

# Birmingham City University

## Academic Appeals Procedure

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## 1. Introduction

- 1.1 This procedure sets out the processes for students to appeal their academic marks or a decision made in regard to their progression. The procedure promotes equality of opportunity and the rights of all students to benefit from a high-quality academic experience, and to access the support they need to succeed. We consider appeals as an open opportunity to address and enhance our provision, learning opportunities, public information and management of the information we hold.
- 1.2 The procedure should be read alongside the Guiding Principles of Casework Procedures and the University's Regulations.

## 2. Who can use this procedure?

- 2.1 This procedure applies only to enrolled or recently enrolled students of the University and also in the following circumstances:

<i>Staff</i>	Where the staff member is an enrolled student of the University and is appealing in their capacity as a student.
<i>Third parties</i>	Only if the third party is acting as your nominated representative with your express permission.
<i>Groups of students</i>	A group of students can submit a group appeal. The group should nominate two people to act as group representatives. There is a separate form to use when submitting a group appeal.
<i>Students studying at partner institutions</i>	A student studying at a partner institution can submit an appeal directly to the University. There is a separate form to use when submitting an appeal of this kind. If on receipt of the form we think the matter should be dealt with by the partner institution, we will tell you and explain why.

## 3. What are the grounds of appeal?

- 3.1 An appeal is considered a request for a review of a decision on student assessment, progress and awards. You can appeal on the following grounds:
- There has been a material procedural irregularity in the way a decision has been reached. This means that we have not followed our procedures or have not applied them consistently and this is likely to have had a significant effect on your mark or the final outcome;
  - There is reason to believe that the marking process has been biased. The OIA defines bias as 'a tendency to favour one person or group, thing or point of view over another, especially in a way considered to be unfair';
  - You had extenuating circumstances which affected your performance in an assessment and which you could not reasonably have disclosed before your marks were published.
- 3.2 Please note the following specific guidance in relation to types of appeal:

<i>Appeals not falling under this procedure</i>	It may be that you submit an appeal which is best dealt with under another procedure, e.g. the Student Complaints Procedure. If we receive your appeal and think that it is more appropriate to deal with under another procedure, we will move your appeal to the other procedure and explain why.
<i>Appeals about placement</i>	You can use the University's procedure to appeal in regard to assessment that has taken place at a partner organisation, including on placement.
<i>Appeals relating to academic judgment</i>	Appeals that relate solely to matters of academic judgment will be considered ineligible. The OIA defines academic judgment as 'a judgment that is made about a matter where only the opinion of an academic expert is sufficient.' This means you cannot appeal against the decision made by academic staff on the quality of your work or the criteria being applied to mark your work.

- 3.3 If when we receive your appeal we think it falls outside the allowed grounds of appeal, we may consider the appeal ineligible. Where we decide an appeal is ineligible, we will tell you, explain why, and tell you what options are available to you.

## 4. Timescales

- 4.1 The following timescales apply to the Academic Appeals Procedure:

<i>Submitting an appeal</i>	You should usually submit an appeal within 15 working days of your confirmed results being published. Appeals submitted outside 15 working days may still be considered, but in all cases the sooner you make an appeal, the sooner we will be able to consider it.
<i>Informal appeal</i>	Where appeals are raised informally, we will aim to resolve and close them within 15 working days. Where a matter cannot be resolved within 15 working days it will be moved to the formal stage.
<i>Formal appeals (fast-track)</i>	Where appeals are raised formally and assigned to the fast-track, we will aim to resolve them within 15 working days. If a fast-track case cannot be resolved within 15 working days, it will be moved to the non-fast-track.
<i>Formal appeals (non-fast-track)</i>	Where appeals are raised formally and not assigned to the fast-track, we will aim to resolve them within 35 working days.
<i>Review</i>	Review requests should usually be submitted within 15 working days of the outcome being issued. We aim to conclude a review within 15 working days.

- 4.2 If when we receive your appeal or your review request we think it has been unreasonably delayed, we may consider the appeal ineligible. Where we decide an appeal is ineligible, we will tell you, explain why, and tell you what options are available to you. We may move your appeal to another procedure and will explain why we have done this.

- 4.3 If at any stage we need to extend these timescales, we will tell you and explain why. We will keep you updated throughout any periods of delay. There may be times when we pause a case while we wait for you to take action e.g. to provide evidence. The timescales above will not apply when a case is paused.

## **5. The appeals process**

- 5.1 This procedure aims to provide a quick, simple process with a strong focus on well-trained staff having the power to deal with appeals as soon as possible. Investigations and outcomes are proportionate to the matters raised.

- 5.1.1 If at any time during the appeals process your behaviour is considered vexatious or malicious, we may decline to continue consideration of your appeal and / or make a referral under the Student Disciplinary Procedure.

### **5.2 *Student representation***

- 5.2.1 You have the right to take someone with you to appeal meetings. This may be a student advisor from the Students' Union or a friend or relative who is not acting in a legal capacity. The role of this person is to support and advise you. Where appropriate this person may speak in support of you, but you will usually be expected to speak for yourself in any meeting or panel hearing.

### **5.3 *Support and reasonable adjustments***

- 5.3.1 In all cases, if you tell us that you need wellbeing support or the nature of your appeal means we think you would benefit from wellbeing support, we will signpost you to appropriate internal and/or external support services.
- 5.3.2 If you have a disability and want us to consider making specific reasonable adjustments to the appeals procedure, you should raise this as soon as possible during the process. We may need to speak to a Disability Adviser to confirm what adjustments would be appropriate. Anyone taking part in an appeal meeting is entitled to ask for a break at any time.

### **5.4 *Staff involvement***

- 5.4.1 All staff involved in the consideration of an appeal will be impartial and will have had no previous involvement in the case. In all cases, we will use alternative staff members if the individuals named in the procedure are unavailable for any reason e.g. due to absence or because of a conflict of interest.

### **5.5 *Mediation***

- 5.5.1 Mediation is a voluntary process where someone who is impartial and independent helps settle issues confidentially. Using mediation can help both you and us to understand the reason for the appeal, and may help to reach a conclusion that you and we are satisfied with, as soon as possible. We will consider throughout the appeals process whether mediation is appropriate: where we think mediation may be worthwhile, we will explain this to you and discuss arranging mediation with you.

Where any mediation is held, the appeals process will be paused until the mediation concludes.

## **5.6 Informal resolution**

- 5.6.1 The purpose of the informal resolution stage is to understand the appeal and, if it is straightforward and needs a limited amount of investigation, resolve it as quickly as possible. Any investigation is not intended to be exhaustive and the matter may be referred to the formal stage if more detailed consideration is necessary.
- 5.6.2 Your first point of contact in making an appeal informally should be your School Office, who may be able to provide an immediate solution. You can also raise informal appeals with your Course Leader or Head of School.
- 5.6.3 If it appears that the matter cannot be resolved within 15 working days or that we will be unable to provide you with the resolution you are seeking, the relevant Associate Dean for Student Experience will be consulted before a decision is issued.
- 5.6.4 While informal resolution is not compulsory, we encourage all students to engage with this stage as it is often the quickest and easiest way to solve problems. If you submit a formal appeal and have not made use of the informal stage where it seems appropriate to have done so, the Student Governance team will signpost you to staff who can discuss informal resolution with you.
- 5.6.5 A Head of Casework may decide that a case should move straight to the formal stage if it is complex (e.g. it involves external parties such as placement providers); serious (e.g. an allegation of significant bias); or if you are seeking particular types of outcome (e.g. financial compensation or an outcome not allowed by the University's Academic Regulations).

## **5.7 Formal appeal**

- 5.7.1 There are two ways of dealing with formal appeals: fast-track and non-fast-track. Fast-track is typically appropriate where minimum investigation is required and/or your main concern is to resolve the matter as quickly as possible. Non-fast-track will usually be used where a matter is complicated and requires more detailed investigation. All investigations will be conducted by an impartial member of staff.
- 5.7.2 All formal appeals will be initially considered by a Head of Casework, who will assign the case to the appropriate track. In making that decision, the Head of Casework will take into account:
  - Whether you have requested the fast-track on your appeal form;
  - Whether the appeal appears to be one which we could resolve in 15 working days; and
  - What outcome you are seeking.
- 5.7.3 Formal appeals should be submitted to the Student Governance team using the relevant formal appeal form. You must set out your grounds clearly and briefly, and provide evidence, where possible, of the issues raised. If you do not provide evidence when submitting your form then we may ask you to provide the evidence and give you a time limit to do so; the case may be paused while we await your evidence.

- 5.7.4 If we think your appeal should be dealt with under another procedure, or if it is ineligible in any way, we will tell you this and explain why. We will explain to you what the next steps are and what options are available to you.
- 5.7.5 You may tell us that you want all or part (e.g. a statement from a witness) of your appeal to remain confidential. Although we will manage all appeals in a confidential and sensitive way, it may not be possible to allow anonymous evidence to be used where it does not allow another party to offer a full response.

#### **5.7.6 *Fast-track***

- 5.7.6.1 A Head of Casework may investigate your appeal where it does not require specific academic knowledge. Otherwise, we will appoint an academic investigator who may be from a school outside your own. The investigator may be from your own school where the investigation requires technical expertise of a particular subject matter. The investigator may contact you to seek further evidence and may obtain any evidence required from your course team or other University staff. The investigator will then arrange a meeting with you and relevant staff to discuss your appeal and recommend an outcome.
- 5.7.6.2 The recommended outcome will be sent to the Head of School for approval. The approved outcome will be sent to you by way of a meeting note along with copies of the evidence considered and guidance on any relevant next steps (including the Review stage). Where the outcome is not approved, or in any other circumstances where a resolution cannot be reached within 15 working days, the case will be moved to the non-fast-track.

#### **5.7.7 *Non-fast-track***

- 5.7.7.1 A Head of Casework or the Assistant Director Student Governance, Mental Health and Wellbeing may investigate your appeal where it does not require specific academic knowledge. Otherwise, we will appoint an academic investigator who may be from a school outside your own. The investigator may be from your own school where the investigation requires technical expertise of a particular subject matter, unless there is a conflict of interest. The investigator may contact you to seek further evidence and may obtain any evidence required from your course team or other University staff. Individual meetings with you and others involved may be held, and further evidence may be sought after any meetings. The investigator will draft a report detailing their findings and the evidence relied upon, and will recommend an outcome.
- 5.7.7.2 The recommended outcome will be sent to the Head of School for approval. An approved outcome will be sent to you as a formal decision along with copies of the evidence considered, the investigator's report and guidance on any relevant next steps (including the Review stage). Where the outcome is not approved, it may be necessary to conduct further investigation or to appoint a new investigator. Where this happens, we will tell you and explain why. We will also set new timescales and share these with you.

## **5.8 Review**

5.8.1 If you are not satisfied with the outcome of the formal appeal stage, you can request a review. There are limited grounds for asking for a review, which are as follows.

- There is new evidence which you were unable, for valid reasons, to provide earlier in the process that would have had a significant effect on the outcome of the formal appeal stage;
- The correct procedure was not followed during the formal appeal stage and this has had a significant effect on the outcome;
- The outcome was unreasonable given all the circumstances and the evidence considered.

5.8.2 At the review stage, we will not usually consider the issues again or investigate the matter further. An appeal must have been considered at the formal appeal stage before it can move to the review stage.

5.8.3 Review requests should be submitted to the Student Casework team using the relevant review request form. You must set out your grounds clearly and briefly, and provide evidence, where possible, of the issues raised. If you do not provide evidence when submitting your form then we may ask you to provide the evidence and give you a time limit to do so; the review may be paused while we await your evidence.

5.8.4 The Deputy Vice-Chancellor (Academic) will decide between the following outcomes:

- There are no grounds for taking the matter further; or
- The appeal will be referred back to the formal appeal stage (either track) with a recommendation. Where a matter is referred back to the formal stage, the timescales applying to that stage will begin again; or
- The issues are complicated and so it would be better to deal with them through a review panel. A review panel will be held in line with our standard procedures for such panels.

5.8.5 The review decision will be sent to you as a formal decision along with guidance on any relevant next steps.

## **6. The Office of the Independent Adjudicator (OIA)**

6.1 Where your review request is not upheld, we will issue you with a Completion of Procedures letter (a CoP) and tell you about your right to make a complaint to the OIA. You will have 12 months from the date of the CoP to make a complaint to the OIA.

6.2 The OIA look at whether the University applied its regulations properly and followed its procedures correctly, and consider whether any decision made by the University was fair and reasonable in all the circumstances. The OIA reviews cases but does not re-investigate them.

6.3 The OIA normally expect students to follow the University's internal procedures to their conclusion before complaining to the OIA. If you make a complaint to the OIA without having a CoP, your complaint is likely to be deemed ineligible.

## 7. Relevant Documents

- 7.1 The Formal Academic Appeal Form, Formal Academic Appeal Review Request Form and a series of frequently asked questions about complaints can be found [on iCity](#).
- 7.2 The Guiding Principles of Casework Procedures are also available [on iCity](#).
- 7.3 The University's Academic Regulations can be found on the University's [external website](#).

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## Appendix 1: Academic Appeals Procedure – Flowchart

