

Higher Education Academic Appeals Procedure

The purpose of this procedure is to:

- ensure that students and staff are aware of a student’s right to appeal an academic decision
- set out clearly the grounds for an HE academic appeal
- detail the procedure and timescale for an HE academic appeal and the roles of staff involved in the process.

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1. Scope

- 1.1. The scope of this policy is higher education programmes – courses at level 4 or above.
- 1.2. The procedure applies to higher education programmes which are subject to Bournemouth and Poole’s College’s process for HE academic appeals - students can check with their Programme Manager or their course handbook directly to confirm whether this procedure applies or one of a partner university or awarding organisation.
- 1.3. This procedure applies to all students on programmes within scope (see 1.2 above) including all current students, those on placement or engaged in work-based learning, or on

an approved leave of absence; and recent students (within 42 calendar days of their final assessment decision or assessment board), giving those having recently left their programme the opportunity to raise issues of appeal.

2. Statement of principles

- 2.1. Bournemouth and Poole College (BPC) is committed to assessment procedures which are open, fair and free from bias and all students have the right to appeal against an internal assessment decision.
- 2.2. An appeal is defined as a request for a review of a decision of an academic body charged with decisions on student progression, assessment and awards. This will be referred to as an **academic appeal**.
- 2.3. This procedure is aligned to the UK Quality Code for Higher Education, OfS ongoing conditions of registration and the good practice framework from the [Office of the Independent Adjudicator \(OIA\)](#).

3. Grounds for an HE academic appeal

- 3.1. The grounds upon which a student may appeal against an assessment decision are limited to the following:
 - The assessment was not conducted in accordance with the higher education regulations for the course, or there was an administrative error or some other significant procedural irregularity that prejudiced the student's performance;
 - There is evidence of bias or a perception of bias; or
 - At the time of the assessment, there existed circumstances which adversely affected the student's performance and which the student was unable to communicate to the assessment board before it reached its decision. In making such a case, the student shall provide valid documentary evidence where appropriate.
- 3.2. The following are not normally considered to be legitimate grounds for an academic appeal:
 - Where a student questions the exercise of academic judgment, that is, the decision made by academic staff on the quality of the work itself or the criteria being applied to mark the work (rather than the administrative marking process);
 - Where there is disagreement about the way extenuating or mitigating circumstances were considered, unless there is clear evidence that the defined procedures were not followed or the recommendation resulting from such procedures was not properly considered.

4. Definitions

- 4.1. **Higher education (HE)** refers to courses at levels 4 and above and includes courses that adhere to BPC's HE Academic Appeals Procedures as set out in the relevant regulations or as stipulated in their awarding body agreement.
- 4.2. **Awarding body** refers to the higher education institution, awarding body or organisation such as Pearson, which awards the qualification the student is studying at Bournemouth and Poole College. Where students have the right of appeal to their awarding body once they have completed the BPC appeal process, this will be confirmed in their Completion of Procedures letter.
- 4.3. The **Completion of Procedures** letter is a formal notification that the College has concluded its processes in relation to an appeal and no further action will be taken by the College in respect of the appeal.

5. HE academic appeals procedure

- 5.1. Bournemouth and Poole College will endeavour to complete the processing of an academic appeal and associated reviews within 90 calendar days. The 90 calendar day timeframe requires students to meet the BPC deadlines for the submission of material. There will be

occasions when, for good reason, BPC will need to extend the timeframe. Where this is the case, The College will notify the student and keep them regularly informed of progress.

5.2. Stage 1 (Early Resolution - Informal):

- 5.2.1. Stage 1 where a student may seek clarification against an assessment decision is an optional, informal stage. This is the early resolution stage of the procedure. Students should contact their Programme Manager or Learning Manager to seek clarification of an assessment decision. College curriculum areas are encouraged to implement positive processes to allow students to clarify concerns informally.
- 5.2.2. Stage 1 provides the opportunity for the student and the Programme Manager or Learning Manager to have a professional discussion regarding the assessment decision made before the student decides to submit a formal appeal. Stage 1 provides an opportunity for resolution through informal means and shall take place, where possible, prior to the commencement of any formal processes.
- 5.2.3. The Programme Manager or Learning Manager should keep written records of the discussions held should the student wish to take their appeal to the formal stage.

5.3. Stage 2 (Formal):

- 5.3.1. Stage 2 where a student submits an academic appeal is the start of the formal stage of the procedure. If the student is dissatisfied with the result of Stage 1, or they decide to progress directly to the formal stage of the process they should submit a written appeal to the Executive Director of Higher Education and Skills.
- 5.3.2. The written appeal from the student, which may be submitted as an email, should state clearly the grounds (see Section 3 above) for the appeal.
- 5.3.3. The formal appeal must be submitted within the academic year of their current studies or within 42 calendar days of the assessment decision and/or board where the award or progression decisions are made. Written appeals must be made by email or letter. Students who have completed their studies with BPC, must submit their formal appeal within 42 calendar days of the final assessment decision or the final assessment board where their award decisions were made.
- 5.3.4. On receipt of a formal HE academic appeal in writing, the Executive Director of Higher Education and Skills 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 be made, is submitted within any deadline and is in the required format.
- 5.3.5. This process may result in:
 - the student being referred to a different procedure
 - the academic appeal proceeding to further consideration
 - the academic appeal being rejected because it is not made under the permissible grounds. Where some parts of the student's academic appeal fall outside the permissible grounds, this will be explained to the student by the Executive Director of Higher Education and Skills.
- 5.3.6. If the academic appeal is accepted for consideration the Executive Director of Higher Education and Skills will undertake the investigation. The Executive Director of Higher Education and Skills will talk to key staff and consider documents and other evidence. Where it is determined that there are grounds for the appeal, the academic appeal may be referred to an Academic Appeal Review Panel.
- 5.3.7. The Executive Director of Higher Education and Skills should respond in writing within 20 term days of receiving the written appeal. The outcome of the formal stage, including any decision to reject the appeal because it is not made under permissible grounds will be communicated to the student in writing, giving a clear

explanation and outlining the reasons for each decision in straightforward language. A written rejection of the appeal will include information about alternative procedures, if relevant (such as The College Complaints Policy) and the opportunity to escalate to Stage 3.

5.3.8. Therefore, at the conclusion of the formal stage (Stage 2) the student will either receive:

- written confirmation that their appeal has been rejected. This will include advice to use a different procedure if appropriate and the opportunity to escalate to Stage 3 if they remain dissatisfied; OR
- confirmation in writing informing them that their academic appeal is referred to Stage 3 - the review stage.

5.4. Stage 3 (Review - Academic Appeal Review Panel):

5.4.1. The review stage is where a student who is dissatisfied with the outcome of Stage 2 appeals to a higher body within Bournemouth and Poole College for a review of the process to ensure that appropriate procedures were followed and that the academic appeal decision was reasonable. This stage does not necessarily require a reconsideration of the issues raised.

5.4.2. Additionally, if the Executive Director of Higher Education and Skills determines that there are grounds for the appeal, an Academic Appeal Review Panel should be held. The Executive Director of Higher Education and Skills should clearly state what is being reviewed and this should be communicated to both the Panel and the student.

5.4.3. The student will be given a minimum of 10 term days' notice of the Academic Appeal Review Panel, how to access advice and support, the right to be accompanied for example by a friend, family member or student union representative and information regarding the composition of the panel.

5.4.4. The Academic Appeal Review Panel shall comprise:

- A member of the College Senior Leadership Team (usually the Vice Principal Curriculum & Quality) who will chair the group
- Executive Director of Higher Education and Skills
- The Higher Education Manager
- Director of Learning or Learning Manager
- An administrator to take notes
- The student
- A representative on behalf of the student such as a friend, family member or students' union representative
- A representative from the Student Inclusion and Support Team.

5.4.5. The Academic Appeal Review Panel will consider:

- Were the relevant procedures followed during the formal stage
- Was the outcome reasonable in all the circumstances
- Has the student received clear reasons why the academic appeal was rejected (not upheld) at the formal stage 2
- If new material evidence has been provided, has the student given valid reasons for not supplying this earlier.

5.4.6. The chair of the Panel shall be responsible for writing to the student to inform them of the outcome of the Panel decision within **20 term days** of the decision being made. This communication will include information related to any actions resulting from the appeals process, regardless of whether the appeal is upheld or not. The student will also receive a Completion of Procedures letter.

6. University validated awards

- 6.1. On receipt of the Completion of Procedures letter from BPC, a student on a university (or university college) validated award may escalate their appeal to the validating institution prior to contacting the Office of the Independent Adjudicator (OIA). Students should refer to their Course Handbook or ask the Programme Manager if they are unsure of the process of doing this.

7. Independent external review

- 7.1. Once the review stage has been completed, and the student has received a Completion of Procedures letter from BPC, eligible students are entitled to ask the Office of the Independent Adjudicator (OIA), to review the outcome of the College's HE academic appeals process. Students should refer to their Course Handbook or ask the Programme Manager if they are unsure of their course's eligibility for the OIA's scheme. A student should normally submit an appeal to the OIA within three months of the date of the Completion of Procedures letter.

8. Disclosure of information

- 8.1. The details of an academic appeal will be circulated to all those who need to see it in order to conduct a proper, fair and thorough investigation. Any member of College staff named in an academic appeal will be informed of the substance of the academic appeal.

9. Support for the student making an academic appeal

- 9.1. Help is available to articulate the academic appeal for all students from a range of College staff such as tutors or, members of the Student Inclusion and Support Team. These members of College staff can advise students how to proceed with their academic appeal.
- 9.2. For students who have declared a disability or learning need, it is important that information is made available in appropriate formats. Information on appeals will be made available to students on request and the College assures that no student will be disadvantaged.

10. How to submit a formal (Stage 2) academic appeal

- 10.1. Formal academic appeals should be submitted:
 - by email to the Executive Director of Higher Education and Skills, carra@bpc.ac.uk. It is recommended that any emails are also copied to heunit@bpc.ac.uk, to minimise delay in case of absence or similar, OR
 - by writing to: Executive Director of Higher Education and Skills, Bournemouth and Poole College, North Road, Poole, BH14 0LS.
- 10.2. Any HE academic appeals sent to the Principal, Executive Office or Board of Governors will be passed to the Executive Director of Higher Education and Skills to investigate and respond.

11. Timescales

- 11.1. Bournemouth and Poole College will endeavour to complete the processing of an HE academic appeal and associated reviews within 90 calendar days. The 90 calendar day timeframe requires students to meet the BPC deadlines for the submission of material. There will be occasions when, for good reason, the College will need to extend the timeframe. Where this is the case, the College will notify the student and keep them regularly informed of progress.
- 11.2. Students may submit a formal academic appeal within the academic year of their current studies or within 42 calendar days of the final assessment decision or assessment board. Written appeals should be made by email or letter (see 10.1 above).
- 11.3. The Executive Director of Higher Education and Skills should respond in writing within 20 term days of receiving the formal appeal. The outcome of the formal stage, including any decision to reject the appeal because it is not made under permissible grounds will be communicated to the student in writing, giving a clear explanation and outlining the reasons

for each decision in straightforward language. The College will comply with the time limits stated, however they will be extended where warranted by particular circumstances of individual cases and where reasonable to do so, the student will be informed in writing accordingly. Students should recognise that it is not always possible to pursue academic appeals in the time limits stated due to, for example, staff annual leave. The College also recognises that there may be similar necessary absences for the student.

- 11.4. The student will be given a minimum of 10 term days' notice of the Academic Appeal Review Panel, how to access advice and support, the right to be accompanied by a friend, family member or students' union representative and information regarding the composition of the Panel.
- 11.5. BPC defines term days as days within published College term dates. Term dates can be found on the College website: www.bpc.co.uk. Formal HE academic appeals may be investigated during holiday periods, but timings may need to be extended.

12. Data protection

- 12.1. Personal data relating to academic appeals will be handled in line with the College's Data Protection Policy. However, students should be aware that it will be necessary, in order to follow the academic appeal through with the appropriate member(s) of staff, that the personal data will be disclosed to the member(s) of staff to allow them to respond to the academic appeal investigation.
- 12.2. Requesting that the academic appeal is kept confidential will make it very difficult to investigate, therefore and if required, a conversation with a member of the Quality Team should be considered. The Quality Team can be contacted on email: quality@bpc.ac.uk. Any personal data that is relayed to other members of staff will only be disclosed to those persons who are directly involved for the purpose of resolving the appeal.

13. Conduct of procedures

- 13.1. The College requires that all academic appeals are dealt with fairly. To secure fairness to all parties, those investigating or deciding on them will act impartially and identify any actual or potential conflict of interest.
- 13.2. The College reserves the right to involve legal representatives where this is deemed appropriate.

14. Recording academic appeals

- 14.1. All HE academic appeals and information/communication relating to an HE academic appeal will be logged by the Executive Director of Higher Education and Skills. Electronic records, following an appeal will be kept for a minimum of 6 years.

15. Correspondence

- 15.1. All students will be advised in writing of the outcome of the investigation of their academic appeal by email and/or letter.

16. Frivolous or vexatious academic appeals

- 16.1. Examples of frivolous or vexatious appeals include:
 - academic appeals which are obsessive, harassing, or repetitive
 - insistence on pursuing non-meritorious academic appeals and/or unrealistic, unreasonable outcomes
 - insistence on pursuing what may be meritorious academic appeals in an unreasonable manner
 - academic appeals which are designed to cause disruption or annoyance
 - demands for redress which lack any serious purpose or value.
- 16.2. In such instances, Bournemouth and Poole College will write to the student explaining why it is terminating consideration of the matter.

17. Communication

17.1. If a student requires assistance in contacting a member of staff or team, they should contact main reception on 01202 205205.

18. Related policies and procedures

18.1. Related policies and procedures can be viewed or downloaded from the College website at: <https://www.thecollege.co.uk/about-us/college-information/college-policies>

- Complaints Policy
- HE Admissions Policy
- HE Mitigating Circumstances Procedures
- Data Protection Policy
- Student Fitness to Study Policy.

19. HE academic appeals procedure flowchart

