

| | |
|-----------------------------|--------------------|
| Owner: | Academic Registrar |
| Version number: | 7.1 |
| Effective date: | October 2022 |
| Date of last review: | April 2022 |
| Due for review: | 2022/23 |

This document is part of the Academic Regulations, Policies and Procedures which govern the University's academic provision. Each document has a unique document number to indicate which section of the series it belongs to.

11A - Academic Appeals: Policy and Procedure for Taught Awards

CONTENTS

| | |
|--|---|
| 1. SCOPE AND PURPOSE..... | 1 |
| 2. KEY RESPONSIBILITIES..... | 2 |
| 3. LINKS TO OTHER BU DOCUMENTS..... | 2 |
| 4. GENERAL PRINCIPLES | 2 |
| 5. DEFINITIONS..... | 3 |
| 6. STUDENT RIGHTS..... | 4 |
| 7. APPLICATION | 4 |
| 8. REVIEW BY THE OFFICE OF THE INDEPENDENT ADJUDICATOR | 7 |
| 9. MONITORING, EVALUATION AND REVIEW | 7 |
| 10. REFERENCES AND FURTHER INFORMATION | 7 |
| 11. APPENDICES | 8 |

1. SCOPE AND PURPOSE

- 1.1 This policy and procedure is intended for Bournemouth University (BU) staff and students (including those enrolled on programmes delivered at academic partners) and recent students/graduates on taught programmes of study. *11C - Academic Appeals: Policy and Procedure for Research Awards* outlines the Appeals process for postgraduate research programmes.
- 1.2 This policy and procedure is for use when a student or a recent graduate wishes to Appeal against an assessment outcome. Academic Appeals from recent students/graduates are subject to the timescales contained within this document.
- 1.3 This policy and procedure relates to all forms of academic assessment for taught awards, whether by examination, written assignment, presentation or any other assessment method specified in the assessment guidelines. In certain cases the assessment may also refer to a period(s) of supervised work experience.
- 1.4 This policy and procedure does not apply to non-integrated ESFA funded apprenticeship programmes where the End Point Assessment is undertaken by an external organisation. Apprentices who wish to appeal the decision of an external End Point Assessment Organisation should contact the relevant EPAO, or the ESFA helpdesk on 08000 150400 or nationalhelpdesk@apprenticeships.gov.uk.

Students, please note that if you are Appealing against an academic decision on the basis of Exceptional Circumstances that may have affected your grade(s), the University can only consider this if you had a valid reason for not raising this at the appropriate time as indicated in *6J - Exceptional Circumstances including Extensions: Policy and Procedure*. If you are not sure what this means for you, please contact SUBU Advice.

The University makes every effort to support students and appreciates that submitting an Appeal may be considered a difficult undertaking. The University provides support which is freely available to help you through any issues you may be experiencing.

Please have a look at the information and resources located on the [Health & wellbeing](#) webpages including the [A-Z of Resources](#).

2. KEY RESPONSIBILITIES

- 2.1 Responsibility for the management and implementation of this policy and procedure lies with the Academic Registrar.
- 2.2 **Students** are responsible for familiarising themselves with this Policy and Procedure and for acting in accordance with it as required. It is the responsibility of students to seek clarification if necessary.
- 2.3 **Senate** approves new policies or amendments to existing policies relating to academic appeals.
- 2.4 **Academic Standards and Education Committee (ASEC)** considers the effectiveness of the arrangements for academic appeals and recommends changes to current policy to Senate.
- 2.5 **Faculties** are responsible for ensuring that students are informed of the principles of this policy and procedure. The relevant Faculty Education Service Manager co-ordinates the Formal Stage of the procedure for Appeals from BU students and also for students on BU franchised / validated programmes at Partners

Programme teams are responsible for ensuring that guidelines relating to assessment are provided to all students within the relevant handbooks and for ensuring that these are reviewed annually. Programme teams are also responsible for cooperating with formal appeals process and for providing any additional documentation or comment that may be requested.

- 2.6 **Academic Quality** is responsible for coordinating the Review Stage of the procedure for Appeals from BU and partner students. Academic Quality is also responsible for providing advice and guidance to staff involved with the procedures.

3. LINKS TO OTHER BU DOCUMENTS

- 3.1 Other documents with direct relevance to this one are:
- [6A - Standard Assessment Regulations](#)
 - [6J - Exceptional Circumstances including Extensions: Policy and Procedure](#)
 - [11F - Student Complaints: Policy and Procedure](#)
 - [11L - Third Party Involvement: Procedure](#)
 - [Students Examination Procedures Handbook](#)
 - [Dignity and Respect \(Harassment\) Policy and Procedure](#)
 - [Unacceptable Behaviour: Policy and Procedure](#)
 - [Important Information \(Student-facing Policies and Procedures\)](#)

Policy

4. GENERAL PRINCIPLES

- 4.1 The University takes all Appeals seriously and students will not suffer any disadvantage or recrimination by making an appeal in good faith. Where, however, an Appeal is believed to be frivolous, vexatious or motivated by malice, disciplinary action may be taken against the student under the relevant disciplinary policy.
- 4.2 This policy also extends to cover all apprentices undertaking an apprenticeship where BU is the main provider, where their application has been accepted, and they and their employer have returned the signed and dated Commitment Statement. For the purpose of this policy, all apprentices are considered students.
- 4.3 The University is committed to the fair and equal treatment of all individuals regardless of gender, age, disability, colour, race, ethnic or national origin, socio-economic group, sexual orientation, marital status, family responsibilities, religious or political beliefs.
- 4.4 The University is committed to ensuring that the Appeal is dealt with independently and

without bias. The decision maker at each stage will be a different person, thus ensuring independence and the removal of the perception that any bias may have occurred. However, staff who have been involved at earlier stages may be required to provide evidence and information relating to the case.

- 4.5 The University will deal with all Appeals in a timely manner and will ensure that students (and recent graduates) are communicated to with regards their case on a regular basis. Where the University needs to go outside of the timelines stipulated in this policy and procedure (e.g., due to staff sickness or the complexity of a case) this will be communicated to the student in a timely manner.
- 4.6 Where a student has exceptional circumstances, the processes set out in this document can be delayed at any point upon a student's request, otherwise the normal timeframes apply. Any request is expected to be supported by verifiable evidence.
- 4.7 When reaching an outcome, the University will check to ensure it has properly applied its policies and procedures, and whether it has acted reasonably and fairly at all stages. Where an Appeal is upheld, the University will seek to correct any mistakes or misunderstandings and will take any other action as appropriate. Where an Appeal is not upheld the reasons for the decision will be provided.
- 4.8 Where an Appeal is brought by a group of students is upheld, the University will consider whether it is fair to extend any remedy to other students affected by the same issue(s) even if they have not raised an issue with the University.
- 4.9 If the student wishes to make a Complaint at the same time as an Appeal, both will be dealt with concurrently. If this is not practicable, the Complaint will be dealt with under *11F - Student Complaints: Policy and Procedure* before the Appeal is considered.
- 4.10 Where a student is also subject to a University procedure (whilst pursuing an Academic Appeal) such as (but not limited to) Fitness to Practice/Study or a Disciplinary Procedure, the University will determine which Procedure takes precedence. The student will be kept informed at all stages.
- 4.11 This document is an internal procedure and is not a legal process. The University strongly advises students to use the services of the [SUBU Advice](#) team who are independent from the University and have a full understanding of the university's processes and procedures. BU does not normally use legal professionals in the handling of cases and does not expect that students will need to do so either. The engagement of legal professionals by students to represent them in the appeals process is normally not permitted.
- 4.12 Students can choose to be supported or represented by a third party (but not normally a legal advisor) at each stage. However, the University will not investigate an Appeal made on the student's behalf by a third party unless they have appointed the third party as their representative to manage the Appeal on their behalf. Please refer to *11L - Third Party Involvement: Procedure* for further details.
- 4.13 Evidence in the form of a covert recording will not normally be admissible. Should a student wish to submit any covert recording as evidence at any stage of the procedure, it would be considered on a case by case basis.

5. DEFINITIONS

- 5.1 The University defines an Academic Appeal as: **a request for a review of a decision of an Assessment Board charged with making decisions on student progression, assessment and awards.**
- 5.2 An Academic Appeal (taught awards) can only be considered on the following grounds:

1. there has been a material irregularity or significant administrative error in the assessment process;
2. the assessment was not conducted in accordance with the regulations for the programme;
3. a student's performance in assessment has been affected by illness or other factors which, for valid reason(s), they were unable to divulge before the meeting of the Assessment Board (see *6J - Exceptional Circumstances including Extensions: Policy and Procedure*);
4. bias or the perception of bias in the assessment process / consideration of the Appeal.

Disagreement with the academic judgement of the examiners assessing the merits of an individual piece of work or in reaching any decision based on the marks, grades and other information relating to a candidate's performance does not in itself constitute acceptable grounds for making an academic appeal.

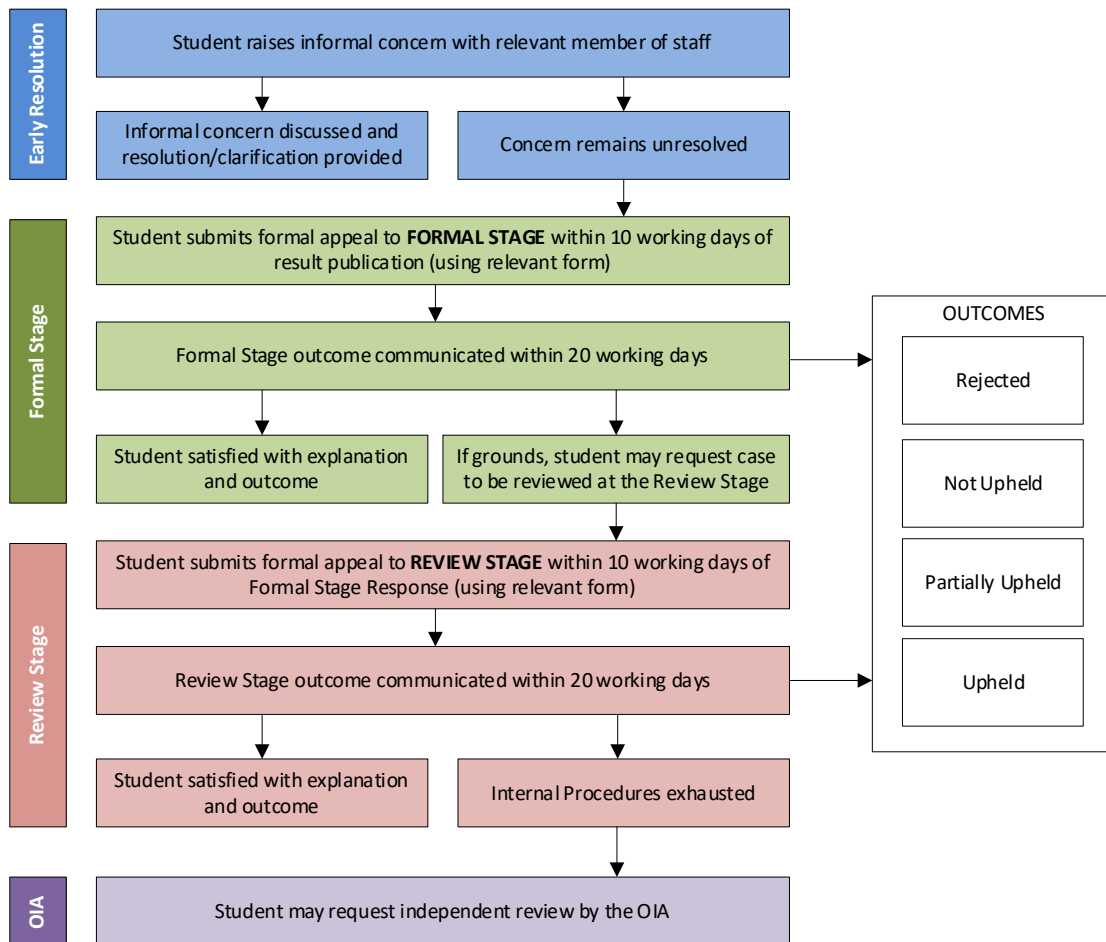
- 5.3 Those involved in consideration of Appeals at all stages will not attempt to re-examine the student, nor to appraise the professional academic judgement of the examiners, but will consider whether the decision of the Assessment Board was fair and whether all relevant factors were taken into account

6. STUDENT RIGHTS

- 6.1 Students pursuing an Appeal through this policy and procedure will be entitled to apply for access to personal data by making a subject access request in accordance with the data protection legislation. Further information about data protection rights can be found on the [Data protection and privacy page of the BU website](#). This includes a subject access request form which will help you submit your response in writing.
- 6.2 Where a student's enrolment status is changed following withdrawal, and they are appealing against this decision, they will be entitled to an agreed period of time to access their IT account in order to gather anything required for their appeal before it will be suspended. This can be arranged via the IT Service Desk.
- 6.3 Students should be aware that even when an Appeal is successful, all students still need to complete and pass all elements of their work before progressing to the next stage of their programme.
- 6.4 A student may not have a degree or other academic qualification conferred until all their outstanding examination or assessment Appeals have been resolved.

7. APPLICATION

- 7.1 A student may Appeal against a decision of an Assessment Board providing they can demonstrate that they have grounds as outlined in 5.2. Appeals may be made on multiple grounds.
- 7.2 Where an Academic Appeal is brought by a group of students, normally one student should be prepared to identify themselves as spokesperson and correspondent. All students must agree in writing to the spokesperson acting on their behalf. The University will communicate through the nominated spokesperson and will expect them to liaise with other students. Each member of the group must confirm and be able to demonstrate that they have been personally affected by the matter that is the subject of the Appeal.
- 7.3 The diagram below gives an overview of the Appeal process:



7.4 Early Resolution

7.4.1 The University's academic appeals procedure includes the provision for the early and informal resolution of any concerns that students may have at a local level relating to assessment outcomes, enabling concerns to be dealt with swiftly before these are escalated into a formal appeal.

7.4.2 Students are therefore encouraged to discuss any concerns relating to their assessment outcomes (e.g. feedback/marks) during the year with an appropriate member of their programme team in the first instance, so the right person can look into the issue raised. Concerns at this stage should be made either in-person or in writing. Advice can be sought from the Students' Union.

7.4.3 Key principles of early resolution:

- Early resolution has the potential to arrive at similar resolutions as those derived through the formal process.
- Academic appeals may not always be readily amenable to early resolution because core academic judgment will not be open to challenge.
- Where appropriate, any meeting with students should normally be arranged within **five working days** of a concern being raised.
- Attempts for early resolution should be completed during the year and within **10 working days** of the publication of the results of the Assessment Board, with an emphasis on students to raise concerns in a timely manner as to ensure any formal appeal is not submitted outside of published deadlines (see 7.5).

7.5 Formal Stage

- 7.5.1 If a student's concern cannot be clarified by early resolution, students have the opportunity to submit an appeal to the Formal Stage.
- 7.5.2 Appeals at this point should be addressed in the first instance within the Faculty using the Appeals Form (Appendix 1). This form must be submitted **within 10 working days** of the publication of the results of the Assessment Board. Where a student wishes to make an Appeal outside of this timescale, they will need to provide an explanation of why they were unable to keep within this timescale and provide evidence to support this. Students must include any relevant evidence to support the Appeal. The provision of any additional evidence after submitting a formal appeal may impact the response timescales, as per 7.5.4.
- 7.5.3 On receipt of a formal academic appeal, the Faculty will consider whether the appeal is admissible on the grounds stated in paragraph 5.2 above and reserves the right to reject any appeal that is not within the scope of these grounds. In these cases, the student will be provided an explanation of why their appeal has been rejected.
- 7.5.4 Whilst every effort will be made to deal with Appeals in a timely manner, Appellants should normally expect to receive a written response **within 20 working days** of receipt of their Appeal. Students will be informed of any delay, with a reason for the delay and revised timescales provided.
- 7.5.5 The outcome of the Appeal will be one of the following:
- **Rejected** - the Appeal does not fall within the grounds outlined in 5.2 OR has been submitted outside of the 10 working day deadline and no evidence was submitted to support a valid reason for submitting outside of the deadline.
 - **Not Upheld** - The Appeal has been investigated but there is no evidence to support the grounds upon which the Appeal was made.
 - **Partially upheld** - The Appeal has been investigated and it is found that one or more elements of the Appeal have been substantiated.
 - **Upheld** - The Appeal has been investigated and it is found that the grounds of the Appeal have been fully substantiated.
- 7.5.6 All appellants who have received an outcome from a Formal Stage Appeal have the opportunity to request that their case is considered at the Review Stage, provided there are valid grounds as outlined in 7.6.1.

7.6 Review Stage

- 7.6.1 If a student is dissatisfied with the outcome of the Formal Stage, they may request a review of their appeal on the following grounds:
- there have been material irregularities in the application of the University's policies and procedures for considering the student's Appeal at an earlier stage of the process;
 - the student has provided new and relevant evidence in support of their Appeal which, for valid reason, they had not been able to supply at an earlier stage of the process;
 - the outcome of the Formal Stage is deemed to be unreasonable under the circumstances.
- 7.6.2 The Review Stage will not consider the issues raised in the original appeal afresh nor involve a further investigation. New points of appeal, including additional grounds, may not be raised at the Review Stage.
- 7.6.3 A student seeking consideration at the Review Stage must submit their request within **10 working days** of the date of the Formal Stage response. The request should be addressed to Academic Quality and demonstrate how their request meets the grounds upon which a review may be brought as outlined in 7.6.1.
- 7.6.4 On receipt of the request, Academic Quality will consider whether the appeal is admissible

on the grounds stated in paragraph 7.6.1 above and reserves the right to reject any request that is not within the scope of these grounds. In these cases, the student will be provided an explanation of why their appeal has been rejected.

- 7.6.5 The Review Stage will normally be completed with a response in writing **within 20 working days** of receiving the request. The outcome will be in line with section 7.5.5 above. When reaching an outcome, the Review Stage may refer a matter back to the Formal Stage for reconsideration. Students will be informed of any delay, Students will be informed of any delay, with a reason for the delay and revised timescales provided.

8. REVIEW BY THE OFFICE OF THE INDEPENDENT ADJUDICATOR

- 8.1 The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints, in which BU is a member of this scheme. If you are unhappy with an outcome, you may be able to ask the OIA to review your appeal. You can find more information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right if something has gone wrong here: <https://www.oiahe.org.uk/students/>.
- 8.2 You normally need to have completed BU's procedures before you complain to the OIA. We will send you a letter called a "Completion of Procedures Letter" when you have reached the end of our processes and there are no further steps you can take internally. If your appeal is not upheld, we will issue you with a Completion of Procedures Letter automatically. If your appeal is upheld or partially upheld, you can ask for a Completion of Procedures Letter if you want one. You can find more information about Completion of Procedures Letters and when you should expect to receive one here: <https://www.oiahe.org.uk/providers/completion-of-procedures-letters/>.
- 8.3 Students on apprenticeship programmes where BU is the main provider may also seek advice from or complain to the Education and Skills Funding Agency (ESFA). The ESFA helpdesk can be contacted directly using 08000 150400 or email nationalhelpdesk@apprenticeships.gov.uk. Apprentices can access details of the ESFA's procedures at: <https://www.gov.uk/government/publications/complaints-about-post-16-education-and-training-provision-funded-by-esfa/complaints-about-post-16-education-and-training-provision-funded-by-esfa> .

9. MONITORING, EVALUATION AND REVIEW

- 9.1 Faculties are required to keep records of Appeals considered at the Formal Stage and will report on these on an annual basis.
- 9.2 Academic Quality will report on all appeal cases annually to the University Board. The purpose of this report is to ensure appropriate monitoring, evaluation and review of the Appeals process. The report will also outline any recommendations for amendments to practice based on the data collated. Academic Quality will ensure that all such recommendations are considered in a timely manner.

General

10. REFERENCES AND FURTHER INFORMATION

- 10.1 [Office of the Independent Adjudicator – Good Practice Framework](#)
[The UK Quality Code for Higher Education](#)
- 10.2 This policy was reviewed according to the University's [Equality Analysis Procedure](#) in May 2022.
- 10.3 If you would like this document in a different format please email appeals@bournemouth.ac.uk.

11. APPENDICES

Appendix 1 – [Academic Appeals Form](#)