



INTERNAL PROCEDURE

Title: Academic Appeal/Academic Complaints

POLICY HOLDER:	HE Senior Academic Administrators
SMT OWNER:	Assistant Principal HE and Adult
VERSION NO:	15
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Summary:

Accessibility: If you would like this information in an alternative format, e.g. Easy to Read, large print, Braille or audio tape, or if you would like the procedure explained to you in your language, please contact the College's marketing team on 01603 773 169.

Further information: If you have any queries about this policy or procedure, please contact the named policy holder.



Amendments log

Review date	Version	Changes	Originated by	Approval
Sept 2021		Update to include Section 14 OIA text	S Rhodes	

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1. Purpose

- 1.1. The Academic Appeals Regulations are intended to allow students studying or registered within the last 30 days on UEA validated courses or Pearson Higher National programmes to formally raise concerns about their academic results or circumstances relating to them. The Academic Complaints Regulations are intended to allow students to formally raise concerns not relating to academic results. We take students' concerns seriously and the Regulations are designed to enable their effective consideration and the enacting of timely remedies as appropriate. If a more appropriate route exists to consider the substantive concern, the student will be advised to engage with the relevant alternative Regulations.
- 1.2. Non-academic Complaints are considered under the City College Norwich Complaints Procedure, available from the website
- 1.3. The Regulations have been informed by the Office of the Independent Adjudicators (OIA) Guidance on Good Practice and embodies the following core principles:
 - 1.3.1. Natural Justice
 - 1.3.2. Ease of Use
 - 1.3.3. Time Frames that meet OIA recommendations
 - 1.3.4. Transparency
 - 1.3.5. Consistency
 - 1.3.6. The Treatment of Students as Adults
 - 1.3.7. Recognition of Professional Body Requirements.
- 1.4. The Academic Appeals and Complaints Regulations comprises three parts:
 - 1.4.1. an informal stage;
 - 1.4.2. a formal Stage One, in which the Appeal/Complaint Reviewer considers the Academic Appeal or Complaint; and
 - 1.4.3. a formal Stage Two managed by UEA, which a student may follow if dissatisfied with the outcome of the Stage One Academic Appeal or Complaint, and if the submission meets the required conditions for consideration.
- 1.5. Terms used in the Academic Appeals and Complaints Regulations are set out in Appendix A.
- 1.6. All forms and guidance associated with these Regulations are available [here](#):

2. Commitments

- 2.1. Students who submit a case under these Regulations will not be unfavourably treated for having done so. Any student who believes that they have been less favourably treated as a result of submitting a case should contact the Director of Higher Education immediately.

- 2.2. It is expected that students will not engage in frivolous or malicious Appeals or Complaints. It should be noted that if an Appeal or Complaint is found to have been brought with mischievous or malicious intent this may prove grounds for disciplinary action against the student.
- 2.3. City College Norwich will operate in accordance with their Equal Opportunity Policy when applying the Academic Appeals and Academic Complaints Regulations.
- 2.4. Students should be aware that any information they supply will be treated with due discretion and on a 'need to know' basis.
- 2.5. All personal information will be processed by the relevant partner institution in accordance with its data protection policy and by and the College in accordance with the Data Protection Act 1998.
- 2.6. Training will be provided to all staff involved in the processing of Academic Appeals and Complaints.

3. First Steps to Try to Resolve Concerns

- 3.1. Students are encouraged to seek an informal resolution of the matter about which they are concerned before beginning the formal process. Informal explorations of possible ways in which a matter may be resolved will not prejudice the consideration of a later formal submission. It is recognised that an informal approach is most likely to be of use in respect of Complaints rather than Appeals against academic outcomes.
- 3.2. Marks allocated to work which has not been double-marked can be challenged by students either via re-marking or as part of an Academic Appeal. Work which has been double-marked cannot be challenged or the subject of an Academic Appeal. All dissertations are double marked as a matter of course and therefore are not subject to challenge.
- 3.3. Students should make every attempt to submit their case concerning a provisional academic result before the Module Assessment Board takes place. This is in the student's best interests as an early decision can then be made. Where the interval between the notification of an academic result and a meeting of the Module Assessment Board is less than 10 working days, consideration of an Appeal shall be postponed until after the relevant Board has met. At this point, the formal Academic Appeals Regulations shall be followed.
- 3.4. Should these steps not resolve the matter to the student's satisfaction, the student may submit an Academic Appeal or Complaint under Stage One of the Regulations.

4. The Nature of the Appeal/Complaint

- 4.1. Students may Appeal any of the following:
 - 4.1.1. a degree result
 - 4.1.2. a mark for an assessment which has not been double marked;
 - 4.1.3. a result where unspent Mitigation has not already been considered;
 - 4.1.4. undisclosed Mitigation, where valid grounds exist for non-disclosure at the appropriate time;
 - 4.1.5. a penalty applied in respect of an outcome of a cheating, plagiarism and/or collusion (please also refer to item 39(ii) of the College's Cheating and Plagiarism Procedure);
- 4.2. Only those decisions/judgements/outcomes detailed at 4.1 above can be cited as the object of an Academic Appeal and any Appeal based on grounds not covered by 4.1 above shall be rejected without consideration.
- 4.3. Academic Complaints may address any aspect of a student's academic experience about which they are dissatisfied with the exception of those grounds detailed at 4.1 above.

Stage One Academic Appeals and Complaints

5. Submitting a Stage One Academic Appeal or Complaint

- 5.1. Students must submit a completed Stage One Academic Appeal or Complaint Form to the HE Office. The forms are available online at Blackboard here and on the College website or from the Advice Shop. Students should submit all relevant evidence with their form.
- 5.2. The Appeal/Complaint Reviewer(s) may suspend the Stage One Academic Appeal or Complaint where appropriate, pending clarification by a student that they have tried to resolve the matter they are concerned about informally before beginning the formal stage of the process.
- 5.3. A student may decide to withdraw an Appeal or Complaint at any time prior to its consideration by the Appeal/Complaint Reviewer(s).
- 5.4. The College may choose, within the limits of its authority, to reverse the action or decision giving rise to the Appeal or Complaint in advance of consideration by the Appeal/Complaint Reviewer(s). Where this occurs, it shall be regarded as an informal resolution of the Appeal or Complaint subsequent to a confirmation by the student that they are now content that the Appeal or Complaint has been satisfactorily addressed.
- 5.5. Collective Academic Appeals and Academic Complaints will be considered in the same manner as those received by an individual student.

- 5.6. Until such time as the Academic Appeal or Complaint has been resolved the student should continue in accordance with such requirements as are placed upon them with regard to their situation as it stands at the point of submission. For example, students Appealing against a failing mark should continue to engage with any reassessment opportunities they are required to take.

6. Consideration of the Stage One Appeal or Complaint

- 6.1. Stage One Academic Appeals and Complaints that meet the grounds for consideration (see 4.1 above) shall be considered by the Director of Higher Education and Apprenticeships who may then choose, within the limits of their authority, to reverse the action or decision giving rise to the Academic Appeal/Academic Complaint in advance of the hearing. Where this occurs, it shall be regarded as an informal resolution to the Academic Appeal/Academic Complaint, subsequent to written confirmation from the student that they are now content that the issue has been satisfactorily addressed.
- 6.2. The Director of Higher Education and Apprenticeships will delegate investigation of an Academic Appeal or Complaint to one or more members of staff who do not have a conflict of interest with respect to the Appeal/Complaint. The College will inform Academic Partnerships at UEA when a Stage One Academic Appeal or Complaint has been submitted by a student.
- 6.3. The Academic Appeals/Academic Complaints Officer will provide the Appeal/Complaint Reviewer(s) with the documentation submitted by the student under Stage One. The Appeal/Complaint Reviewer(s) will convene a Stage 1 panel, inviting the student and their representative to investigate and consider a decision in relation to the Appeal/Complaint.
- 6.4. The Appeal/Complaint Reviewer(s) having completed the investigation will decide whether the academic decision of the Examiners should be reviewed, whether any other remedial action should be taken (such as seeking a concession against the regulations), or whether the Academic Appeal or Complaint should be rejected. The decision of the Appeal/Complaint Reviewer and the reasons(s) for it will be communicated to the student in writing and a copy shall be sent to Academic Partnerships at UEA.
- 6.5. Each Academic Appeal or Complaint will normally be considered individually, though depending on circumstances, where a series of Academic Appeals and Complaints involve the same subject matter or individual(s), the Director of Higher Education and Apprenticeships may consider such Appeals and Complaints collectively, subject to any confidentiality requirements in the same manner as those received by an individual student.

7. Timescales for Stage One Appeals and Complaints

- 7.1. The student's submission including any supporting documentation must be received by the Academic Appeals/Academic Complaints Officer no later than 10 working days after:
- 7.2. Academic Appeals – the date on which the student was formally notified of the outcome against which they are Appealing (for example, the date of the release of coursework mark and feedback or the date on an email notifying of a penalty) or, where informal resolution has been sought, the date of the last communication to the student regarding the outcome of the informal stage (this may include, inter alia, meetings, emails and letters).
- 7.3. Academic Complaints – the date on which the attempt to resolve matters informally was concluded. This date shall be the date of the last communication to the student regarding the outcome of the informal stage (this may include, inter alia, meetings, emails and letters).
- 7.4. Academic Appeals or Complaints submitted after the deadline (see 7.1 above) with good reason for the delay may still be considered. The student should contact the Academic Appeals/Academic Complaints Officer if they are unable to meet this deadline.
- 7.5. The decision by the Appeal/Complaint Reviewer(s) as to whether a late submission of an Academic Appeal/Complaint should be accepted shall be final and not subject to Appeal.
- 7.6. The Academic Appeals/Academic Complaints Officer will write to the student within 5 working days of receipt of the Academic Appeal or Complaint acknowledging receipt.
- 7.7. In normal circumstances the student shall be advised of the outcome of their Stage One Academic Appeal/Complaint within 10 working days of receipt of the Academic Appeal and Complaint Form. Where the complexity of the case prevents this the student shall be notified of the delay.

8. Actions and Outcomes

- 8.1. Stage One Academic Appeals will be upheld where any of the following are found:
 - 8.1.1. Correct procedure was not followed which undermined the validity of the academic result
 - 8.1.2. Prejudice and/or bias affected the academic result
 - 8.1.3. The student's performance was adversely affected by mitigating circumstances not previously submitted (ONLY where late submission of mitigating circumstances has been approved)

- 8.1.4. Significant changes were made to a course without being properly communicated and/or were not properly taken into account
 - 8.1.5. The teaching or supervision provided was insufficient
 - 8.1.6. Mitigating circumstances were not fully and properly considered
 - 8.1.7. Natural Justice dictates that the Appeal be upheld
 - 8.1.8. The learning support provided was unsatisfactory or inappropriate
- 8.2. Stage One Academic Complaints will be upheld where any of the following are found:
- 8.2.1. Correct procedures were not followed
 - 8.2.2. The student experienced prejudice and/or bias
 - 8.2.3. Significant changes were made to a course without being properly communicated and/or were not properly taken into account
 - 8.2.4. The teaching, supervision or research training provided was insufficient
 - 8.2.5. Natural Justice dictates that the Complaint be upheld
 - 8.2.6. The learning support provided was unsatisfactory or inappropriate
- 8.3. The possible remedies to an upheld Complaint will, by the nature of Complaints, be too individual to summarise here. They shall be determined by the Director of Higher Education and Apprenticeships, will not involve any adjustment to academic outcomes (since academic outcomes must be addressed through the Appeals route). Where a concession would be needed to allow the proposed remedy to apply, the Appeal/Complaint Reviewer should seek advice from the UEA Academic Director of Partnerships (through Academic Partnerships at the University).
- 8.4. The Appeal/Complaint Reviewer(s) shall have the power to institute the following actions in respect of upheld Appeals. The precise remedy determined shall depend on the details of the case:
- 8.4.1. refer the issue and any recommendation to the Assessment Board for reconsideration, at its next scheduled meeting, or;
 - 8.4.2. require an immediate meeting of the Assessment Board in order to address the decision of the Stage One Academic Appeal Panel. For this purpose, the Stage One Academic Appeal Panel shall specify the minimum membership of the Assessment Board required to conduct this business;
 - 8.4.3. annul the result of the assessment under the academic appeal and make stipulations as to how the assessment process shall be taken forward;
 - 8.4.4. dismiss the appeal.
- 8.5. The College shall be able to agree compensatory payments to be made to students in relation to upheld Complaints.
- 8.6. Where the outcome of an Academic Appeal requires the establishment of a reconvened Board, the Board should reconvene as soon as practical and the Secretary to the reconvened Board shall advise both the student and the Appeal/Complaint Reviewer of the outcome.

- 8.7. In all cases the Academic Appeals/Academic Complaints Officer shall write to advise the student of the outcome of the consideration of their case in accordance with 7.7 above.
- 8.8. The letter shall advise the student that a Stage Two Academic Appeal or Complaint can only be submitted if the student believes that correct Regulations were not followed at Stage One (for example, evidence was not fully and properly considered). The letter shall advise the student that, if they do not believe that they are able to pursue a Stage Two Academic Appeal or Complaint on those grounds, the student may treat the Stage One outcome letter as a completion of Regulations notification and, if they wish, exercise their entitlement to contact the Office of the Independent Adjudicator.

Stage Two Academic Appeals and Complaints

9. Submitting a Stage Two Academic Appeal or Complaint (for UEA validated programmes only)

- 9.1. A Stage Two Academic Appeal or Complaint can only be considered where the student claims that there was a procedural irregularity at Stage One. It is fundamental to the proper operation of the Academic Appeals and Complaints Regulations that all evidence is considered fully and properly. Where a student believes that evidence was not fully and properly considered at Stage One this shall be regarded as a claimed procedural irregularity and any Stage Two Appeal or Complaint submitted on this basis shall be duly considered. The decision as to whether to consider a Stage Two Academic Appeal or Complaint will be made in the context of the principles set out at 1.3 above, with particular reference to the College's commitment to apply Natural Justice.
- 9.2. A student must submit a completed Stage Two Academic Appeal or Complaint Form with any supporting documentation to the Head of Partnerships at UEA via the HE Office at City College Norwich. Forms are available from the HE Office, Blackboard or on the UEA Academic Partnerships website: <https://portal.uea.ac.uk/partnerships-office/handbooks>
- 9.3. A student may decide to withdraw an Appeal or Complaint at any time prior to its consideration by the Head of Partnerships.
- 9.4. Until such time as the Stage Two Academic Appeal or Complaint has been resolved the student should continue in accordance with such requirements as are placed upon them with regard to their situation as it stands at the point of submission. For example, students Appealing against a failing mark should continue to engage with reassessment opportunities. In instances where a student has been withdrawn, they will retain this status until such time as the outcome of an Appeal or Complaint results in their reinstatement.

9.5. Academic Partnerships will, within 5 working days of receipt of the Stage Two Academic Appeal or Complaint write to student acknowledging receipt.

10. For Non-UEA Validated Programmes (for BTEC HNC/D only)

10.1. If a student is dissatisfied with the outcome of a Stage One Academic Appeal/Academic Complaint and the programme of study is an HNC/HND (not validated by the UEA), you may ask the Deputy Principal to reinvestigate. You must write to the Deputy Principal within 15 working days of receiving the outcome of the Stage One Academic Appeal/Academic Complaint. After a further investigation, you will receive a full reply normally within 10 working days.

11. Consideration of the Stage Two Academic Appeal or Complaint

11.1. The Head of Partnerships will check that the Appeal or Complaint rests on a claim of procedural irregularity which shall include claims that evidence was not fully or properly considered. Where this is not the case the Stage Two submission will not be accepted for further detailed consideration and the student will be advised in writing that the submission does not meet the conditions necessary for consideration as a Stage Two Academic Appeal or Complaint.

11.2. Where the Stage Two submission makes a claim of procedural irregularity at Stage One this will be investigated by the Head of Partnerships.

11.3. Where the Head of Partnerships is satisfied that there is evidence of procedural irregularity at Stage One the student will be advised that his/her Stage Two Appeal or Complaint has been upheld.

11.4. Where the Head of Partnerships is not satisfied that there is evidence of procedural irregularity at Stage One, the case will be referred to UEA Academic Director of Partnerships.

12. Timescales for Stage Two

12.1. The student's submission including any supporting documentation must be submitted within 15 working days after the date on which the student was formally advised of the Stage One outcome.

- 12.2. Appeals and Complaints submitted after this deadline with good reason for the delay may still be considered. The student should contact Academic Partnerships at the University if they are unable to meet this deadline.
- 12.3. The decision by the Head of Partnerships as to whether a late submission should be accepted shall be final and is not subject to Appeal.
- 12.4. In normal circumstances the student shall be advised of the outcome of their Stage Two Academic Appeal or Complaint within 20 working days of the date of receipt by Academic Partnerships at the University. Where the complexity of the case prevents this the student shall be notified of the delay.

13. Actions and Outcomes

- 13.1. A Stage Two Academic Appeal or Complaint shall be upheld where there is evidence that correct Regulations were not followed at Stage One.
- 13.2. Where a Stage Two Academic Appeal or Complaint is upheld the case shall be referred back to the partner institution for consideration. This further consideration will constitute the conclusion of the University's Regulations; the subsequent outcome letter will advise the student of his/her entitlement to contact the Office of the Independent Adjudicator.
- 13.3. Where the procedural irregularity giving rise to the Stage Two Appeal being upheld relates to a failure by a Board of Examiners to follow the requirements and/or recommendations of the Stage One outcome fully and properly, the Appeal/Complaint Reviewer shall be advised that there is no need for further consideration and that the matter has been referred back to the Board of Examiners. This further consideration will constitute the conclusion of the University's Regulations; the subsequent outcome letter will advise the student of their entitlement to contact the Office of the Independent Adjudicator.
- 13.4. Unless there is evidence that correct Regulations have not been followed the Appeal or Complaint shall be rejected and there shall be no further right of Appeal or Complaint within the University.
- 13.5. Where 13.4 applies a Completion of Procedures letter shall be sent to the student by Academic Partnerships at the University advising the student of their entitlement to contact the Office of the Independent Adjudicator.

14. The role of the Office of the Independent Adjudicator for Higher Education (OIA)

14.1. The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. City College Norwich is a member of this scheme. If you are unhappy with the outcome you may be able to ask the OIA to review your case. 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>.

14.2. You normally need to have completed this procedure 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 Complaint/Appeal is not upheld, we will issue you with a Completion of Procedures Letter automatically. If your Complaint/Appeal is upheld or partly 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>.

For the purposes of the Academic Appeals and Complaints Regulations the following definitions shall apply:

Academic Result:

The result of the exercise by one or more duly authorised Teachers or Examiners of academic and/or professional expertise in determining the quality of a student's performance in any part of the assessment process for a degree or qualification of the University.

Double Marked:

Two examiners/assessors mark the assignment independently and subsequently agree a mark.

Formal notification:

Communication by the College, its representatives and/ or staff through any of the following: delivery of a paper form notification in person or to a student address; electronically either via email or through any software package currently in use by the College for the purposes of communication with students.

Grounds for Consideration:

Where an Appeal or Complaint has been accepted as meeting the criteria that allow it to be considered it is referred to as meeting the grounds for consideration.

Upheld:

Where an Appeal or Complaint is described as having been upheld this means that it has been determined sufficient evidence exists that the necessary grounds have been met (e.g. that there is evidence of a bias or prejudice). It is important to note that upholding an Appeal does not necessarily imply a particular final outcome for the student. For example, a student may Appeal a classification decision on the grounds of bias or prejudice and the Appeal may be upheld however the action prescribed may be for the Awards Board to reconvene and the reconvened Board may still determine that, notwithstanding the outcome of the Appeal, the degree classification itself remains appropriate.

Procedural Irregularity:

This term refers to circumstances where agreed processes have not been correctly applied, regulations not followed, or where other errors have been made by the College either in the actions that led up to the Appeal or Complaint, or in the consideration of the Appeal or Complaint. This might include cases where not all the available evidence has been weighed in the consideration of an Appeal or Complaint or where factual data has been misinterpreted.