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## 1. Introduction

1.1 This Procedure is applicable to students studying on a validated Bath Spa University (BSU) programme at New City College (NCC)

1.2 For the purposes of this procedure, the College has adopted the following definition of academic appeal:

“A request for a review of a decision of an academic body charged with making decisions on student progress, assessment and awards” (Office of the Independent Adjudicator).

An academic appeal differs from a complaint and therefore appeals and complaints are considered under different procedures. A complaint may be defined as: *‘The expression of a specific concern about matters that affect the quality of a student’s learning opportunities’*. For example, a formal expression of dissatisfaction made by either a single student or group of students about the provision of their programme of study, related academic service, department or any service provided by the College. The Appeals Procedure should not be used to raise complaints.

1.3 Students may have a right of appeal against academic decisions and recommendations that affect their academic progress. This may be in respect of:

- A formal assessment result;
- A degree classification;
- A decision leading to an academic failure (e.g. withdrawal from a programme);
- A decision leading to unsatisfactory academic progress.

## 2. Grounds for making an Academic Appeal

2.1 The only legitimate grounds for review are:-

- A procedural irregularity in the assessment process. This will be when a student has evidence that there has been an administrative error, or that the assessment was not conducted in accordance with current regulations for the course, or that some other irregularity has occurred;
- Evidence of bias or prejudice of an examiner and/or marker;
- Mitigating circumstances where, for good reason, the academic body was not made aware of a significant factor relating to the assessment of a student when it made its original decision. This will be when a student has a medical certificate

or other documentary evidence supporting a claim that his/her performance in the assessment was adversely affected by an illness, or other factor(s) which a student was unable or, for valid reasons, unwilling to divulge before the academic body reached its decision.

2.2 The following circumstances **will not be** considered grounds for an appeal:

- Dissatisfaction with teaching or support<sup>1</sup>;
- Issues relating to the quality of teaching or delivery of a programme<sup>1</sup>;
- Matters of academic judgement of an examination board or individual;
- Disagreement with the actual mark awarded for a piece of assessed work except where grounds can be established under 2.1;
- Appeals against provisional marks.

2.3 The College defines “academic judgement” as the professional and scholarly knowledge and expertise, which members of NCC staff and External Examiners draw upon in reaching an academic decision. Academic judgement includes, but is not restricted to, decisions about the academic standard attained by students, marks and grades to be awarded for individual pieces of work or modules, including performance and competence on placements, the student’s contribution to a group assessment or project, and arbitration on the accreditation of prior learning or credit accumulation and transfer. Academic judgement includes decisions made concerning the student’s progression to the next level of the programme of study, based on appropriate assessment results and other information relating to the student’s performance (tutors’ reports, workplace assessment, attendance etc.). Academic judgement also includes the awarding, or not, of degrees and degree classifications.

2.4 Other matters of dispute shall be termed “complaint” (see 1.2.) and are subject to the College Complaints Procedure.

In the event of justifiable grounds for both appeal and complaint, the Group Deputy Director: HE will confirm the method by which both the appeal and complaint shall be resolved. This shall be determined in consultation with the appellant/complainant.

*In the case of handling both complaint and appeal it may be that one procedure is suspended, pending the completion of the other.*

### **3. Procedure for Making an Academic Appeal**

3.1 In order to make an academic appeal, the student must send a written correspondence to the Deputy Director:HE at [Higher.Education@ncclondon.ac.uk](mailto:Higher.Education@ncclondon.ac.uk) within fifteen (15) working days of the formal publication date of the academic body’s decision. This correspondence must include:

- The student’s programme and year of study;
- The precise decision of the academic body which the student contests;

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<sup>1</sup> The college compliments and complaints policy should be used in this situation

- The outcome or new decision of the academic body which the student seeks to achieve;
  - The grounds on which the request for an academic appeal was made;
  - Original medical certificates or other documentary evidence. Such evidence would normally have been made available to the Assessment Board. **It is, therefore, necessary to provide an explanation of the delay in making it available.** Such evidence must accompany the correspondence, so that it can be fully examined to determine if the grounds for an academic appeal have been established.
- 3.2 The appeal will be evaluated to determine if appropriate grounds have been established. If grounds are not established the student will be notified in writing within fifteen (15) working days of receipt of their correspondence.
- 3.3 If grounds for appeal under section 2.1 above is established, an appeal panel will be convened normally within fifteen (15) working days.
- 3.4 The student will be informed of the assistance that available through the HE Academic & Support Tutor. The student will also be informed that they can be accompanied to the appeal panel by one person of their choice (who may not be a member of the legal profession or a fellow student). The person the student brings may be permitted to make representations on the student's behalf, but not answer questions. However, reasonable adjustments for individuals will be considered on a case by case basis in line with their needs.
- 3.5 The relevant information related to the academic body's decision will be collated together with the student's evidence and the appropriate assessment regulations and notified to the chair of the appropriate appeal panel.

#### **4. Appeal Panel Procedure**

- 4.1 An appeal panel will be assembled to meet within fifteen (15) working days.
- 4.2 The appeal panel shall comprise of the following individuals who shall be impartial to the programme and student:
- Three members of college staff, normally at manager level or above, one of whom will act as chair of the panel;
  - An administrator, who is not a member of the panel and who may also act as minute secretary. In some cases it may be necessary to allocate this role to two people, i.e. complex cases.
- 4.3 The appeal panel will determine its own procedure, according to the nature of the academic appeal and will bear in mind the interests of the student, and natural justice. The following conventions will, however, apply to all panels' procedures:
- a) The student will be invited to present his/her academic appeal. The student is encouraged to present any information which they believe is relevant and may assist in the consideration of the case. **Note:** This person may not be a member

of the legal profession or a fellow student. The person the student brings may be permitted to make representations on the appellant's behalf, but not answer questions. However, reasonable adjustments for individuals will be considered on a case by case basis in line with their needs;

- b) One or more representatives of the course team will be present to speak to the panel about the matter relevant to the appeal and the original decision reached by the academic body; and to respond to any information submitted by the student;
- c) The appeal panel may invite any other relevant person(s) to attend and be interviewed by them and the student or the person(s) that had accompanied him/her to the panel. The student will be informed in advance of the panel and any additional panel members. The student is also permitted to call witnesses and the names of these witnesses must be provided to the College in advance of the date of the panel;
- d) After hearing the evidence, the appeal panel will consider the outcome. The panel may seek further information if it considers this to be necessary to assist it to reach a final decision.

## **5. Power of the appeal panel**

5.1 The decision of the appeal panel shall be either:

- That the academic appeal is upheld in whole or in part and the outcome will specify that the academic body reviews its decision. Academic body to review its decision with respect to those grounds;

Or

- That the original assessment decision will stand.

5.2 The chair of the appeal panel shall inform the student of the decision in writing **within five (5) working days of the appeal panel**. The decision will set out the student's right of review under section 6 of this procedure.

## **6. Further review**

The College appeal panel is the final stage of the internal College procedure.

If the student believes that the matter requires further attention then they must make representation to external agencies. In the case of an academic appeal it would be appropriate to contact the BSU who have responsibility for the programme or course concerned.

If, after completion of the College's procedure the student is dissatisfied with the outcome the student has the right to contact to the university for a review of the decision. This must be made within 3 months of receiving the College's final outcome letter. The university can be contacted via email: [complaintsofficer@bathspa.ac.uk](mailto:complaintsofficer@bathspa.ac.uk)

## **Further Recourse**

If, after exhausting both the College's and university's procedures the student is still dissatisfied with the outcome, then a student on a Higher Education programme is entitled to ask the Office of the Independent Adjudicator (OIA) to review the complaint/appeal.

This must be made within 12 months of receipt of the university completion of procedures letter.

**Office of the Independent Adjudicator**

OIA Second Floor,  
Abbey Gate  
57-75 Kings Road  
Reading  
RG1 3AB

Tel: 0118 959 9813

Email: [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk) [www.oiahe.org.uk](http://www.oiahe.org.uk)

For further information and guidance about referring an academic appeal to an external agency or awarding body; and the timescales for doing so, please contact:  
HE Quality. Email: [Higher.Education@ncclondon.ac.uk](mailto:Higher.Education@ncclondon.ac.uk)