

St Padarn's Institute Academic Appeals Policy and Procedure

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ST PADARN'S INSTITUTE

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2. Policy Framework

This policy has been developed in accordance with the following regulations, policies and procedures. This list is not exhaustive:

- St Padarn's Institute Programme Handbooks
- University of Wales, Trinity Saint David Academic Quality Handbook
- Cardiff University Academic Regulations Handbook
- St Padarn's Institute Learning Support Policy
- St Padarn's Institute Marking and Moderation Policy
- St Padarn's Institute Equality and Diversity Policy
- St Padarn's Institute Data Protection Policy
- QAA UK Quality Code for Higher Education – Advice and Guidance: Concerns, complaints, and appeals.

3. Introduction

- 3.1** The aim of the Academic Appeals process is to provide you with a mechanism for appealing against what you consider to be an unfair procedure in assessment.
- 3.2** An academic appeal is defined as *"A request for a review of a decision of an academic body charged with making decisions on learner progress, assessment and awards."*¹ It only relates to the outcome of learners' progression, an assessment, examination or award, and not to dissatisfaction with their administration.

Please note that you may not appeal simply because you do not agree with the marker's academic judgement.

4. Principles of Policy

- 4.1** We aim to respond to any enquiry or appeal confidentially, fairly and promptly and in accordance with the Institute's Equality and Diversity Policy. Staff aim to be courteous to the complainant, responding positively and, wherever possible, offering constructive solutions.
- 4.2** All appeals will be managed in a sensitive way and with due regard to data protection issues. Whilst it is understood that complainants may wish some evidence (e.g. a witness statement or medical evidence) to remain confidential, this may not always be possible without hampering a thorough investigation of the facts. In these circumstances the Institute will discuss with the complainant the best way to approach the submission of evidence.
- 4.3** Parties to an investigation will be offered support by their Personal Tutor. Parties may also choose to be accompanied by, or represented at any meetings by, a supportive friend. This must be someone independent of the circumstances that gave rise to the meeting and therefore not be the person offering them pastoral support through the process.
- 4.4** A detailed record will be kept of all formal investigations, appeals or reviews.
- 4.5** The processing of the formal appeal and any subsequent review should take no longer than 30 calendar days. This requires the learner to meet any deadlines for the submission of material.
- 4.6** Appeals involving more than one issue may, in some cases, require the resolution of one issue before dealing with another. This may necessitate having a discussion with the complainant regarding the best way to resolve the whole

situation satisfactorily.

- 4.7** The complainant will always be informed, in writing, of the outcome of an investigation or appeal and with reasons given for the decision which has been reached. The complainant will be informed at the same time of any further appeal processes which may still be available to them.
- 4.8** Any review will be heard by someone who was not involved in the original investigation and will occur according to the timescales given. You will be informed if there is going to be any unavoidable delay.
- 4.9** No-one will be disadvantaged by making an appeal.
- 4.10** The appeal may be withdrawn without prejudice at any time during the process. The Institute must be informed in writing.

5. Appealing about a Module Mark

5.1 Grounds for Appeal

You can appeal only on the following grounds:

- 5.1.1** That there has been an arithmetical or other factual error in the published results.
- 5.1.2** That, the Examining Board failed to take appropriate action to implement an Extenuating Circumstances decision or the University was unaware of extenuating circumstances which adversely affected the learner's performance (and there is independent evidence to show compelling reasons why the University was not made aware of these circumstances in a timely manner).
- 5.1.3** That there were defects or irregularities in the conduct of the assessments or in written advice relating thereto of such a nature as to create reasonable possibility that the result may have been different had they not occurred.
- 5.1.4** Appeals which are made on any grounds other than those listed above (including those which question the academic judgement of examiners) shall not be admissible.

5.2 Inadmissible Reasons for Appeal

- 5.2.1 An appeal against a module mark cannot be made simply because you do not agree with the mark awarded (*academic grounds*).
- 5.2.2 An appeal cannot be made on the grounds of unawareness of the published assessment regulations (e.g. word count, submission deadline, etc).
- 5.2.3 Where you disagree with the conclusions reached by the committee which considered your submission of extenuating circumstances.

5.3 Process for Appealing about a Mark

If you think that your appeal meets any of the admissible criteria, you can appeal by contacting, in the first instance, the Director of Operations at St Padarn's Institute.

The Director of Operations, or their nominee, will direct you to the correct forms and advise you of the process to make an appeal to the appropriate validating university.

- Appeals to Cardiff University should be made within 28 calendar days of the notification of the mark.
- Appeals to University of Wales, Trinity, Saint David should be made within 15 working days of the notification of the mark.

Appeals received after the above deadlines will be deemed to be out of time and may not be considered unless there is independent evidence to show compelling reasons as to why the appeal was not submitted in a timely manner.

6. Notification of Outcome of Appeal

The university will inform the applicant of the outcome of an appeal in writing.

On receipt of an Appeal Outcome Letter, if the appellant is not satisfied with the decision or remedy then there may be grounds to appeal to the university for the decision to be reviewed.

7. Appeals to External Bodies

7.1 It will usually only be possible to appeal to an external body against the final decision if the university has either not followed its own procedures properly or it has not dealt with the appeal fairly.

7.2 It is only possible to make an appeal to an external body after all the internal appeal and review procedures have been exhausted.

7.3 Appealing to the Office of the Independent Adjudicator

Once a learner has completed all the internal procedures in relation to an Academic Appeal, if still they remain dissatisfied with how the appeal was handled, they may be able to complain to the Office of the Independent Adjudicator for Higher Education (OIA) by contacting them at: www.oiahe.org.uk. The OIA was set up under the Higher Education Act 2004 to provide 'an independent learner complaint scheme'. All Higher Education Institutions in England and Wales are required to comply with the scheme, which is free to learners. However, the OIA can only consider unresolved complaints from learners in relation to Academic Appeals *after* the internal appeals and review procedure has been concluded. The time limit for bringing a complaint to the OIA is 12 months. The complaints which the OIA will consider include, but are not limited to:

- Academic Appeals
- Extenuating Circumstances
- Teaching and Facilities
- Accommodation
- Research supervision
- Welfare
- Discrimination (but see * below)

- Bullying and harassment
- Placements
- Procedural irregularities
- Unfair practices

Disciplinary matters - including plagiarism* In considering issues related to discrimination the OIA does not act as a court. It does not investigate or make legal findings in the same manner as a court. However, it is appropriate for the OIA to refer to the law and guidance on discrimination to form an opinion as to good practice and to decide whether the provider has acted fairly.

The OIA cannot consider complaints/appeals concerning:

- Admissions
- Academic judgement
- Matters which are already are or have been the subject of Court or Tribunal proceedings, unless the proceedings have been 'stayed' or adjourned.

In order to make an Academic appeal to the OIA, you will need to:

Request a 'Completion of Procedures Letter' from the University to submit with your appeal to the OIA. This must be requested within one month of your appeal being upheld. If your appeal is not upheld the completion of procedures letter will be issued automatically within 28 days of the completion of the internal processes. This letter can be requested from the university after the appeals procedure has been completed.

8. Appeals Process Monitoring

The issues and outcomes of any appeals will be discussed within the Institute to monitor and ensure the effectiveness of the appeal, the quality of the learning experience, and the issue of confidence in the appeals processes.

9. Other Regulations

9.1 Marks are awarded according to the Institute's 'Marking and Moderation Policy' which is found on the St Padarn's website www.stpadarns.ac.uk and the VLE and the assessment policies of the awarding universities.

9.2 Academic appeals will be considered impartially. The Institute makes every effort,

in accordance with its 'Equality and Diversity Policy', to ensure that learners are not unlawfully discriminated against according to the Equality Act 2010. We believe that diversity is a positive contribution to the learning experience at St Padarn's.

9.3 Records of any appeal process are kept in accordance with the General Data Protection Regulation. See the 'Data Protection Policy' for details, which is found on the St Padarn's website www.stpadarns.ac.uk and the VLE. In line with the terms of the General Data Protection Regulation, learners are entitled to a copy of all their personal data held by us. All requests should be made to the Director of Operations.

10. Responsibilities, Policy Approval and Review

The Director of Operations has overall responsibility for the academic appeals policy, including its approval and review.

11. Policy Communication

11.1 This document can be found on the St Padarn's website www.stpadarns.ac.uk and in the learner area on the VLE.

11.2 Every effort will be made to respond to any request to provide this policy in a different format.

11.3 This policy will be included in staff and learner induction.