

## Appeals Policy for FE courses leading to award

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### 1 Introduction

#### 1.1 Purpose of the Appeals Policy

The purpose is to describe the procedure that is followed if you wish to query an assessment outcome, because you believe that an unfair decision has been made under the regulations.

#### 1.2 Courses covered by this appeal procedure

The regulations and procedures which follow apply to all FE award courses delivered at the Arts University Bournemouth.

#### **What are you able to appeal against?**

You may appeal against an assessment outcome on:

- individual unit(s); and/or
- the grading of your final award.

**NB** Marks for individual units are finalised at Examination Boards together with decisions regarding award. As an appeal has to be made against finalised marks, you can only appeal following the publication of results from the relevant Examination Board.

#### 1.3 Complaints

If you have specific concerns about some aspect of your course or about a service provided by Arts University Bournemouth, this is not an appeal, but rather a complaint. There is a separate procedure for student complaints which can be accessed on Viewpoint: <https://my.aub.ac.uk/viewpoint/Pages/default.aspx>. If an appeal includes issues of complaint, there is no need to submit this separately; the University will determine which aspects constitute an academic appeal and which a complaint, and will proceed accordingly. The complaint will generally be suspended pending the outcome of the appeal.

Student Services will provide you with more information about the complaints procedure.

#### 1.4 University Commitment

It is every student's right to make an appeal and you can be assured that your case will be considered fairly and without prejudice. You will not be disadvantaged if you lodge an appeal in good faith. If it is evident that your appeal is fraudulent or malicious (for instance, if you are making false allegations against a member of staff), the University reserves the right to take action.

1.5 Every appeal is treated confidentially; the policy explains who will see your appeal at the various stages of consideration, and information is only shared where this is necessary.

1.6 This Policy applies to all students studying for an FE award delivered at the Arts University Bournemouth.

## 2 Grounds for Appeal

2.1 The grounds under which you are allowed to make an appeal are that:

2.1.1 your performance in assessment may have been affected by mitigating circumstances that, for good reason, you were unable or unwilling to bring to the University's attention before your work was assessed. An appeal of this type **must** be supported by appropriate evidence<sup>1</sup>;

and/or

2.1.2 there has been a procedural irregularity such as an administrative error or that the assessment was not conducted in accordance with the course regulations;

2.2 Disagreement with academic judgement is not grounds for appeal. At the University "academic judgement" is defined as being "the decision made by academic staff on the quality of the work itself or the criteria being applied to mark the work.

2.3 Travel or financial difficulties cannot be used as grounds for an appeal.

## 3. When you can appeal

3.1 You must submit your appeal within 15 working days from the date of the results being published.

3.2 Final award results are notified to students by individual transcript. It is your responsibility to ensure that you receive your results.

3.3 Where you are notified of an assessment outcome by letter posted to your home address, the time period for lodging an appeal will commence two working days after the letter is posted.

3.4 Your appeal form must be received no later than 12 noon on the 15<sup>th</sup> working day from the date of the assessment outcome being notified.

## 4. Overview of the Appeals process

4.1 There are three stages to the appeals process. The first stage is informal, and comprises a meeting with your Progression Leader (or in their absence, the Course Leader) to discuss your circumstances, which may help to clarify your position. If you remain dissatisfied, you can make a formal appeal, which constitutes the formal stage of the process. The Chair of the Examination Board will review all relevant evidence relating to your case, and determine whether there are grounds to overturn a decision of the Board. Finally, if you remain dissatisfied, there is a Review stage where the matter is considered by a panel chaired by the Academic Lead on Standards and Quality (or nominee). This review panel does not have the power to overturn decisions, but will ensure that the process has been conducted correctly, and that decisions have been fair and reasonable. In the event that the review panel has any concerns, it will refer the matter back to the Chair of the Examination Board for further review.

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<sup>1</sup> It is your responsibility to bring any mitigating circumstances affecting your performance in assessment to the attention of relevant staff at the appropriate time. Mitigating circumstances will only be accepted as grounds of appeal in *very exceptional* cases, where you are able to satisfy the University that you were previously unable or unwilling *for valid reason* to disclose matters at the appropriate time. Medical or other evidence submitted in support of the application must be contemporaneous and independent.

4.2 The following sections set out the process which will be followed in all cases.

## **5. Before making a Formal Appeal**

5.1 Before making a formal appeal you must discuss the matter with your Progression Leader. In view of the tight deadlines involved (see “When you can appeal” - Section 3 above) you should let the member of staff know that you want to discuss an appeal in order that the meeting is scheduled as soon as possible. The purpose of this discussion is to clarify questions you may have about your general performance or specific marks. It may sometimes be sufficient for an email discussion to take place, especially where it proves difficult to arrange a meeting in person.

5.2 The meeting is entirely confidential and, if you decide not to pursue your appeal, the matter will go no further. Exceptionally, if there is no appropriate member of staff available for consultation purposes, you should continue with your appeal, and include details of your attempts to make contact with academic staff.

5.3 The Senior Academic Advisor and/or the Students’ Union are available to offer advice on the procedure.

## **6. Making a Formal Appeal**

6.1 If you have attended an informal meeting with your Progression Leader as described in Section 5 and you still want to continue with your appeal, you should complete the Appeals Form AP2 and submit this.

6.2 On your form you should make clear exactly what you are appealing against (for example is it against a particular unit mark, or against an overall decision) and the grounds for your appeal (see Section 2.1). You should provide all information relevant to the appeal including details of events, people and where possible, dates. You must support your appeal with documentary evidence (for example medical certificate, letter from the Student Counselling service, Police Officer, and/or Solicitor).

6.3 You should email your completed appeal form with all accompanying documentation to the University Secretary to be received within the timescales set out in Section 3 above.

Appeals should be

- sent by e-mail ([studentappeals@aub.ac.uk](mailto:studentappeals@aub.ac.uk)), please ensure that you put “Appeal” and your student ID number in the subject line.

If for any reason you are unable to email you may send your appeal by post, addressed to the University Secretary. Please obtain proof of posting and allow plenty of time to ensure it arrives by the deadline.

6.4 Appeals received after the 15 working day deadline will not normally be considered by the University Secretary. Special consideration will only be given very exceptionally, if you provide a valid reason, supported by evidence, for any delay.

6.5 If you are unable, for exceptional reason, to submit an appeal (because of severe illness, for example, or other valid reason), a third party (for example a fellow student) may complete and submit the appeal on your behalf, provided that your written consent is also included with the appeal.

- 6.6 Once you have submitted your appeal this is considered to be the definitive statement of your case; you are not able to add to this other than to submit evidence which was not previously available.
- 6.7 The University Secretary will acknowledge receipt of your appeal within two working days.
- 6.8 All appeals relating to decisions taken at Examination Boards in May will be concluded by the end of September. With regard to Examination Boards which are scheduled at different points in the year, any appeal will be concluded within 8 weeks of the relevant Board.

## **7. Consideration of your formal appeal**

7.1 The University Secretary, or a nominee authorised by the University Secretary to act on their behalf, will consider your case in light of the permissible grounds for appeal as specified in 2.1 above. In the first instance, the University Secretary will establish that your appeal is valid (i.e. that it is within the appropriate timescales; that it references legitimate grounds of appeal; and that you have provided the necessary documentary evidence in support of your case). The University Secretary may contact you at this point to clarify any matters of fact, or to seek further evidence from you.

### *7.2 Appealing on grounds of mitigating circumstances*

7.2.1 Mitigating circumstances will only be accepted as grounds of appeal in *exceptional cases*, where you are able to satisfy the University that you were previously unable or unwilling *for valid reason* to disclose matters at the appropriate time. Medical or other evidence submitted in support of the application must be contemporaneous and independent.

7.2.2 If you appeal on grounds of mitigating circumstances, the University Secretary will convene a meeting on the Mitigation Board. The remit of the Board will be to consider the validity of your claim of mitigation and whether you have given appropriate reason for the late disclosure of your circumstances.

7.2.3 Following the Board the University Secretary may contact the Course Leader if further clarification is needed or if mitigating circumstances only form part of your appeal.

### *7.3 Appealing on other grounds (ie not mitigating circumstances)*

7.3.1 If the University Secretary considers that there may be grounds for appeal, they shall invite a response to the claim from relevant staff within the University to ensure that all relevant evidence is gathered.

7.3.2 The Progression Leader and/or other appropriate persons will be requested to submit written statement(s) to the University Secretary, providing information requested. These statements should be in a form suitable for use as evidence. Written statements should normally be received by the University Secretary within seven working days from the date of request, although there may be some delay during vacation periods where the relevant staff are away from the University. Where the appeal is deemed by the University Secretary to be a priority case, a response will be needed as a matter of urgency and by no later than three working days from the date of request.

### *All Appeals*

7.4 The University Secretary will gather the following evidence:

- 7.4.1 the appeal that you have submitted, and all supporting evidence provided;
- 7.4.2 the record of the Examination Board, including your transcript showing detailed confirmed assessment marks;
- 7.4.3 (if relevant) confirmation of whether you had made a mitigation claim based on the circumstances described in your appeal form and if the claim had been approved;
- 7.4.4 provisional assessment marks where appropriate;
- 7.4.5 written statements made by relevant staff in relation to the case.

7.5 Once all the evidence has been gathered, the University Secretary will present your appeal and the associated evidence to the Chair of the Examination Board. The Chair will make one of the following decisions:

7.5.1 that there are no valid grounds for appeal, and that your appeal is therefore rejected. This decision will be made where the Chair finds that there is insufficient evidence that you have suffered an injustice in the conduct of your assessment. The University Secretary will inform you in writing of this decision and provide you with copies of the supporting evidence. If you wish to contest this decision you should write to the University Secretary within seven working days of the letter being sent. If no further communication is received within seven working days, the appeal will be formally dismissed.

7.5.2 that the grounds for appeal are substantiated. They may refer the matter back to the Examination Board for further discussion; or may take Chair's action to overturn the previous decision of the Board, and make a revised recommendation to the next meeting of the Examination Board. If reference to the Examination Board would be likely to introduce an extended delay to the process, and especially if this may have a material impact (for example if it involves a decision about progression), Chair's action will be sought on behalf of the Examination Board.

7.6 In reaching their decision, the Chair will consider all the evidence, and will reach a conclusion on the balance of probabilities. They will be mindful of the need to be fair to all students, and ensure that any decision is consistent with decisions made in respect of other students by the Board. The Chair of the Examination Board will prepare a statement outlining their decision, which will be sent to you by the University Secretary.

## **8. Review stage**

- 8.1 If the Chair of the Examination Board has rejected your appeal, you are entitled to request a review of this decision. You can request a review on the grounds that:
- the appeal was not handled in accordance with the stated procedure, and that this influenced or may have influenced the decision in some way
  - new evidence has since become available which is relevant to your appeal, but was not available at the time the Chair of the Examination Board considered the

- case. If you wish to present additional evidence, you will also need to prove that it was not previously available
- the decision of the Chair of the Examination Board was perverse, taking into account all the evidence presented.
- 8.2 Your request for a review of the decision must be emailed to the University Secretary within seven working days, outlining the reasons for your request. The University will not unreasonably reject your request for a review.
- 8.3 The review will be conducted by an Appeals Review Panel, chaired by the Academic Lead on Standards and Quality or their nominee. You will be notified of the date and time of the Panel's meeting not less than 7 working days in advance of the meeting. The panel will receive the full documentation relating to the case, copies of which will also be emailed to you. If you have fresh evidence that was not available to you when you made your original appeal, you must submit this to the University Secretary no less than 5 working days in advance of the meeting.
- 8.4 Notice of the convening of the Appeals Panel will be considered to have been given on sending the notice and supporting information if appropriate, to the email address you have supplied on your appeal documentation.
- 8.5 The precise membership of the Panel shall be decided by the University Secretary; the guiding principle will be to ensure that none of the members of the panel have had any contact with you previously. Membership will normally comprise:
- 8.5.1 two members of academic staff, at least one of whom shall be at Senior Lecturer level or above, from a School in which you are not formally registered as a student;
- 8.5.2 subject to 8.5 above and 8.7 below, the student representative on Academic Board or their nominee.
- 8.6.1 The Academic Lead on Standards and Quality or their nominee will act as Chair.
- 8.7 Occasionally, it may be considered that a case is too sensitive to involve a student representative. At all times, involvement of a student representative will be at the discretion of the Chair of the Panel.
- 8.8 A nominee from the University Secretary's Office will act as Secretary to the Panel.
- 8.9 The quorum for an Appeals Review Panel is three Panel members.
- 8.10 The purpose of the Appeals Review Panel is to consider your claim that the process has not been operated effectively; that the Chair's decision was perverse; or that there is additional evidence which was not previously available, for valid reason. Its role is not to reach a judgement on the appeal itself, but on the way in which the appeal has been considered.
- 8.11 It is likely that the meeting of the Appeals Review Panel will take place remotely. You are entitled to attend the meeting if you wish, but this is not a requirement. Alternatively, the Panel will use the email address, which you have provided, to raise any queries which the panel has. In exceptional cases, which will be determined by the University, the date may be postponed or rescheduled to enable you to attend.
- 8.12 If you are attending the hearing, you are entitled to bring one friend or representative with you, who should be a member of the University community. If you are being

accompanied you should inform the Secretary to the Panel before the meeting of the identity of this friend/representative. The person accompanying you is permitted to speak, but may not answer questions on your behalf.

8.13 *Format of the meeting:*

The format of the meeting of the Appeals Review Panel will be determined by the Chair, taking account of the particular circumstances of the case. However, if you are attending, it will be normal practice for the Panel to invite you to summarise your case briefly, explaining why you consider that the decision should be set aside. Panel members will then have the opportunity to ask you any questions of clarification, to inform their own understanding of the case. They will invite you to email copies of any additional documentary evidence. If you are not attending, the Panel will identify any questions of clarification they may have, and these will be emailed to you, with a deadline for response which will not be less than three working days from the date the request is sent. This will ensure that the Panel has a comprehensive understanding of the case you are presenting before it makes its decision.

- 8.14 The Panel will consider its decision in private after the evidence has been heard, and determine in light of the evidence presented the validity of your case. The Panel will reach its decision by simple majority vote. In cases where no overall majority arises, the Chair shall have a second or casting vote.

## **9. Appeals Review Panel outcome**

- 9.1 The Appeals Review Panel does not have the power to amend the decision of the Chair of the Examination Board. It will reach one of the following decisions:

- i) That no further action should be taken. The Panel will reach this decision if it finds that there is no reason to question the decision of the Chair of the Examination Board. This will constitute the end of the University's internal processes.
- ii) That the initial decision of the Chair of the Examination Board should be set aside. In this instance, the Panel will refer the matter back to the Chair for further consideration, offering its observations on the areas which require attention. If you have provided evidence of mitigating circumstances that were not provided with your original appeal, the Panel will normally refer these to a meeting of the Mitigation Board, which will also have to consider whether your reasons for not presenting this information previously are valid. In making its decision, the Panel will also determine whether the Chair needs to report back to the Panel following this further consideration.

- 9.2 The Secretary to the Appeals Review Panel will write to you within five working days of the meeting to confirm the outcome. If it has set aside the decision of the Chair of the Subject Examination Board, it will also outline the actions which will now follow.

## **10. Referral to the Validating and Examining Body**

- 10.1 There is no further process of appeal within the University. If they are still dissatisfied the student is entitled to refer the case to the relevant Validating and Examining Body for the particular course.

10.2 Copies of all documents will be held confidentially by the University Secretary and will be used for statistical monitoring purposes (see section 11).

## **11. General Data Protection Regulation (GDPR)**

11.1 In submitting a formal appeal, you will be providing documentation to make your case. You should be aware of the implications of this with regards to data protection. Your documentation will only be accessed by AUB staff who are directly involved in the consideration of your appeal. This will usually mean the University Secretary (or their nominee) and the Chair of the Examination Board. In order to clarify a point in your appeal, the Course Leader or Progression Leader may be contacted and this could involve the relevant passage from your appeal being provided to them. For details of the Appeals Panel, please see Section 8.

11.2 If you are appealing on mitigating circumstances, these circumstances will be considered by the Mitigation Board. The Mitigation Board is chaired by the Academic Lead on Standards and Quality or their nominee and comprises senior academic leaders – Deans/Directors, the University Secretary and the Director of Student Experience and Employability. It may be that as part of the investigation it will be necessary to contact your Course Leader for comment or clarification; if you feel that your extenuating circumstances are particularly sensitive and you do not wish for any member of the course team to be given this information, please highlight this on your appeal form. No personal information will be disclosed to the Course Team without prior discussion with you

11.3 Your information will be held in a secure electronic file, but may be provided in hard copy to the Chair of the Examination Board or a member of an appeals panel. Following the conclusion of your appeal, all documentation will be held electronically for the period specified within the University's Retention Policy (see 10.2).

11.4 If you are making an appeal based on mitigating circumstances, it may be that you have been affected by the illness or personal crisis of somebody close to you. In making your case it is important that you demonstrate how this situation has been impacting upon you. However, if you wish to submit evidence concerning a third party, you must ask permission and inform them how the information will be held (see 11.3 above). You should include a statement from this third-party giving permission for the information to be used as part of the appeal.

All members of the University's community including staff, students, visitors and contractors have a responsibility to treat others fairly and respectfully regardless of the characteristics which may define their identity. These include the legally protected characteristics which are: Age, Disability, Gender reassignment, Marriage and Civil partnership, Pregnancy and maternity, Race, Religion or belief (including lack of belief), Sex and Sexual orientation. The University has committed to provide a working and learning environment founded on dignity, respect and equity where discrimination of any kind is treated with the utmost seriousness.