

Academic Appeals Policy and Procedure



**Harper Adams
University**

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Academic Appeals Policy and Procedure 2020/21

1. Context and scope

This procedure applies to students on taught awards studying at Harper Adams University, students registered on postgraduate research programmes, students studying on Harper Adams validated programmes at Askham Bryan College and Beijing Agricultural College, and those studying on Harper Adams accredited workforce development programmes. It has been informed by the Good Practice Framework for the Handling of Complaints and Academic Appeals, published by the Office for the Independent Adjudicator for Higher Education (OIA) in December 2016. At the completion of this internal procedure, dissatisfied students are entitled to complain to the OIA but should **not** do so before internal procedures are concluded. Please see paragraph 9 for more information. This policy and procedure document is hosted on the University's Key Information Pages at: www.harper.ac.uk/keyinfo.

The aim of the procedure is to enable:

- a) taught students to request a review of a published decision of a Course Assessment Board particularly as it applies to decisions on student progression, assessment and awards. This incorporates appeals against the decisions of a Placement Panel or decisions resulting from investigations into academic misconduct;
- b) registered research degree students to appeal against the following decisions:
 - (i) termination of registration to read for a higher degree;
 - (ii) registration for a particular higher degree;
 - (iii) refusal of permission to submit a thesis;
 - (iv) the result of the examination of a thesis.

1.1 Arrangements for dealing with provisional mark review requests

Provisional mark review requests should not be progressed through this policy and procedure. A student who wishes to seek a review of a provisional mark awarded by a module tutor prior to both confirmation of that mark by a Subject Assessment Board and a decision on the progression or completion of that student by a Course Assessment Board should, in the first instance, discuss the issue with the module tutor. If the student is not satisfied with the response provided by the module tutor, the student should be invited to discuss the matter further with the Head of Academic Department at the University who chairs the Subject Assessment Board at which the mark would be considered (or with the HE Manager at partner colleges or with the Assessment Manager at workforce development partners). Students who are unsure to whom their review request should be directed should seek guidance from their Course Manager, Course Tutor or the University's Student Advisor or Student Wellbeing Officer. The student can only invoke the appeals procedure after the mark has been made definitive and the Course Assessment Board has determined the student's progression or overall award or, in the case of workforce development credit-only candidates, after the mark has been made definitive by the relevant Subject Assessment Board. There is no provision for appealing against the academic judgement of assessors. The grounds upon which appeals can be lodged are set out at point 7.

1.2 Dealing with complaints against the provision of academic services or student behaviour

Because there are procedures for considering complaints and grievances during the study period, alleged inadequacy of teaching, supervisory or other arrangements during the period of study do not constitute grounds for requesting a review of the assessment decision. Complaint procedures are outlined in the Key Information Pages on the University's website: www.harper.ac.uk/keyinfo listed under 'Complaints Procedure'.

This procedure does not deal with disciplinary matters relating to the behaviour of students, for which there are separate procedures, as set out in the Key Information Pages on the University's website: www.harper.ac.uk/keyinfo listed under 'Student Disciplinary Policy'.

Neither does this procedure apply to a student completing a City & Guilds NPTC certificate of competence, for which there are separate procedures (available from the Rural Skills Tutor & Advisor at the University).

2. Collective appeals

The normal expectation is that students will submit an appeal against the outcome of a board's decision which relates to their own results only. There is, however, provision for collective appeals since the discovery of a material error or irregularity (as defined in 7.1) that affected all students is likely to result in an outcome that would be applied to all students. Where students elect to make a collective appeal, they are required to confirm in writing that they nominate an individual spokesperson to act on their behalf and that all correspondence, including the final outcome, will be through the nominated spokesperson.

3. Appointment of a representative

As independent adults who should take responsibility for their own learning, the University expects students to make their own representations within this policy. Where a student feels unable to do so, they may, exceptionally, request that they be permitted to appoint a representative to act on their behalf. They should make their request in writing, explaining their reasons for making the request, by using their own University email address. In requesting to nominate a representative, the student expressly permits the University to share personal data relating to the investigation, with the named representative, in both determining and reporting on the appeal outcome. The student also accepts responsibility for any claims made by their representative on their behalf, including the consequences of any false claims made in their name. If the student's request is approved, all communications will be channelled through the representative, although copied to the student. Such requests are normally only permitted on significant health grounds and the University reserves the right to require independent verification of such grounds.

4. Frivolous or vexatious appeals

The University may reject an appeal at any time if, in the opinion of the Director of Academic Services, or nominee, the appeal is frivolous or vexatious.

A frivolous or vexatious appeal can be characterised in a number of ways:

- Appeals which are obsessive, persistent, harassing, prolific, repetitive;
- Insistence upon pursuing unmeritorious appeals and/or unrealistic outcomes beyond all reason;
- Insistence upon pursuing meritorious appeals in an unreasonable manner;
- Appeals which are designed to cause disruption or annoyance;
- Demands for redress which lack any serious purpose or value.

If a student's appeal is considered frivolous or vexatious, the Director of Academic Services, or nominee, will write to the student explaining that the University is terminating further consideration of the appeal, setting out the reasons for doing so, and issue a Completion of Procedures letter. The appellant will also be referred to the student disciplinary procedures.

5. Unacceptable behaviour

The University is committed to providing a fair, consistent and accessible service for all students. However, the University must also provide a safe working environment for staff, and ensure that work is undertaken in an efficient and effective manner. Whilst all students have the right to be heard, understood and respected, staff have the same rights. The actions of appellants, or their nominated representative, who are angry, demanding, or persistent may result in unreasonable demands on, or unacceptable behaviour towards, staff. It is these actions or behaviour that is considered unacceptable and are managed under this guidance. These behaviours are set out below:

Aggressive, offensive or abusive actions or behaviour

Examples of actions or behaviour grouped under this heading include any actions or behaviour that may have the potential to cause staff to feel intimidated, threatened or offended. These include, but are not limited to: threats, physical violence, personal verbal abuse, derogatory remarks, sarcasm and rudeness. Inflammatory statements and unsubstantiated allegations can amount to abusive actions or behaviour. Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language, whether oral or written, that may cause staff to feel afraid, threatened or abused.

Unreasonable demands or persistence

Examples of unreasonable demands may include: requesting responses within an unreasonable timescale; insisting on seeing or speaking to a particular member of staff; continual phone calls, emails, or letters; demanding answers to unreasonable, or an excessive number of, questions about the way in which staff would normally discharge their responsibilities or seeking their personal opinions on matters; repeatedly changing the substance of an appeal; or raising unrelated concerns.

When the actions or behaviour of an appellant is unacceptable, they will be told why it is unacceptable and given the opportunity to modify their actions or behaviour. If the unacceptable actions or behaviour continue, the University will take appropriate measures, including referring students to the disciplinary procedures and terminating consideration of their appeal.

6. Academic judgement

Students may not appeal against the academic judgement of examiners, for example claiming that the marks awarded were too low. Neither can a student appeal because he or she did not understand, or was not aware of, the University's regulations or procedures.

7. Grounds on which an appeal can be made

There are only two sets of circumstances in which the decision of a properly convened and constituted Course Assessments Board, Research Degrees Awarding Board, Placement Panel or Academic Misconduct Panel, acting within their approved terms of reference, may be changed by a higher authority within the University. Only in the case of workforce development candidates who have submitted for assessment for credit only may an appeal be made against the outcome of a Subject Assessment Board.

7.1 Material error or irregularity

There was a material administrative error which affected the decision of the approved decision making body. Examples might include that the assessment was not conducted in accordance with the regulations or that a Placement Panel failed to follow its own procedures.

7.2 Mitigating circumstances not known to the Assessment Board

There were mitigating circumstances which the student was unable to divulge, for valid reasons, by the deadline for presenting evidence of mitigating circumstances. The student's appeal should be supported by medical certificates or other acceptable documentary evidence which both verify the reasons for not previously divulging the circumstances and also substantiate the original mitigating circumstances. A feeling of embarrassment is not an acceptable reason for not divulging mitigating circumstances, since all mitigating circumstances are considered in confidence by a small panel of individuals and are not disclosed beyond those judging the merits of the claim and the impact on a student. Any appeal that is based on mitigating circumstance claims and for which there is no or limited evidence will be considered in relation to any other evidence that is presented. Appellants should understand that the outcome of their claim will be based only on evidence that is presented at the time.

Mitigating circumstance evidence should not normally relate to the health or other circumstances of third parties (such as family members) since this is likely to be classed as sensitive personal data under data protection legislation (as amended or superseded from time to time). Instead, appellants should provide evidence that verifies the impact that another's health circumstances has had on themselves as the appellant, without the disclosure of unnecessary detail related to the third party.

Where personal medical information relating to the appellant is submitted, the student consents to the use of that personal data for processing purposes, in order to make an assessment of the validity of the appeal claims.

It is important to note that the University's Examination Regulations for taught programmes specify that once a candidate has entered the examination room s/he has deemed him/herself to be fit to take the examination. Retrospective medical certificates purporting to certify illness at the time when a candidate took the examination, including a *viva voce* examination, will not be acceptable, unless there is independent evidence to substantiate that a student could not reasonably have known that they were unfit to take the examination.

8. Procedure

- 8.1** The Appeals Procedure will be hosted on the University's website, to ensure that students are aware of their rights of appeal at www.harper.ac.uk/keyinfo. Authoritative guidance on the operation of the procedure may be sought from the Director of Academic Services, or nominee, at Harper Adams University (using the appeals@harper-adams.ac.uk mail box). Impartial guidance on preparing an appeal is available from the University's Student Wellbeing Officer or Student Advisor, based in Student Services or the SU Director or nominee. The procedure is conducted in three stages and students can only progress to the next stage after they have completed the preceding stage. Students must submit requests for assessment decisions to be reviewed within the timescales set out within each stage of the procedure. Only exceptionally, and where there are reasonable grounds for such, would the procedure be varied, at the discretion of the Director of Academic Services, or their nominee.

8.2 Stage 1 – raising a concern or query

Before submitting a formal appeal arising from a Course Assessment Board, taught students are required to discuss any concerns or queries with their Course Tutor or Course Manager or, if unavailable, the Chair of the Board. Where a student has received an outcome from the Academic Misconduct Panel or the Placement Panel, they should discuss any concerns or queries with the relevant Chair. Research students are required to discuss any concerns or queries with the Chair of the Research Degrees Awarding Board. Before or after doing so, students may wish to seek impartial advice from the Student Wellbeing Officer or Student Advisor based at Harper Adams University, in addition to the SU Director. Students based at a partner college should contact the college's HE Manager for advice. Students enrolled on a programme run in conjunction with their employer or a training and regulatory authority should request initial advice from their programme's Harper Adams based Link Tutor. Students are encouraged to raise any concern or query as a matter of urgency as any formal appeal, undertaken as part of stage 2, must be submitted within 14 days of the notification of the assessment decision.

8.3 Stage 2 – formal appeal against the decision of an assessment or awarding board, academic misconduct panel or placement panel

If the student decides to submit a formal appeal, s/he should complete an academic appeals form (available as an editable form on the University's Key Information Pages at www.harper.ac.uk/keyinfo or on request to appeals@harper-adams.ac.uk). They should send the completed form, along with supporting evidence to: appeals@harper-adams.ac.uk. It is important that all sections of the form are completed within the time period allowed for appeals to be submitted. The written appeal must be received in the appeals mailbox within 14 days of the date that the results were released to the student. The appeal form should be supported by all available written evidence to substantiate the claims made. The appellant is responsible for providing any evidence that they wish to be considered. Digitised copies of evidence are acceptable, although the University reserves the right to require paper copies to be provided for verification purposes. Claims which cannot be substantiated with independent evidence are likely to be dismissed. The University reserves the right to seek further information to verify the authenticity, credibility and trustworthiness of all documentary evidence.

8.4 Receipt of a formal appeal, using the correct form through the appeals@harper-adams.ac.uk email box, which will be acknowledged by email. The Director of Academic Services, or nominee, will conduct an investigation. The Director of Academic Services, or nominee, will normally take one of the following decisions and notify the student accordingly:

- a) to reject the appeal if there is evidence that the Assessments Board, Academic Misconduct Panel, Placement Panel or Research Degrees Awarding Board, has already taken proper account of the points in the appeal, that the regulations and procedures have been properly implemented, or, for example, that there is no sound reason why mitigating circumstances could not have been revealed before the meeting of the relevant body, or the appeal claim and/or supporting evidence was submitted beyond the published time limit;
- b) if the investigation reveals clear evidence that there has been a material error or irregularity, the Director of Academic Services, or nominee, may uphold the appeal on behalf of Academic Board, without recourse to referring the matter back to the relevant decision making body;
- c) request additional information or seek clarity on unclear or contradictory evidence from the student and from others relevant to the investigation, as

considered necessary by the Director of Academic Services, or nominee, in order to make a well informed judgement on the claim and conclude with an appropriate outcome;

- d) to refer the appeal back to the relevant decision making body that made the original decision, to consider that it reviews and confirms or amends its original decision, in the light of the evidence collected during the investigation;
- e) to apply any combination of (a) to (d) flexibly, if the circumstances of the claim and associated investigations merit such, including the provision for interim or partially upheld appeals, in relation to some, rather than all, aspects of a claim and the requested outcomes.

8.5 If the appeal investigation and internal proceedings have not been concluded before the start of the next academic year or next stage of the course, or the next round of assessments, the student will normally be permitted to continue provisionally on their course pending the outcome of the appeal.

8.6 The outcome of an appeal will normally be notified to the appellant, in writing, within 28 days of receipt of the appeals form, advising not only the outcome of the appeal but also outlining the reference points and written evidence, including that received from interested parties used in forming a judgement. There might be occasions where the requirements of a professional, statutory or regulatory body also need to be taken into account in determining the outcome of the appeal. In exceptional circumstances, it might be necessary to extend the normal investigation and conclusion time period, in which case the appellant will be advised by the Director of Academic Services or their nominee.

8.7 Stage 3 – review stage

If a student remains dissatisfied with the outcome of a formal appeal, they may request a review of the decision. They should write a letter, within seven days of the date of the appeal outcome, clearly headed, 'Request for Review of Appeal Outcome' and send it to: appeals@harper-adams.ac.uk. It will be considered by the University Secretary, or their nominee, against at least one of the following three reasons, which the appellant must specify clearly, with supporting explanation and evidence:

- that the procedures at the formal stage did not follow appropriate arrangements;
- that the outcome was unreasonable, in the circumstances;
- new material evidence has become available which the student was unable, for valid reasons, to provide earlier in the process.

If the University Secretary considers that there are grounds for the appeal decision to be revised, in the light of the evidence presented, they will refer the matter back to the Director of Academic Services, or nominee, for further consideration. The Director of Academic Services, or nominee, will reconsider the evidence presented and take advice from other relevant senior staff where necessary. The final outcome will be advised to the appellant in writing, normally within 20 days.

9. Completion of Procedures

The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. Harper Adams University is a member of this scheme. If an appellant is unhappy with the outcome of their academic appeal they may be able to ask the OIA to review their appeal. Dissatisfied students can find more information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right here: <https://oiahe.org.uk/students>

A student normally needs to have completed this appeals procedure before they can complain to the OIA. The University will send the student a letter called a “Completion of Procedures Letter” when they have reached the end of these processes and there are no further steps that can be taken internally. If the academic appeal is not upheld, the appellant will be issued with a Completion of Procedures Letter automatically. If an academic appeal is upheld or partly upheld, an appellant can ask for a Completion of Procedures Letter if they want one. More information about Completion of Procedures Letters can be found here, including when they should be provided: <https://www.oiahe.org.uk/providers/completion-of-procedures-letters>.

10. Maintaining confidentiality and use of information provided by an appellant

Confidentiality is an important factor in conducting appeal investigations. The University will always have regard to any legislative requirements. For example, data protection legislation (as amended or superseded from time to time) and policies on confidentiality and the use of appellant information. Appeals will be handled with an appropriate level of confidentiality and information released only to those who need it for the purposes of investigating or responding to the appeal. No third party will be told any more about the investigation than is strictly necessary in order to obtain the information required from them. Notwithstanding this provision, information provided as part of an appeal might be used in consideration of an appellant’s fitness to study or fitness to practise in a particular profession.

Where appellants provide information about third parties, they should limit any personal information to the essentials, since there is a requirement under data protection legislation to notify third parties of any circumstance in which their data is being processed.

Where an appeal has been raised which involves claims against a student or member of staff and those elements have been upheld, the appellant will be advised of this. However, it would not be appropriate to share specific details affecting specific students or staff members, particularly where disciplinary action is taken.

11. Reporting and records retention

Anonymised data will be summarised annually for consideration by Academic Board, the Board of Governors and for submission in fulfilment of any external reporting requirements that might be required by regulatory or funding bodies. Regularly reporting the analysis of appeals information will help to inform the enhancement of services.

Records of appeals will be retained for a period of 18 months, following the conclusion of a complainant’s study, or 15 months from the issue date of a Completion of Procedure letter, whichever is the longer, for the purpose of addressing any appeals. This allows the University to align itself with the current OIA complaints process.

For appeals where a dispute is ongoing or is in reasonable contemplation for which there is a statutory limitation period, the records relating to the issue in dispute will be kept for the relevant statutory limitation period.

Director of Academic Services
June 2020

Appendix 1
Stage 2 Formal Academic Appeal Form

The form will expand if you need to type more words. It is available in editable format at: www.harper.ac.uk/keyinfo

Stage 2 Formal Academic Appeal Form	
Student's details	
Student's name	
Student's course title	
Student's year of study	
Outcome of Stage 1 Early Resolution Concern or Query	
With whom, and when, did you query or raise a concern about the assessment outcome under Stage 1 of the procedures?	
Please provide a summary of the advice you were provided with at Stage 1 and date of advice (including copy if provided in writing)	

Details of Assessment Outcome that is being Appealed and Outcome Sought

<p>Details of the assessment outcome(s) that you are appealing against, including named individual module result(s) where relevant, progression or final award decisions</p>		
<p>On what basis are you appealing against the assessment outcome(s), as specified at point 7 of the appeals arrangements, cross-referenced to written evidence which you must also submit in order to substantiate your claims. Please ensure you have read and applied these definitions. You are reminded that there is no provision for appeal on the basis of a disagreement on academic judgement, as set out in point 6. Please write 'not applicable' where appropriate for either possible ground.</p>	<p>Claim on the basis of material error or irregularity as defined in point 7.1 of the appeals procedure:</p>	<p>List of evidence to support each claim, which should be attached / included with this submission:</p>
	<p>Claim on the basis of mitigating circumstances not known to the Assessment Board as defined in point 7.2 of the appeals procedure</p>	<p>List of evidence to support each claim, which should be attached / included with this submission, noting the requirements set out in point 7.2:</p>

What is the outcome that you are seeking?	
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The completed form should be e-mailed, along with supporting evidence to appeals@harper-adams.ac.uk, **within 14 days of results notification**

Useful reference points

Approved arrangements that students' assessments are considered against include those for claiming mitigating circumstances and assessment regulations, each of which are available from the University's Key Information Pages at www.harper.ac.uk/keyinfo, listed under 'Mitigating Circumstances' and 'Assessment Regulations'.

Advice and guidance

For students based at Harper Adams University, the University's Student Wellbeing Officer or Student Advisor (based in Student Services), or their nominee, is able to advise students on preparing appeals, as is the SU Director or nominee if a student prefers not to seek staff advice. Students based at a partner college should contact the college's HE Manager for advice. Students enrolled on a programme run in conjunction with their employer or a training and regulatory authority should request initial advice from their programme's Harper Adams based Link Tutor.