

ACADEMIC APPEALS POLICY

Foundation & Certificate

The principles are:

- The procedures should be fair and transparent, and decisions should be reasonable;
- Appeals should be dealt with within a reasonable time;
- A student should have the right to be accompanied, within appropriate constraints, when attending any appeal hearing;
- All parties attending an appeal hearing should have equality of access to relevant information and documentation;
- An individual's privacy and confidentiality should be respected, subject to the need for an open and fair investigation and for the outcome of the investigation to be reported appropriately. This is in order both to protect the privacy of the student and to protect members of staff from unsubstantiated public allegations;
- Any student who has suffered a wrong has a right to have that wrong redressed, though vexatious or frivolous appeals should not be allowed to abuse the process;
- Appeals may be submitted by an individual, or a by a group of named individuals acting collectively if all named individuals have signed up to contributing to it;
- Procedures should ensure that, where an appeal is upheld, appropriate remedial action is taken;
- Members of an appeal panel should not be judges in their own case; or act in any case in which conflict of interest may arise;
- The College should seek to minimise the cost to a student of pursuing an appeal;
- The available documentation should indicate which further procedures, if any, are open to an appellant who remains aggrieved following the outcome of an appeal;
- A person who is the subject of an allegation during the course of an appeal, should have the right to present a case during any investigation and to be accompanied by a registered student or employee of the College

Circumstances in which an appeal may be made

A student may lodge an appeal against the following decisions by the Examination Board:

- (i) Decisions reached as a consequence of assessment of a student's academic performance, including those relating to award classification, pass/fail or processing of marks
- (ii) Decisions reached on whether or not and on what conditions, those who have failed the assessment should be permitted to resubmit
- (iii) Decisions reached by the Senior Academic and Director of Operations concerning student progression and leave of absence
- (iv) Decisions reached by Examination Board concerning academic misconduct
- (v) Decisions reached by students mitigating circumstances

Grounds on which an appeal may be made

- Students may not appeal against the academic judgment of the examiners.

- Students can appeal against a decision concerning assessment if it is believed that procedural irregularity has occurred or that the assessment was conducted unfairly or improperly, or if, for good reason, relevant mitigating circumstances can be shown which could not reasonably have been brought to the attention of the examiners before a decision on a student's academic performance was reached.

Lodging an appeal

Students wishing to exercise their rights of appeal must email the Director of Operations, normally within four weeks of being notified of the recommendation or decision against which they wish to appeal. The email should contain a full statement of the grounds of appeal and of the evidence that the student wishes to be considered and should identify the outcome sought by the student.

Wherever possible, documentary corroborative evidence for the grounds of appeal should be submitted or an indication given of the timescale in which it might be received.

Documentary evidence, which is contemporary with events described in the appeal form, rather than retrospective, is desirable. Students may contact the Director of Operations if they wish to discuss the appeals procedure further.

Consideration on appeals

The appeal is considered by the CEO in consultation with a member of the academic team and may be deemed to have grounds for appeal only if the student has presented evidence that the decision of the Examination Board may be invalid and that the evidence presented by the student is such that if not refuted it might persuade the CEO to vary or refer back to the Examination Board concerned the decision under appeal. In cases concerning assessment the above evidence must show that the decision may be invalid on one or more of the grounds specified as permissible.

In considering an appeal the CEO and academic member may request information from relevant parties including the Examination Board concerning any matter raised by the student.

The CEO may ask the Examination Board, in the light of the evidence presented by the student, if it is prepared to reconsider its decision and the Examination Board may agree to do so. The student will retain the right to appeal against a subsequent decision.

The CEO will give reasons for any decision that no grounds for appeal have been established.

Attendance and presentation of evidence at appeal hearings

The student is always given the opportunity to attend the hearing if they so wish. Every effort is made to ensure that students are able to attend. However, if a student wishes to attend a hearing, they are expected to attend on the date set for the hearing except where there is an exceptional reason for being unable to do so. Hearings are deferred if a student, who previously confirmed that they would attend, is unable to do so for good reasons. The CEO reserves the right to decide that a hearing should go ahead in a student's absence, where the student is unlikely to be able to attend in the foreseeable future or where the hearing has already been deferred.

A student has the right to be accompanied by a registered student or employee of the College. A member of the Examination Board will attend. Participants are not permitted to be represented or accompanied by persons from outside the College e.g. by a solicitor, friend or family member etc. A student choosing not to appear may not send a companion instead, except in the circumstances described in the following paragraph.

Where, for good reason, it is impractical for a student who wishes to attend a hearing to do so in person, a video or telephone link may be arranged if appropriate. A student making use of such a facility may be accompanied by, or may have present at the hearing, a registered student or employee of the College.

The student is invited to submit written evidence if they have not already done so and may submit written evidence whether or not they choose to attend the hearing. All written evidence submitted is made available to all the parties. Students are strongly encouraged to submit all written evidence sufficiently in advance of the hearing to allow time to consider it and seek clarification or evidence of points made. Students may also find that they are better prepared to present their case by reference to a written statement. Students may submit written evidence from third parties in support of their case and/or identify those parties whom they believe can contribute to their case. The names of those parties must be notified to the CEO at least five working days prior to the hearing.

Evidence is normally invited from the Examination Board and from any other person it deems appropriate to the case including any such persons identified by the student.

Conduct of hearing

1. In turn, all parties are asked to present their statements.
2. When all statements have been presented, the CEO may ask questions.
3. The CEO will then invite anyone present to ask questions or to provide further information.
4. The student is invited to make a brief final statement.
5. All parties except the CEO and academic member are asked to leave the room while they deliberate and reach a decision.
6. All parties are invited to return and normally the CEO informs them of the decision and its reasons. There is no further discussion. The decision and reasons are communicated in writing to the parties as soon as is reasonably practicable.

Notification of course outcome

Students are normally notified of the outcome of the CEO's initial consideration of their appeal within four weeks of having submitted the appeal, and the decision is communicated in writing to the student as soon as is reasonably practicable. If an appeal is not upheld the CEO will give reasons for the decision.

If the CEO has referred the appeal back to the Examination Board, the full appeal process may take longer than four weeks.

Appeals to awarding provider (Gateway Qualifications)

Students who wish to appeal against the decision of the College may make a complaint to the College's awarding provider the Gateway Qualifications who retain the ultimate responsibility for the academic quality and academic standards of learning opportunities. The complaint will be dealt with in accordance with the Gateway Qualifications procedures and regulations.

The Office of the Independent Adjudicator

Students who remain aggrieved after a decision may be able to make a complaint to the Office of the Independent Adjudicator for Higher Education. Further information about the OIAHE is available on the website www.oiahe.org.uk.