



# ACADEMIC APPEAL POLICY AND PROCEDURES 2018 - 2019

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## **Student Academic Appeal Policy and Procedure**

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

1.1 In all cases the college will abide by the QAA Quality Code. The college operates an internal academic appeals policy and procedure for those cases where an awarding body procedure does not apply (e.g. Formative assessment without awarding body involvement). In other cases, the appeals policy and procedure of the awarding body takes precedence, and the college will cooperate with it as required.

1.2 An academic appeal should be made by the student in writing, except in extreme circumstances. 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.

1.3 This academic appeals procedure applies to the students, who would like to appeal against the matters which are in the College 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 the full guidance, how to appeal to other relevant bodies. (Indicator -1, Chapter B9)

### **2 Principles of the procedure**

2.1 The procedure is based on the following principles:

- A student has the right to be accompanied by a colleague or friend at every stage of the formal procedure.
- Any academic appeal must be made in writing as soon as possible, even if originally made orally
- It is only possible for the college to hear academic appeals that are within the power of the college to remedy. In many cases the appeals procedure of the awarding body will apply, and may be operated entirely by the awarding body.
- All proceedings should, so far as is practicable, remain confidential
- A formal record of any hearing will be available to the student.
- The hearing will be recorded and a copy given to the student
- The timescales set out may be extended with the agreement of the parties
- Where more than one student has lodged an academic appeal relating to the

Same, or substantially the same, issue, the academic appeal may be dealt with together in the interests of fair and consistent decision-making.

- if the student's academic appeal restates an academic appeal that the college is already dealing with, or that it has dealt with in the past, the student will be asked to explain how the new academic appeal differs from the previous one, and either what new incident has occurred or what new evidence has come to light.
- Where it is clear that there is nothing new being raised, the college can reject the academic appeal without a hearing or committee meeting.
- Deliberately false or malicious academic appeal will be treated as matters of Misconduct and will be investigated in line with the Disciplinary policy and Procedure
- An academic appeal raised while a student is subject to disciplinary proceedings will be heard when the disciplinary process has been completed. If the academic appeal has any bearing on the disciplinary proceedings, it can be raised in the course of those proceedings. (Indicator -2, Chapter –B9)

### **3 Process** (Indicator -3, Chapter B9)

3.1 The academic appeal will be heard by a special appeal panel reporting to the Principal and to the assessment committee functions of the college. The student should set out in writing the nature of their academic appeal. The student should explain how they think it should be settled. This must be submitted to the Principal.

3.2 The Principal will appoint another person as investigating officer who will be asked to provide a full written report together with any relevant documents. (Indicator -6, Chapter B6) The investigation should be conducted as quickly as possible while allowing for all relevant information and evidence to be gathered. The student has to collect and present all required documentation within 14 days before the hearing starts. (Indicator -5, Chapter B9) The discretion could be applied and dates of hearing rescheduled if the student require more time to obtain the proof. The request for discretion should be

3.3 Should the academic appeal includes material lodged against a named or otherwise identifiable individual or individuals, the Principal will give them a copy of the academic appeal at the earliest opportunity. The individual will present their response at the appeal hearing.

3.4 The appeal panel will consist of two nominees of the Principal. (Indicator -6, Chapter B9) Where possible, there should be a gender balance on panels. The college will make every attempt to ensure that the hearing will be held within 14 working days of receipt of the investigating officer's report, or within 14 working days of the academic appeal being received if it is against an individual. (Indicator -5, Chapter 9) The student will be given five working days notice that the hearing is to be held. The student may request an alternative date to allow up to an additional five working days if their representative is unavailable. If following a reasonable attempt to rearrange the hearing, the student is still unable to attend, they may send a representative, or the hearing may be held in their absence

3.5 The student making the appeal should ensure that they attend the meeting at the specified time. If they are unable to attend because of circumstances beyond their control, they should inform the Principal and/or the chair of the panel as soon as possible. If they fail to attend without explanation, or it appears that they have not made sufficient attempts to attend, the hearing may take place in their absence.

3.6 Any relevant written information or evidence must be made available to all parties at the earliest opportunity and, in any case, two working days before the hearing.

3.7 All parties involved will be allowed to attend and make representations at the meeting. Witnesses may be called.

3.8 Refusal of any party to attend shall not invalidate the proceedings.

3.9 The panel, in seeking to resolve the academic appeal, may adjourn the meeting or defer a decision if more information is required.

3.10 The decision of the panel, the reasons for that decision and any redress will be communicated to the student who has made the academic appeal within 14 working days. The college will accept the decision of the appeal panel. Where the academic appeal contains material lodged against an individual, both parties will be given a copy of the decision. This will be handed to the student whenever possible or posted directly by recorded delivery to the student within 14 working days of the hearing and to the student representative, where applicable. (Indicator -5, Chapter B9)

#### **4 Right of secondary appeal to a decision of the academic appeal panel**

4.1 Should the student making the original academic appeal wish to appeal against the decision of the panel they must do so, in writing, to the Principal within five working days of being informed of the decision. (Indicator -6, Chapter B9)

4.2 A request for a secondary appeal must specify the grounds of the appeal, preferably under one or more of the following headings:

- The nature of any redress
- The finding of the hearing on a point of fact which is pertinent to the decision of the hearing a failure to adhere to the published academic appeal procedure.

4.3 At a hearing of the secondary appeal panel, a member of the original panel will attend to present their findings and reasons for their decision. The student and the management representative presenting the case should use the guidance attached at Annex 1 and Annex 2 as best practice for the presentation of their respective case statements. Witnesses may be called.

4.4 The secondary appeal will be heard by secondary appeal panel members, the student and the management representative. The written cases should be received within five working days after the first appeal decision was released.

The format of the appeal hearing will depend upon the nature of the appeal. If it is a re-hearing it will follow the format at Annex 1. The student will be given five working days' notice that the hearing is to be held. The student making the secondary appeal may request an alternative date to allow up to an additional five working days if their representative is unavailable. If following a reasonable attempt to rearrange the hearing, the student is still unable to attend, they may send a representative, or the hearing may be held in their absence.

4.5 The student making the secondary appeal should ensure that they attend the meeting at the specified time. If they are unable to attend because of circumstances beyond their control, they should inform the Principal as soon as possible. If they fail to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the hearing may take place in their absence.

4.6 The secondary appeal hearing is not a rehearing of the original academic appeal, but rather a consideration of the specific areas with which the student is dissatisfied

in relation to the original academic appeal. The chair of the panel may therefore confine discussion of those specific areas, rather than reconsider the whole matter afresh.

4.7 The secondary appeal panel will hear all or part of the previous hearing depending upon the nature of the appeal. The panel has the scope to:

- Uphold all or part of the previous decision
- Not uphold the previous decision.

4.8 If the secondary appeal panel decides either to uphold only part of the previous decision or not to uphold the previous decision, it may at its discretion substitute an appropriate remedy of its own choosing.

4.9 Within seven working days of the secondary appeal the panel will record the decision and hand it to the student wherever possible otherwise it will be posted directly by recorded delivery. The college will accept the decision of the secondary appeal panel.

4.10 Any recommendations made by the panel will be notified to the appropriate Individuals and committees. (Indicator -6, Chapter –B9)

4.11. The decision of the secondary appeals panel is final.

4.12. The formal “Completion of Procedures Letter” is issued to the student within 21 calendar days after the final decision is made. If the student is still dissatisfied with the outcome, he/ she may apply for a review of the complaint to the Office of the Independent adjudicator (OIA) for higher education.

4.13. The complaint should be received by the Office of the Independent adjudicator (OIA) ([www.oiahe.org.uk](http://www.oiahe.org.uk)) within twelve months of the date of the “Completion of Procedures Letter”

**Date of adoption:**

Date of next planned revision:

Annex 1: Format of the formal academic appeal / secondary academic appeal hearing (Indicator -4, Chapter B9)

1.1 The panel shall be responsible for the proper conduct of the hearing, which shall be conducted on a formal basis.

1.2 The chair of the panel will conduct the introductions of those present and confirm the names of any witnesses who may be called. The chair of the panel will ensure that all parties understand the nature of the academic appeal and ask the student who is bringing the academic appeal to say how they think it should be settled.

1.3 The panel shall order the proceedings as follows:

- Ask the student to present their case, allowing the investigating officer or respondent to ask questions after the presentation has been completed.
- The student may call witnesses or refer to documents previously circulated and necessary for the hearing
- While the student making the appeal will be given every opportunity to explain their case fully, they should confine their explanation to matters that are directly relevant to the academic appeal.
- The chair of the panel will intervene if he/she thinks that the discussion is straying too far from the key issue(s).
- The chair may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and the complexity of the academic appeal
- Ask the investigating officer or respondent to respond to the case, allowing the student to ask questions after the presentation has been completed.
- The investigating officer or respondent may call witnesses or refer to documents previously circulated and necessary for the hearing.
- The panel may ask questions on points of clarification at any time and may call witnesses. Questions shall be put to each party after it has presented its case.
- If either party wishes to present evidence not previously circulated the hearing may be adjourned to allow the other side to consider it.
- Allow the student and then the investigating officer or respondent the opportunity to sum up their cases. Neither party may introduce new matters in their summing up.

1.4 The academic appeal panel adjourns to consider its decision, which shall be given as soon as possible after the hearing, but in any case within three working days of the hearing.

1.5 At the same time the student shall be advised of their right to make a secondary appeal against the original appeal decision.

## **Annex 2: Guidance for appeal documentation**

- Student
- Management
- Grounds of appeal.
- Response to grounds of appeal
- Case statement, which should include, as appropriate:
  - An introduction explaining the reasons for appealing
  - Summary of course
  - The outcome sought
- Appendices

### **Case statement, which should include, as appropriate:**

Introduction, background to the case, processes followed on calling the original hearing, how the decision was arrived at

- Summary of course
- Recommendations

### **Appendices**

2.1 If papers are 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.

Indicator -7, Chapter –B9:

The policy is reviewed and approved by Academic/ Quality Assurance Board annually for enhancement purpose.