



MONT ROSE<sup>®</sup>  
COLLEGE

# Academic Appeal Policy and Procedure 2023 - 2024

**Approved by:** Academic/Quality Assurance Board

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## Introduction

1 This document sets out the terms under which students on all HND and DET courses at Mont Rose College of Management and Sciences (the College) may appeal against a decision of the assessment board. Top-up and Foundation courses are governed by Bucks New University's policy and procedure in this regard.

2 This appeals process operates within the context of the QAA, UK Quality Code - Advice and Guidance- Concerns, Complaints, and Appeals (QAA, 2018) and with reference to the Good Practice Framework for Complaints and Appeals (OIA, 2016), which can be seen at <https://www.oiahe.org.uk/media/1859/oia-good-practice-framework.pdf>.

3 The College has one appeals process for all academic matters. This process is available on the College website for the benefits of all the students (Guiding Principle 3)

4 No appeal made in good faith, even if unsuccessful, will disadvantage the student. The Team Leaders will ensure that all teachers act in an unbiased way towards all students (Guiding Principle 3).

5. The procedure is being made amply clear in this document to benefit the students. In case of students still finding any ambiguity, they should contact their Programme Managers and, if anything is still not clear, the Principal (Guiding principle 5, OIA 81).

## Academic Appeal defined

An academic appeal is defined as a request for a review of a decision of the Assessment Board, which is the body responsible for student progression.

The permitted grounds for Appeal are listed as under:

Decision-making body	Permitted grounds
Teacher / Assessor	Procedural irregularity/bias
Internal Verifier	Procedure irregularity
Assessment Board	Mitigating circumstances not made known earlier for valid reasons

**No appeal is allowed on academic or professional judgment.** However, if a student is of the opinion that the assessor / IV has missed any evidence on the submission, s/he can point out the same for the Appeal to be accepted.

An appeal can only be raised on the most recent decision, i.e., a decision made in the current or last semester. Appeals against the decisions in the semesters prior to the last one are not allowed. The appeals should be made within 20 days of the publication of results by Assessment Board. The results are published on the day they are approved by the assessment Board.

## **1. Purpose and scope of the procedure**

1.1 In all cases, the College will abide by the QAA UK Quality Code for Higher Education, Advice and Guidance, Concerns, Complaints and Appeals as well as the OIA Good Practice Framework for Complaints and Appeals.

1.2 An informal academic appeal should be made by the student in writing to the respective Programme Manager over email if the issue is not resolved after discussions with the assessor/teacher. The College distinguishes between a student complaint (about any non-assessment service provided by the College and/or awarding body) and a student academic appeal. Academic appeals are concerns or problems raised by a student or students concerning any aspect of the assessment process, including grades/ marks given. There is a separate student Complaint Procedure about non-academic matters. It is vital to properly classify the matter as academic or non-academic because the procedure for resolution will be based on this classification. The student should clearly set out the subject matter of the Appeal and must pinpoint the areas of deficiency of the College. The student must provide the evidence in support of the Appeal and should state the expected outcome. (OIA 87).

1.3 This academic appeals procedure applies to the students who would like to appeal against the matters which are in the College's control. Any matters raised against awarding bodies, Buckinghamshire New University, or other Mont Rose College partners, should be submitted directly to the relevant bodies. The College representative will provide full guidance on how to appeal to other relevant bodies. (Guiding principle 2 and 3)

1.4 This procedure does not cover matters relating to academic misconduct, extenuating circumstances, fitness to study, bullying/harassment issues, etc., as there

are separate procedures to handle the same. Where an issue involves more than one procedure, the College will inform the student which specific issues will be dealt with under which procedure and will guide the student accordingly. The student will be made aware of the implications of following more than one procedure if any.

### **Grounds for an academic appeal (Guiding Principle 3)**

#### **A. '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:

- Relevant assessment criteria have been met but not acknowledged. (with proof for such claim)
- An error in recording grade/s; like all P and M criteria have been met, but the awarded grade is Pass;
- The student was unjustifiably excluded from an examination or an assessment opportunity.
- Work not assessed by an approved assessor;
- Decision-making body / Assessment Board not properly constituted;
- Prejudice or bias on the part of one or more assessors or members with proof of such prejudice.

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.

#### **Time Limit to bring an academic appeal:**

Students can bring an academic appeal within 20 days from the date of publication of the result by the Assessment Board by complaining in writing via email to the Programme Manager who will reply within 10 working days

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**

For an appeal to be considered, there must be evidence supporting the claim.

Admissible evidence must be factual and specific in supporting the grounds for Appeal; it might include original versions of:

- Assignment feedback forms / formative feedback.
- Correspondence (written or email);
- Witness statements (which must be dated and signed);
- Tutorial record forms;

The decision letter or email notification containing information on which Appeal is based must also be provided.

Copies of documents are not normally acceptable. Originals will be copied and returned to the student if requested.

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.

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.

### **B. Mitigating circumstances not made known earlier for valid reasons**

The student can make an academic appeal on the grounds of mitigating circumstances which were not brought to the notice of the College earlier for valid reasons. Proper evidence should be presented in all such cases. For example, if a student makes an academic appeal outside the permissible time limit and cites the sickness as the reason for the delay, he/she has to present a certificate to this effect from a UK GP.

## **The academic appeals process** *(Guiding principle 5)*

**The appeals process is divided into three stages, Informal, Formal, and Review** (Guiding principle 5, 8; OIA 82).

Students are advised that if they are in a referral situation and have submitted an appeal or are contemplating an appeal, they should still complete and submit their referral work within the given time limit.

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 quality of teaching, should be excluded and the appropriate route followed for these kinds of concerns (Guiding principle 3).

It is the right of a student to withdraw from the appeal process at any time. It should be in writing via email to the Programme manager.

### Principles and Protocols

- i. It is the duty of the College to ensure that this procedure is followed to handle the academic appeals. Proper transparency, promptness, and fairness is to be observed at all times;
- ii. Efforts should be made to resolve the students' grievances at the informal stage.
- iii. The logic behind the assessment decisions, if not clear to the students, should be clarified with the help of the concerned assessor/tutor/any other member of the staff. The student should only bring a formal complaint if the matter is not resolved at that stage.
- iv. While observing the provisions of the GDPR, 2018, it should be made clear to the appellant that certain information may have to be shared with others for the fair outcome of the Appeal;
- v. Anonymous complaints will only be considered if there is some compelling evidence and if ignoring the same is detrimental to the interest of any stakeholder;
- vi. 3rd parties appealing on behalf of the students will be asked to provide the express consent of the student, failing which the appeals may be ignored;
- vii. In case of group appeals (e.g., entire class appealing against the assessment of a particular assessor), the group will be asked to nominate one student who will act as group representative;
- viii. If an appeal is judged to be frivolous, vexatious, or malicious, the appellant may be liable to penalties as per the College Policy. Such a complaint is

defined as an appeal that is unsubstantial or which is made to defame other/s. Examples of such appeals are:

- a. Obsessive, harassing, or repetitive appeals;
  - b. Appeals without any evidence/merit or seeking unreasonable outcomes;
  - c. Appeals made just to cause disruption or annoyance;
  - d. Appeals on fictitious grounds.
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- ix. Making valid academic appeals will not result in any harm or mistreatment to the appellant;
  - x. The appellant, as well as the College, are duty-bound to observe the time limits;
  - xi. All appeals will be considered on their merits and in accordance with the College's values, ethos, and policies.

### **Meetings and Hearings**

- i. At the formal stage or the review stage, a student is entitled to be accompanied by one other person, such as a peer, family, friend, or a union member, provided they ensure to inform the staff member handling the matter in advance. The student is not allowed to bring a legal representative or appoint such person as their representative;
- ii. The person accompanying may advise the student during the meeting/hearing but is not allowed to speak on behalf of the student. The student still has the right to be represented by the 3rd party subject to a request in writing. In such cases, the College will liaise with the said 3rd party;
- iii. The appellant is expected to attend all the meetings/hearings, but in case they cannot, they can request in writing to be allowed to attend through their representatives. In such cases, the hearing will only consider the representations made by such representative and not by the appellant whether during, before or after such hearings. Also, the appellant will be duty-bound in such cases to relay the relevant documents/information to such representative in advance so that the matter is represented efficiently and there are no missing links;

- iv. The student must let the College know the name of the person accompanying them or the person representing them at least 5 working days before the date of the meeting/hearing. Failure to do so may result in the meeting/hearing being postponed.

### **Stage 1 – Informal Academic Appeal**

In the first instance, an attempt to resolve queries and concerns informally should be made. The student should contact the respective teacher within 20 days of the Assessment Board Decision. Informal appeal could be verbal or in writing. (Guiding principle 2). The teacher will try to resolve the issue within 2 working days of receiving the same. In case the issue is not resolved, it should be taken up with the respective Programme Manager within 5 working days using their College email id. An effort should be made to solve the issue at this stage. (Guiding principle 8). The Programme Manager will have 14 working days to resolve the matter informally. The student should be given the full opportunity to present their case. (Guiding principle 8). In case the College is not able to meet this time scale, all parties will be kept informed.

The Teacher / Programme Manager should keep the student informed at all stages. In the end, the student should be informed of the outcome in writing. This process should be completed within 21 working days but can take more time depending on the complexity of the case.

### **Stage 2 – Formal Academic Appeal**

If the academic issue is not resolved at the informal stage, it will escalate to the formal stage. The student has to bring the matter to the notice of the Principal in writing, clearly stating the grounds for the Appeal, supporting evidence, and expected outcome. In case the Appeal involves extenuating circumstances not disclosed earlier, proper written evidence from 3rd party/ies should be submitted at this stage. The College will make an initial assessment of the issue to ensure that the Appeal follows the correct procedure and within the given timeframe. If the matter has already gone through the informal stage and the student is not satisfied with the outcome, the student has 7 working days to bring it to the formal stage from the day s/he was informed of the outcome of informal stage. However, if the student is bringing it directly to the formal stage, he has to observe the original time limit [20 working days from the date of publication of results *[OIA– 89, 53, (Guiding principle 6)]*. The College will

assess if the Formal Academic Appeal is within the given time frame, follows correct procedure, and falls within the scope of this policy.

The student will be kept informed about the progress of the Appeal. If the Appeal is accepted, the Principal will interact with the concerned academic staff member/s about the matter or may form an appeal panel. Such appeal panel will consist of a senior member of the academic team and 2 teaching staff who are not connected with the subject matter of the Appeal. The appeal panel can take the help of the subject specialists or the internal verifiers to arrive at a conclusion.

The appeal panel may like to invite the student for a meeting/hearing in order to present their case in person. The student will be given at least 5 working days' notice of the time, date, and venue of such meeting. S/he needs to follow the earlier laid-out procedure regarding anyone accompanying or representing him/her.

The panel will give ample opportunity for the appellant to present the case with evidence/witnesses. The panel may invite additional witnesses if need be.

Following the deliberations in the hearing and based on the strength of the evidence presented, the panel will reach its decision. Such hearings will still go ahead even if the student could not provide proper notice of the hearing was given. The outcome of the meeting will be informed to the student after the meeting orally. A written confirmation of the same will be emailed to the student within 5 working days of the hearing. It will include the summary of:

- The grounds of Appeal;
- Evidence provided from both sides;
- Evidence considered;
- The deliberations of the panel and the outcome.
- In case of an unsuccessful outcome, the rights of the students to ask for a review of the decision.
- In case of a successful appeal, the details of implementing the remedy, changes in the record by informing the Registrar as well as the Assessment Board, who will, in turn, inform the IV and the EE is required.
- If the Appeal is successful, reasonable traveling expenses may be claimed by the student.

The formal stage will normally be completed within 30 working days from the day the Appeal is received. However, it may take more time depending on the case and its complexities. The student will be kept informed.

At the student's request, the College may issue a Completion of Procedure letter at this stage, clearly stating that the internal process of the College has not been completed, i.e., the review stage (Guiding principle 3).

While communicating the decision of the formal stage to the students, he/she will also be informed about his / her right to take the matter to the review stage along with the grounds and time limit (OIA 102, 103). The student will have 30 days' time limit to take the matter to the review stage. If the student does not take the matter to the review stage within 30 days, the matter will be closed at the College level.

The College will keep a proper record of all the complaints, but the personal details of the students shall be removed (OIA 127, 128, 129, 105, guiding principle 4).

### **Stage 3 – Review**

If the matter is not resolved at the formal stage, it will be taken by the student to the review stage within one calendar month of the notification of the outcome of the formal stage. The student must explain the grounds for the Appeal and, where necessary, provide the evidence. At this stage, the Principal will review the entire case in consultation with the Vice Principal, Programme Manager, and the IV, and may decide to instruct an assessor to reassess the submission. (*Guiding principle 6, OIA 85, 112*).

*The grounds for such Appeal could be:*

- i. Procedural lapses at the formal stage;*
- ii. To reconsider if the outcome was reasonable in all the circumstances;*
- iii. New material evidence which could not be provided earlier, for valid reasons.*

The review stage will not normally consider issues afresh or involve further investigations. If the Appeal falls outside the scope of the review, same will be dismissed, student will be informed within 5 working days of receipt of appeal and the Completion of Procedure letter shall be issued within 28 working days from the day the Review Appeal was received.

If the Appeal is accepted, the student will be informed of the same within 5 working days, detailing the process for the review stage.

The given information will be reviewed, and if necessary, further investigation will be conducted. Depending on the outcome of such investigation, the earlier decision may

be overturned, or an alternate remedy is suggested. This process should not take more than 14 working days.

The decision reached at the end of this process will be final at the College level. The College will close the matter at this stage. The same will be communicated to the students in writing. In case the student's Appeal is not upheld, the student will be issued a Completion of Procedure letter within 28 days. This will include a clear explanation and reason for the decision (*Guiding principle 3, OIA 112, 101*).

In case the Appeal is upheld, a written outcome will be provided with an explanation on implementation of remedy (*Guiding principle 8; OIA 69*).

### **Involvement of OIA**

If the matter is not resolved even at the review stage, the student will be free to take the matter to OIA. The College will issue the CoP as mentioned above, clearly outlining the reasons for not upholding the Appeal. The CoP will also clearly mention that the student can take up the matter with OIA within 12 months from that date. (OIA 112-113, 115, 35)

The contact details of the OIA (Office of the Independent Adjudicator) are as under:

Website: [www.oiahe.org.uk](http://www.oiahe.org.uk)

OIA

Second Floor

Abbey Gate

57 – 75 Kings Road

Reading

RG1 3AB

Tel: 0118 959 9813

Email: [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk)

### **Guidance for appeal documentation /record keeping**

The College will make sure to keep the record properly in case of academic complaints. The following is the list of important documents in chronological order: (the same is not exhaustive as the documents differ on a case to case basis)

- Student's original complaint, duly dated with any evidence to support the complaint;
- The date the complaint is received – informal stage;
- The outcome sought/expected;
- Management's version at the informal stage;
- Outcome of the informal stage with date;
- Date appeal received at the formal stage if any;
- Grounds of Appeal – formal stage;
- Response to grounds of Appeal- formal stage;
- Case statement, which should include, as appropriate;
- An introduction explaining the reasons for appealing;
- Summary of the case;
- Record of hearings, if any.
- Outcome of Appeal, with date;
- If applicable, comments of the original assessor, 2nd assessor, and IV.
- Date CoP issued if any;
- Date review requested if any;
- Outcome of Review;
- Date of CoP After Review;
- Outcome at OIA level.

(Guiding principle 3)

If documents are prepared and presented in this way, it should be possible for the secondary appeal hearing only to hear any specific comments or particular aspects of the case, rather than a repetition of the original hearing.

This policy is reviewed and approved by Academic/ Quality Assurance Board for enhancement purposes. (Guiding principle 2, 8).

Link to the OIA document is given below:

<https://www.oiahe.org.uk/media/1859/oia-good-practice-framework.pdf>.

