

# ***Assessment and Moderation Academic Appeal Procedure for New College Durham, Open University and Pearson Awards***

## **1. Introduction**

All students studying at New College have a right of appeal against academic decisions made by an awarding body that affect their academic progress. This procedure should be used for all Higher Education (HE) programmes. This procedure identifies the grounds of an appeal, the academic appeal process and defines what does not constitute an academic appeal.

Before initiating an academic appeal, students are advised to discuss their concerns with a member of the programme team, Curriculum Manager or Head of School. In addition, advice may be sought from the Students' Union.

## **2. Right of Appeal**

An academic appeal can be made in respect of the following areas relating to the assessment process:

- a. A formal assessment result.
- b. A qualification classification.
- c. A decision taken as a result of unsatisfactory academic progress e.g. a requirement to withdraw from the programme of study.

## **3. Criteria for an Assessment Appeal**

- a. An academic appeal may only be made on the following grounds:
  - i. Procedural errors in the formal conduct of an assessment, or where relevant the Assessment Board, in reaching an academic judgement which do not comply with the published regulations for that programme (Breach of Regulation).
  - ii. Where a student believes that their performance in an assessment was adversely affected by mitigating circumstances and this was not known by the Assessment Board before reaching their decision. The student must be able to provide a satisfactory explanation and evidence for not disclosing this information before results are formally ratified (mitigation).

- iii. That a student's performance in an assessment was adversely affected by an administrative error attributable to the College (maladministration).
- b. The following do not constitute criteria for an academic appeal:
  - i. Dissatisfaction with the academic judgement made by internal assessors and external examiners/verifiers.
  - ii. Dissatisfaction with the decisions of the awarding body/Assessment Board.
  - iii. Complaints made against the College or its staff. Any student who wishes to make a complaint against the College or College staff should do so under the Complaints Policy and Procedure.
  - iv. An appeal against an admissions decision. Any student who wishes to appeal against an admissions decision should do so under the Admissions Appeal Policy and Procedure.

## **4. Implementation**

### **a. Stage 1 – Submission**

A student who wishes to initiate an academic appeal must submit their application for appeal within 10 College days of publication of their result. The application must be submitted on the published form HEQMP 4-7-2-1 either to the University Centre (Neville) Reception or electronically. The student should ensure that they have completed all sections fully and submitted relevant evidence. The student will receive a receipt of submission.

An application will be rejected if incorrect documentation is used, is incomplete and/or supporting evidence is not submitted with the application, unless a justifiable explanation must be provided in the application as to why this is the case and a date clearly given for when evidence will be made available. Evidence submitted late without prior notification will not be submitted to the Academic Appeal Panel.

The Higher Education Development and Quality Unit (HEDQU) will collate the application and evidence and forward to the Vice Principal responsible for Higher Education.

### **b. Stage 2 – Investigation**

On receipt of an academic appeal, within 10 College days, the Vice Principal responsible for Higher Education will:

- i. appoint an independent senior member of College staff from the academic community to carry out an investigation and produce a report related to the academic appeal:

- ii. where the investigating officer provides evidence that there are no grounds for an appeal, the Vice Principal responsible for Higher Education will inform the student, in writing within 5 College days of the decision not to convene an Academic Appeal Panel. Where there is evidence that there are grounds for appeal, the Vice Principal will convene an Academic Appeal Panel and:
  - inform the student in writing of the date, time and venue of the Academic Appeal Panel meeting, at least 10 College days before the panel meeting date;
  - provide the student with a copy of the investigative report at least 5 College days prior to the panel meeting;
  - forward documentation to members of the Academic Appeal Panel.

**c. Stage 3 – Academic Appeal Panel**

- i. The Chair of the panel will:
  - introduce the panel members to the student and explain their role;
  - explain that the role of the Chair is to ensure that appropriate boundaries and respectful conduct are maintained during the meeting and that questions are pertinent;
  - explain the purpose and structure of the meeting;
  - clarify that proceedings are confidential;
  - establish that all parties have received copies of the academic appeal documentation prior to the meeting;
  - explain that the student's representative/companion will be able to confer privately with the student, if the need arises;
  - explain how the outcome will be disseminated.
- ii. The meeting will follow the format:
  - the investigating officer will present their findings of the investigation to the panel;
  - the investigating officer may call and question witnesses;
  - the student and their representative/companion will be given the opportunity to ask questions of the investigating College representative and the witnesses (the witnesses will then be asked to leave);
  - the student and their representative/companion will have the opportunity to respond to the case presented;
  - the student and their representative/companion may call and question witnesses;
  - the investigating officer will be given the opportunity to ask questions of the student and their representative/companion;

- The Chair will ask the investigating officer to summarise the case;
  - The Chair will invite the student and their representative/companion to summarise their response;
  - all members of the Panel can ask questions of the investigating officer, the student and their representative/companion and any witnesses called and may recall the parties or witnesses at any time during the hearing;
  - the Chair may adjourn or postpone the hearing where it is reasonable to do so or where further enquiries need to be made before a decision can be reached;
  - the deliberations of the Academic Appeal Panel must be made without either the student, and companion or representative, or the investigating officer present.
- iii. The Academic Appeal Panel shall decide either;
- that it confirms the original decision of the Assessment Board that made the progression, assessment, or award decision, or
  - that it requires the Assessment Board to reconsider its decision in the light of the outcome of the Academic Appeal Panel.
- iv. The student will be notified in writing, usually by e-mail and within 5 College days of the meeting of the decision and reasoning of the Academic Appeal Panel.
- v. A student who is studying on a programme validated by the Open University who is dissatisfied with the decision of the Academic Appeal Panel, may refer their complaint to the Open University.
- vi. Students studying on programmes other than Open University who are dissatisfied with the decision of the Academic Appeals Panel may refer the matter to the Office of the Independent Adjudicator (OIA).
- vii. Where the Panel requires the Assessment Board to reconsider their decision, the Chair of the Assessment Board will be sent a copy of the report from the Academic Appeal Panel.

## 5. Appeal Panel Composition

The Academic Appeal Panel shall comprise the following:

- a. Vice Principal responsible for Higher Education (or representative) (Chair);
- b. 2 x members of Academic Board, or its sub-group, HE Academic Standards and Quality Board;
- c. 1 x HEDQU Representative;
- d. the Student Union President, or a delegate student representative, but excluding any student whose programme is subject to the decisions of

the relevant Board making the progression, assessment, or award decision.

No member of the Academic Appeal Panel shall be a member of the School concerned or have been involved in the Assessment Board.

## **6. Student Representation**

A student must be notified of the date of the Academic Appeal Panel at least 10 College days prior to it taking place and advised of their right to be accompanied or represented at all stages of the process provided that the companion or representative is not a professionally contracted advocate.

The student should be forwarded, prior to the Academic Appeal Panel, copies of all investigative reports relating to their appeal.

## **7. Associated College Documentation**

Academic Appeals Policy

Student Application for an Academic Appeal – HEQMP 4-7-2-1

Flow Chart of Appeal Procedure (appendix 1)

Appendix 1 – Procedure for Academic Appeal

## Appendix 1

The following diagram outlines the stages of an Academic Appeal. Students and staff are advised to read the corresponding Policy and Procedure documents as they provide more detail on the procedure, roles and responsibilities of all parties.

<b>Stage 1 - Submission</b>	<p>A student who wishes to make an academic appeal must do so within 10 College days of receipt of assessment results.</p> <p>The document HEQMP 4-7-2-1 must be used and be completed in full, with evidence attached or an explanation why evidence has not been included. Forms can be submitted to the University Centre (Neville) Reception or electronically. A receipt will be given to the student. HEDQU will collate the application and forward to the Principal responsible for Higher Education.</p>
<b>Stage 2 - Investigation</b>	<p>If the correct documentation has been submitted, the Principal will:</p> <ul style="list-style-type: none"> <li>• appoint an independent senior member of staff from the academic community to carry out an investigation and produce a report;</li> <li>• convene an Academic Appeal Panel;</li> <li>• inform the student in writing of the details and date of the Academic Appeal Panel at least 10 College days prior;</li> <li>• provide the student with a copy of the investigative report 5 College days before the panel meets;</li> <li>• forward the report and relevant accompanying documentation to the Academic Appeal Panel members.</li> </ul>
<b>Stage 3 – Academic Appeal Panel</b>	<p>An Academic Appeal Panel is held and the student informed of the decision of the Panel within 5 College days.</p>