# HE Academic Appeals Process

| **Applies to:** | |
|---|---|
| Harrogate College | |
| Keighley College | |
| Leeds City College | |
| Leeds Conservatoire | |
| Leeds Sixth Form College / Pudsey Sixth Form College | |
| Luminate Group Services | |
| University Centre Leeds | x |

# CHANGE CONTROL

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|---|---|---|
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| **Approval route** | | |
| **Approval committee** | **Date approved** | **Version** |
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| HE Academic Board and SELT | September 2023 | 4 |
| HE Academic Board | October 2026 | 5 |
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| **Name of responsible committee:** | HE Registry | |
| **Related policies: (list)** | HE Academic Appeals Policy | |
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| **Environmental Impact Assessment Completed** | **Date:** | |
| | ☐ **Yes**<br>☐ **No**<br>**X Not required** | |
| **Policy will be communicated via:** | Website, Programme Handbook | |
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## 1. Constitutional Basis

The Appeals Panel is established to consider written applications requesting reviews of assessment decisions or other decisions of Assessment Boards, which could have the effect of retarding progress, terminating studies or affecting the level of award for students. In the circumstances outlined in this Policy, the Appeals Panel may agree to ask the relevant Assessment Board to reconsider its decision.

The authority of an Assessment Board is established through a chain of delegation. University Centre Leeds has formal authority to determine the academic progress of students **either** because of the status of University Centre Leeds as a foundation degree-awarding authority **or** because of delegation to University Centre Leeds by another Awarding Body. Subject always to retaining ultimate responsibility for the exercise of such authority, the Luminate Board of Governors delegates academic authority to its Academic Board. In turn, the Academic Board delegates to each Assessment Board authority and responsibility for determining the academic progress of individual students.

Decisions of an Assessment Board should not be over-turned if the board has been properly constituted, has acted within its terms of reference, and has applied the framework correctly. However, in relation to the overall responsibility of University Centre Leeds for academic matters, the Appeals Panel may ask an Assessment Board to reconsider a decision.

The term 'Assessment Board' in these Regulations normally means the Examination Committee/Board of Examiners.

Appeals will only be considered if they are submitted in writing, using the Appeals form (appendix 1) Appeals Form within the timeframe set out.

For the purpose of this policy written communication may be in paper or electronic format.

## 2. Grounds for Review

The Appeals Panel may consider an Appeal Application at the request of a student in the following circumstances

- If the Appeals Panel is satisfied that the student's academic achievement or progression was affected by **incapacity** which clearly prevented the student from submitting a Mitigating Circumstances Application in time for due consideration by the relevant Mitigating Circumstances Panel, or where the student was unable, for valid and evidenced reasons, to divulge information before the Assessment Board reached its decision.

- The student's request must be supported by a clear statement detailing the 'incapacity' and/or explaining why the student was 'unable' to submit mitigating circumstances at the appropriate time, together with medical certificates or other documentary evidence acceptable to the Appeals Panel.

- If the Appeals Panel is satisfied, on evidence produced by a student or any other person, that the student's performance in an assessment was adversely affected by a material administrative error attributable to, or to an agent acting on behalf of, University Centre Leeds **(Maladministration).**

- If the Assessment Review Committee is satisfied that the student's performance was adversely affected because an examination (or other assessment) was not conducted in accordance with the current published Academic Regulations (**Breach of Regulations)**.

The following **cannot** constitute grounds for Appeals:

- Questioning the academic judgement of a properly convened and constituted Assessment board for example:
- by questioning the validity of the assessment decision on one or more pieces of work produced by a student;
- by questioning marks or grades awarded;
- by questioning the overall decision on a student's progression or on the final assessment decision.
- Complaints made against University Centre Leeds or its staff. Any student who wishes to make a complaint against University Centre Leeds or its staff on any of the following grounds should do so under the University Centre Leeds Complaint Process
- standards of service provided by University Centre Leeds, or other action by University Centre Leeds or its staff;
- failure of University Centre Leeds or its staff to provide a service, or other lack of action by University Centre Leeds or its staff.

Following a decision of a properly convened and constituted Mitigating Circumstances Panel on the assessment(s) in question. A separate review process is available, details of which can be seen in the academic regulations

If a student submits an Appeal Application concurrently with an application under the Student Complaints Procedure, the application under the Complaints Procedure will be stayed until the conclusion of the Appeal Application. The handling of all appeals should normally be completed within 90 days of the start of the formal stage, in accordance with the OIA guidelines.

## 3. Fair Treatment

No student submitting a formal or informal Appeal under this Procedure, whether successfully or otherwise, will be treated less favourably by any member of staff than if the Appeal had not been brought. All staff involved in handling any stages of an Appeal have a duty to ensure that any decision they make regarding assessment of academic evidence, or the way a student is treated, must not be influenced by the submission of an Appeal Application. If evidence to the contrary is found, the member of staff may be subject to action under the Staff Disciplinary Procedure.

Where a student or staff member believes that consideration of an Appeal is likely to affect the relationship between the student and a member of staff, all parties will be expected to continue that relationship in a professional manner. Only in exceptional circumstances will the Dean of Higher Education consider agreeing to a request for alternative working arrangements whilst the Appeal Application is being investigated.

## 4. Publication of Results

Results letters will be posted within 7 days of the assessment boards for UCLeeds and Pearson awards. Results for Open University Students will be posted following approval by MRAQCP. It is the

responsibility of the student to ensure that they receive their results. Results will be posted to the student record system. If a student does not receive results within these timelines, they should contact HE Registry at heregistry@ucleeds.ac.uk

## 5. Advice and Guidance

- Students and staff can obtain advice on this Policy from a number of sources. In particular, a Guidance Officer or representative from the Students' Union can provide advice, independent of University Centre Leeds, including assistance in submitting an application and attending meetings in a supporting role. Staff can seek advice and support on understanding the Policy from the Higher Education Department (HEDO).

- The Higher Education Development Office (HEDO) can only provide advice to students and staff on the operation of these Regulations.

- Academic staff will not be able to provide advice to students on individual Appeals applications.

- Students who are eligible to receive a University Centre Leeds award may attend an Award Ceremony. In such cases the award will be that previously determined by the Assessment Board and if the award is subsequently amended there will be no further opportunity to attend an Award Ceremony. Students may defer attendance at the Award Ceremony until the outcome of their appeal is known, if preferred. Should the student receive a Certificate of Award whilst an appeal is ongoing and the Assessment Board amends its decision, the Award Certificate should be returned to the University Centre Leeds and a replacement will be issued on receipt. Attendance at an Award Ceremony does not negate a student's Appeal Application through the Appeal process.

## 6. The Informal Process

If a student considers that they may have grounds to request a reconsideration of a decision by an Assessment board, as described in Paragraph 2.1, they are normally expected to, in the first instance, attempt to obtain informal resolution of the case by undertaking informal discussion with the HE Policy and Compliance Officer or nominated representative by emailing HE Quality@ucleeds.ac.uk. The informal process must be commenced within **10 working days** of the date of formal publication of decisions established by the Assessment board.

The Informal Stage does not negate a student's right to submit an Appeal Application Form and any application must be submitted in accordance with the procedures and timescales outlined in Paragraph 6.2 unless Paragraph 5.3 applies. However, if a student submits an Appeal Application Form late due to a delay in resolving their issues informally, then the application will be considered under the provision of Paragraph 7, subject to confirmation from the He Registrar Co-ordinator that the delay was due to undertaking the informal process. If the HE Policy and Compliance Officer is unable to confirm that an informal process had taken place, then a student's application will be considered in accordance with Paragraph 6.5.

A student is strongly encouraged to, in the first instance, contact a Guidance Officer on hestudentsupport@ucleeds.ac.uk or the Students' Union on su.enquiries@leedscitycollege.ac.uk before commencing the Informal Stage.

At the conclusion of the Informal Stage, the HE Policy and Compliance Officer or nominated representative will contact the student, confirming in writing the decision of the Informal Stage. A

copy of the documentation must be provided to the student to serve as a record of the outcome. A copy must also be kept in the student's file, and copies may be circulated, in confidence, to members of academic staff involved in the investigation of the facts relevant to the application. In the event that agreement has not been reached, a student may submit a formal Appeal Application Form within **10 working days** from the conclusion of the Informal Stage. (See Paragraph 6).

## 7. Submitting an Application for an Appeal

- Students submitting a formal Appeal will find an Appeal Application form in their handbook, on the VLE or can request this from HEDO. An example of the form can be found here.

- Students must submit their formal request for an Appeal on the Appeal Application Form to hequality@ucleeds.ac.uk Such a form must be received by the Higher Education development Office (HEDO) **within 20 working days of the date of formal publication of decisions established by the Assessment Board** unless Paragraph 5.3 applies.

- Only in exceptional circumstances will an Appeal Application Form be accepted after this date, and then only to an absolute deadline of three months after the formal publication of decisions and will be considered in accordance with Paragraph 6.5.

- The Higher Education Development Office (HEDO), on receipt of the application, will have the right to request further clarification and/or information from the student prior to referring the application to the relevant Chair of the Appeal Panel.

- Incomplete applications, applications that do not meet the criteria, or late submissions will normally be rejected. If a student submits a late submission, the student must enclose, with their Appeal Application Form, a written explanation for the late submission. The decision on whether, exceptionally, to accept incomplete applications, applications that do not meet the criteria, or late application forms will be at the discretion of the Chair of the Appeal Panel. For students on University Centre Leeds Validated Programmes the decision of the Appeal Panel is final and all internal processes have been exhausted. For students on Open University (OU) validated programmes students can appeal to the OU details can be found in Section H of the OU Regulations

- A student will be entitled to make one application only in respect of any one assessment decision. That application may relate to one or more of the grounds indicated in Paragraph 2.1 above.

- A student must complete all sections of the Appeal Application Form as fully as possible, following the guidelines issued with the form. Comments in support of the application should be confined to matters directly related to the grounds for the application. The application must be supported by documentary evidence clearly referenced to the relevant ground(s).

- Students are advised to retain a copy of their documentation and the Appeal Application Form. Documents supplied as part of the application process will not normally be returned. Where photocopies of documents are submitted, the student may be required to provide the HE Registrar Co-ordinator with sight of the original documents in order to verify their authenticity or, in exceptional cases, ask for their authenticity to be notarised by a public notary.

- Evidence submitted after the deadline date, as indicated in Paragraph 6.2, will only be accepted in exceptional circumstances (e.g. circumstances, outside of the appellant's control which mean they are unable to maintain contact) as determined at the Appeal Panel.

## 8. Formal Process

The formal process is initiated by the submission of an Appeal Application Form in accordance with Paragraph 6.

- Receipt of an Appeal Application Form will be acknowledged by the Higher Education Development Office (HEDO) within 3 working days.

- The Higher Education Development Office (HEDO) shall normally, within **3 working days**, circulate the Appeal Application Form and supporting documentary evidence, to the 'Chair of the relevant Assessment Board' for consideration unless the application falls within Paragraph 6.5. The term 'Chair of Assessment Board' may also mean a nominated member of staff.

- If the Chair of the relevant Assessment Board believes that there appears to be a case for the decision of the Assessment Board to be reviewed, they may if required, request further clarification directly from the student and reconvene, if appropriate, the Assessment Board to consider the case or Chair's Action may be taken, in which case the decision must be formally recorded for ratification at the next appropriate Assessment Board.

- The Chair of the relevant Assessment Board must formally inform in writing the student with the decision of the Assessment Board, and/or the decision taken by 'Chair's Action' and must send a copy of this communication to HEDO. The Chair must advise the student of their right to continue to pursue the case through the formal Appeal Process, and to contact HEDO if they remain dissatisfied with the decision of the Chair.

- Within **10 working days** of receipt of the Appeal Application Form, the Chair of the Assessment Board shall inform HEDO, in writing, of the Assessment Board's decision immediately following the meeting and/or of Chair's Action in reviewing the case. Where complex matters are identified, an extension to this timescale may be provided, on request, by HEDO.

- Within **5 working days** of receipt of the Appeal Application the HE Quality and Compliance officer will convene an Appeal Panel between The Chair of the relevant Assessment board, the Deputy Principal of Teaching and Learning (the Chair) and a member of staff, independent of the process. The quorum for an Appeal Panel is two members, and a Secretary shall also be in attendance.

The Appeals Panel will consider:

- The student's application and supporting documentation
- Minutes of the meeting of the Assessment board which may be in draft format
- Any other additional relevant information.

To assist in this process, the Appeal Panel may request further information from the appellant where necessary. This information should normally be provided to the Secretary of the Appeal Panel within **5 working days** of the request. Where the Appeals Panel agree that the application does not meet the grounds for an Appeal based on the evidence submitted, it shall dismiss the application.

- If the members of the Appeal Panel agree that there appears to sufficient evidence to overrule the decision of the Assessment Board, they will determine the action that needs to be taken.

- The student will normally be informed of the decision, and the reasons behind the decision, of the Appeal Panel within **5 working days** of the meeting in writing.

- If the appellant remains dissatisfied following the formal response, they have the right to refer the matter to the Open University (if on an OU validated course) for review. Details can be found here
  Open University Handbook for Validated Awards Appendix 1.

If following the above the appellant remains dissatisfied, they have the right to request a review of the outcome with the office if Independent Adjudicator (OIA) within 12 months of the notification of the outcome by the Open University.

## 9. Monitoring and Evaluation

Statistical data relating to the number of informal and formal appeals, including a summary of its decisions, will be included in the Scheme's Annual Report.

| Change Summary | | |
|---|---|---|
| **Version** | **Date** | **Summary of Changes** |
| 1 | | |
| 2 | | |
| 3 | Sept 2022 | Updated in line with OU Audit |
| 4 | September 2023 | Reviewed in line with HE Academic Appeals Policy but no amendments made |
| 5 | September 2026 | Reviewed in line with HE Academic Appeals Policy but no amendments made |