iii. the academic appeal being rejected because it is not made under permissible grounds. In such cases the School and Student Administration Manager will provide the student with an explanation in writing. The student will be informed of their right to appeal under the Review Stage of the Code of Practice for Academic Appeals.
- 7.4. The School and Student Administration Manager will take special attention to identifying academic appeals which may require particularly swift action, these may include, but are not limited to:
- cases where the impact of the issues raised may have detrimental consequences for the student's mental health or wellbeing; and/or
 - cases where time limits apply, for example in meeting regulatory requirements for the completion of professional courses.
- 7.5. If the academic appeal is accepted for consideration, the School and Student Administration Manager will allocate the case to a member of staff who has had no previous involvement with the matter. The student will be informed in writing of the intention to consider the appeal and of the identity of the staff member considering the appeal. The Student will be informed that the staff member conducting the investigation will be in contact to discuss the consideration of the appeal.
- 7.6. The member of staff conducting the appeal may wish to talk to key staff, the student, and consider documentation and other evidence. In some cases, the staff member may consider it appropriate to instruct the School and Student Administration Manager to convene an appeal panel. In cases where the student is required to attend a meeting with the staff member conducting the investigation or an appeal panel, the provisions under section 5 of the Code regarding representation will apply.
- 7.7. If the matter is referred to an appeal panel, the School and Student Administration Manager will make arrangements for the panel to meet and will advise the student of the date of the meeting. The appeal panel will consist of a senior member of the University who will act as Chair and two members of academic staff unconnected with the student's programme.



7.8. The student (and/or representative if requested) may attend the meeting to present their appeal in person to the appeal panel. If the student chooses to be accompanied, they must inform the School and Student Administration Manager in advance of the identity of the person who will be present as soon as possible and no less than five working days in advance of the hearing. The student will be given at least five working days' notice of the time and date of the meeting. The student may seek a postponement of the meeting provided that evidence of exceptional circumstances is supplied, this includes:

- i. medical evidence e.g. a letter from a doctor, nurse or other professional practitioner, confirmation of appointment, prescription, a completed Medical/Professional Practitioner Support Note, etc.;
- ii. supporting statement(s) from Programme Leader or Personal Tutor; and/ or
- iii. other verifiable evidence e.g. police incident/crime number.

In other cases, where a student does not attend, the panel will proceed in their absence.

7.9. The appeal panel will examine such evidence and call such witnesses as it deems appropriate. It will not unreasonably refuse to hear evidence from persons accompanying the student.

7.10. Following its consideration of the evidence, the panel will reach a decision in the absence of the student but may communicate the decision orally immediately following its deliberations. In any event, the student will be provided with a written outcome within five working days of the hearing, which provides a summary of:

- the grounds for the appeal;
- the evidence considered by the panel;
- the evidence provided by those attending the meeting; and
- the panel's deliberations and conclusions.

7.11. In the case of a successful appeal, reasonable and proportionate incidental expenses necessarily incurred by the student may be claimed.

7.12. The written outcome will also detail how and when the University will implement any remedy and whether this includes an apology (if the appeal is upheld), the student's right to appeal, the grounds for doing so and the time limit under the Review Stage if they remain dissatisfied; and information on how to access support. If the student's appeal has been successful, the decision will be reported to the External Examiner and to the Board of Examiners.



- 7.13. The Formal Stage will normally be completed within 30 days (though may be longer if an appeal panel is convened). If, because of the nature of investigations required, this time scale needs to be extended, the staff member conducting the investigation will inform the School and Student Administration Manager and advise the student of the reason for the delay and the revised timescales.

8. Review Stage

- 8.1. Where the appeal has been dismissed and the student is dissatisfied with the outcome or where the student considers the action taken in response to an appeal which has been upheld to be insufficient, they may be entitled to appeal to the Registrar and Secretary in writing within one month of the notification of the outcome of the Formal Stage. The student must explain the grounds for their appeal and, where necessary, provide evidence. An appeal submitted outside the review deadline may be considered at the discretion of the Registrar.
- 8.2. The grounds for which a student may appeal against a decision at the formal stage are:
- i. a review of the procedures followed at the formal stage;
 - ii. a consideration of whether the outcome was reasonable in all the circumstances; and/or
 - iii. new material evidence which the student was unable, for valid reasons, to provide earlier in the process.
- 8.3. The Review stage will not normally consider issues afresh or involve further investigation. An appeal must have been considered at the formal stage before it can be escalated to a review stage, though the consideration at the formal stage can amount to a rejection of the appeal by the staff member responsible for the Formal investigation.
- 8.4. The Registrar may dismiss an appeal in writing to the student within five working days if they consider the appeal to be outside the scope for review. In such cases, a completion of procedures letter will be issued by the School and Student Administration Manager.
- 8.5. If the Registrar considers the appeal to be well founded, they will normally respond to the student within five working days, detailing the process for the review stage.
- 8.6. The Registrar will review the information provided by both the student and the Member of Staff who conducted the formal investigation and if they finds that there may be a case for review, will conduct any necessary further investigation. If needed and where this is proportionate, they Registrar may overturn a decision at the formal stage or suggest alternate remedies.



- 8.7. Though it is highly unusual to consider the case afresh, the Registrar may convene an appeal panel in the rare circumstances that a case is so complex or the issues are so contentious that further investigation is necessary to reach a fair and transparent conclusion. In such cases, the procedures outlined in paragraphs 7.7 – 7.12 will be followed with the Registrar acting as Chair of the Panel. It is not normally expected that a panel will be convened if an appeal panel has already considered the case during the Formal stage.
- 8.8. The Review stage should normally be completed within 21 working days, though in the rare circumstance that a Review Panel is convened, it is expected that this will exceed the normal timings. Where there are clear and justifiable reasons for extending the timescales at the Review stage then the student should be notified in writing of the reason for the delay and the revised timescale for bringing the review to a conclusion.
- 8.9. The outcome of the Review stage represents the final stage of the University's internal procedures. The student will be issued with a completion of procedures letter by School and Student Administration within 28 days of the conclusion of the Review. If the student remains dissatisfied, they will be directed to pursue the matter through the procedures of the Office of the Independent Adjudicator. 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

9. Supplementary Provisions

9.1. Audio Recording

- 9.1.1. The audio recording of meetings or hearings under this procedure is prohibited, subject to such a reasonable adjustment as may be agreed by the University under the Equality Act 2010.

9.2. Remedy

- 9.2.1. Where an appeal is upheld following a formal investigation, the member of staff conducting the investigation and the School and Student Administration Manager will take steps to ensure that their recommendations are implemented.
- 9.2.2. Where an appeal is upheld in the Review stage, the Registrar and the School and Student Administration Manager will take steps to ensure that the recommendations of the Review Panel are implemented.



9.2.3. Upon receipt of evidence of expenditure, the University will meet reasonable and proportionate incidental expenses necessarily incurred by a student in bringing a successful appeal.

9.3. Monitoring of procedures

9.3.1. The School and Student Administration Manager will maintain a record of

- the nature of each appeal;
- how the matter was dealt with and the time taken for each stage;
- the outcome of the appeal; and
- the ethnic origin and gender of applicants and all such data required by the University's Diversity and Equality and Race Equality policies that students have disclosed for this purpose.

9.4.2. The Head of Quality and Regulatory Compliance will provide a summary of information relating to appeals received during the previous year to Senate. The report should, in addition to the information above, include an assessment of:

- the adequacy of advice, guidance and support mechanisms for students;
- the adequacy of staff development and support for those operating the appeals procedure;
- the level of understanding among staff and students of the procedures; and
- the overall effectiveness of the procedures.

9.4.3. Senate will identify whether any changes are required to the appeals procedure and take steps to ensure that any issues commonly giving rise to successful appeals are addressed. Information relating to appeals within each academic programme will be included in the key statistical indicators supplied to Programme Leaders for the purpose of Annual Monitoring.

10. Collaborative Provision

10.1 Franchised partner institutions will abide by this code. Non-franchised partner institutions are expected to have a procedure for academic misconduct that is equivalent to that of the University.