



# DERBY COLLEGE GROUP POLICY

## HE Academic Appeals Policy

Policy Number:	HED-003
Executive Owner:	Deputy CEO
Owning Strategy / Department:	Higher Education
Approval Board / Committee / Group:	HE Academic Board
User Group:	All students on a Higher Education programme
Relevant To:	As above
Implementation Date:	July 2019
Approval Date:	November 2020
Expiry Date:	December 2021
Next Review Start Date:	September 2021

Date:	September 2020
Originator:	Director of Higher Education
Area:	Higher Education

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**POLICY - PROCEDURES - GUIDELINES - RELATED DOCUMENTS**

## Policy Accountability and Implementation

Policy Title: HE Academic Appeals Policy  
 Policy Author / Reviewers: Director of Higher Education, Director of Quality Compliance  
 Policy Implementation: Director of Higher Education  
 Policy Monitoring and Compliance: Director of Higher Education, Director of Quality Compliance  
 Policy Review Timeline: Annually

### Synopsis:

The College operates a rigorous system of internal moderation to guarantee fair assessment that complies with awarding body requirements. It is recognised, however, that there could be exceptional circumstances when individual students or groups may wish to appeal against recommendations or decisions relating to assessment.

## Policy Classification and Publication

### Classification

- Not Classified (NA)

### Publication

- Intranet – Policy portal
- Website – HE page

### Empowering/related legislative and/or authoritative references:

UK Quality Code for Higher Education

## Periodic Policy Review / Change History

*Note: Please make it clear if change/review relates to procedures, guidelines and associated documents only or it is a rational for a new or substantive policy review*

Version	Reviewed / Modified by:	Change History	Advisory committee / groups or specialists	Review / Meeting Date/s
V1	Director of Quality and Director of Higher Education	Agreed policy	HE Academic Board	July 2019
V2	Director of Higher Education	Full review, minor amends – title change in Section 5 Responsibilities. Section 10 Templates/Forms; reference added to Academic Appeal form (webform on HE website and internal VLE)	HE Academic Board	November 2020

## **EQUALITY AND DIVERSITY STATEMENT**

Derby College Group strives to treat all its members and visitors fairly and aims to eliminate unjustifiable discrimination on the grounds of gender, race, nationality, ethnic or national origin, political beliefs or practices, disability, marital status, family circumstances, sexual orientation, spent criminal convictions, age or any other inappropriate grounds.

### **1. Policy Statement**

It is the policy of the College to develop and maintain assessment procedures that are fair, reliable and open to scrutiny.

The College operates a rigorous system of internal moderation to guarantee fair assessment that complies with awarding body requirements. It is recognised, however, that there could be exceptional circumstances when individual students or groups may wish to appeal against recommendations or decisions relating to assessment. The following appeals procedure outlines the action that may be taken in such circumstances.

In all cases the College's academic appeal process supports and supplements the appeal process for all awarding organisations/institutions. While students are required to follow the College's internal Academic Appeals Policy in the first instance, students have a final right of appeal directly to the relevant awarding organisation/institution.

For Pearson Higher Nationals, the student may request support from the Quality Nominee in order to access and understand the awarding organisation's appeals process. Likewise, the Higher Education and Higher Levels Skills Manager is available to provide similar support for appeals related to University validated programmes.

It is important that students ensure that any circumstance which they feel could adversely affect their performance is recorded in accordance with the published procedures and within the deadlines set down in those procedures:

- Mitigating Circumstances
- Late Submission
- Complaints

It is unlikely that an appeal on this basis will be successful if the student has not reported it and followed the appropriate procedures.

The College expects that students appreciate that appeals will not always result in their preferred conclusion. Regardless of the decision, a student will be informed of the outcome of a formal appeal and the reasons for it.

### **2. Definitions**

This document sets out the College policy on academic appeals and applies to all students of Derby College. It sets out the grounds for appeal, making an appeal, appeals procedure and reporting.

An appeal is a request from a student that an assessment result or a decision of a Board of Examiners should be reviewed because it is believed that an injustice has occurred.

Complaints expressing about an aspect of a service or facility are covered by the College's Complaints Procedure.

### 3. Principles

The College will, in considering appeals observe the rules of natural justice and procedural fairness, namely:

- (a) That whoever takes decisions should be impartial, meaning that there should be no personal interest in the outcome of the case and there should be no real likelihood of bias on the part of any member of the Appeal Panel.
- (b) Anybody with the power to reach a decision must be able to consider the case fully in the light of all the evidence available. Consequently, the Appeal Panel is empowered to consider all appeals and to make a final decision on them, without reference back to the Board of Examiners.

Where a student has declared a disability to the College, the College will endeavour to ensure that information is available to them at all stages of the procedure in appropriate formats, and that any reasonable adjustments are made to the associated proceedings to accommodate the student's needs.

Any student who submits an appeal to the Appeal Panel (which will be via the Academic Quality and Standards Committee) will normally be permitted to continue in attendance on the programme for which they are registered, pending the outcome of the appeal. A student appealing a decision which relates to a final award may be able to attend an award ceremony where an award has been confirmed if they wish. Attendance will not prejudice the appeal. Subsequently, if the outcome of the appeal permits the student to receive a different classification of degree or a different award, the student will be required to return any original award certificate obtained before receiving a revised award certificate.

The student has the right to be accompanied by a representative, who is not acting in a legal capacity, at any meeting arranged to discuss the academic appeal. The representative is there to provide advice and support the student, not to act on their behalf. The representative must be a member of the College, i.e.:

- (i) a registered student;
- (ii) a member of staff either of the College of the awarding institution;
- (iii) a member of staff or Sabbatical Officer of the Students Union.

Where these procedures state that certain actions will be taken within a specified timescale, and this is not possible (e.g. because of the timing or because key information takes longer to obtain) students will be kept fully informed of the progress of their appeal.

### 4. Scope and Limitations

This policy is applicable to all Higher Education programmes that are not subject to an Academic Appeals Policy set by an awarding organisation/institution other than in those circumstances when there is a final right of appeal to the awarding organisation/institution. In such cases, once the College Appeals procedures have been exhausted, the student is entitled to make an appeal to the awarding organisation/institution. This applies to:

- Higher National programmes
- Honours degrees
- Degrees (non honours)
- Foundation degrees
- Short course at HE Levels 4 to 7

The College bases its Academic Appeals Policy and procedures on the principles of: transparency; consistency; validity; reliability and fairness and has been guided by the UK Quality Code for Higher Education, *Concerns, Complaints and Appeals* and meets the following Core Practice:

- (a) *Providers have formal mechanisms for handling appeals.*

Students can only appeal against an assessment result or a decision of a Board of Examiners for one or more of the following reasons:

- That the student's performance in an assessment suffered through illness or other compelling circumstances which could not have been reasonably reported at the time of the assessment; students who base an appeal on this ground will be expected to show why the circumstances could not have been reported earlier.
- That the assessment was not carried out in accordance with the programme and/or module regulations and procedures.
- That the administrative procedures were not correctly followed or that a significant mistake was made in the administrative process. Such error could include, for example:
  - omission of an assessment or mark;
  - incorrect aggregation of assessment marks;
  - incorrect application of any special assessment conditions or penalties that may apply to the case.
- Previously reported circumstances which may have significantly affected the students' performance were not considered by one or more of the following:
  - (a) The assessor(s)
  - (b) The Board of Examiners

A student may not make an appeal to the Appeal Panel on the grounds that:

- (i) They did not understand or were unaware of the published assessment regulations and procedures for a module, subject or programme.
- (ii) They disagree with the academic or professional judgement in assessing the merits of an individual piece of work, or in reaching any assessment decision based on the marks, grades, progression or award. Academic judgement is considered to include:
  - (a) the confirmed assessment mark/grade;
  - (b) a requirement to repeat, resit, or take no further assessments;
  - (c) the circumstances of such e.g. with or without attendance, and or as first or repeat attempts;
  - (d) the class/level of award recommended.
- (iii) They failed to submit a claim of mitigating circumstances, and therefore to draw such circumstances to the attention of the College prior to the meeting of the relevant Board of Examiners or wish to challenge the outcome of a claim of mitigating circumstances. Claims relating to the consideration of Mitigating Circumstances are the subject of separate Mitigating Circumstances Policy.

## **5. Responsibilities**

Responsibility for this document rests with the Director of Higher Education.

The Director of Higher Education will track all cases of Academic Appeals and will submit an annual report to the Senior Management Team summarising the cases. When requested, details of all Academic Appeals will be provided to the Higher Education Institution (HEI) with whom the students are ultimately registered with.

## **6. Implementation Arrangements**

The arrangements that outlined below build on previous good practice and seek to provide additional impetus and coherence.

All new members of staff are made aware of the policy and procedures during the formal employee induction process.

The policy is published via the staff policy portal, is available to students via the student VLE and is accessible via the Derby College Group website. This policy can be provided in alternative formats on request.

Any updates or amendments to the policy and procedures are disseminated to the Leadership and Management team and communicated to team members.

## **7. Monitoring and Review**

The policy and procedure is subject to regular review. It will be reviewed on a three year cycle with an annual appraisal of procedures and documentation. Review will take into account the views of students and stakeholders. DCG reserves the right to make whatever changes it deems appropriate.

## **8. Guidelines**

There are no specific guidelines in relation to this policy, all relevant information is contained within the HE Academic Appeals Procedure

## **9. Procedures**

HE Academic Appeals Procedure

- The Academic Appeal Process
  - Stage 1 Informal Procedure
  - Stage 2 Formal Procedure
  - Academic Appeal Panel
  - Stage 3 Review
- Action following the completion of Stage 3
- Flowchart

## **10. Templates / Forms**

Students can submit an Academic Appeal via a webform found on the HE website page of the college, and from their VLE pages.

## **11. Related Documents**

This policy should be read in conjunction with the following documents:

- HE Academic Misconduct
- HE Assessment and Feedback Policy
- HE Internal Moderation Policy