

BRADFORD COLLEGE

ACADEMIC APPEALS PROCEDURE

PREAMBLE

This procedure shall be known as the Academic Appeals Procedure. It forms part of those procedures of the Academic Board which are designed to ensure the maintenance of academic standards and equality in the provision of programmes of study. Specifically the procedure offers the opportunity to review decisions of Examinations Boards in circumstances where it is considered equitable and appropriate to do so. For those who wish to use these procedures or to advise others it is important to be aware of any restrictions upon review set out in the regulations of certain awarding bodies. The timescales set out herein ensure conformity with the College Charter and minimise any adverse effect on progression or award.

APPLICATION

From the date of approval these procedures shall apply to all programmes of study offered by Bradford College Corporation as if such procedures were operable from the date of the commencement of the programme of study, provided always that these procedures shall not apply to those programmes of study which are subject to the regulations of the University of Bradford, Leeds Metropolitan University or in respect of those programmes of study where the awarding body retains responsibility for assessment decisions.

1. Right of Appeal

- 1.1
 - a) Where a formally constituted Examinations Board makes or confirms a decision that results in the termination of tenure or affects progress or certification, the student may register an appeal.
 - b) A decision made or confirmed by an Examinations Board shall be deemed to relate to a point within a programme clearly identified as a stage of assessment.
- 1.2 Disagreement with the academic judgement of a Board of Examiners in assessing the merits of an individual piece of work or in reaching any assessment decision based on the marks, grades and other information relating to a candidate's performance, cannot in itself constitute grounds for a request for reconsideration by a candidate.
- 1.3 The grounds for an appeal as set out in 1.1 are:-
 - a) that there were circumstances which could materially affect the student's performance in relation to the assessment in question of which the Examinations Board were not aware when the decision was made, provided always that good reasons can be established to show why the circumstances were not communicated to the Examinations Board prior to the decision being made.
 - b) that in the conduct of the assessment procedural irregularities had occurred which had not been considered by the Board of Examiners and which could have had a material affect upon the student's performance.
 - c) that there is evidence of an administrative error of such a nature as to cause reasonable doubt as to whether the examiners would have reached the same conclusion if it had not been made.
 - d) that there is evidence of lack of impartiality or objectivity in the assessment process.
 - e) that in the totality of the assessment process there are circumstances which when taken together indicate the equity of a review of the decision of the Board of Examiners.
- 1.4 A student wishing to lodge an appeal must do so in writing addressed to the Secretary to the Academic Board or Higher Education Manager, within ten working days of the publication of the decision of the Board of Examiners.
- 1.5 An appeal as set out in 1.4 shall include:-
 - a) the full name and address of the student.
 - b) the title of the course
 - c) an indication of the ground or grounds of the appeal.

- d) a statement clearly setting out the circumstances giving rise to the appeal.
- e) a declaration that the student has or has not consulted:-
 - i) the Course Tutor
 - ii) the Programme Manager
 - iii) Learner Services

- 1.6 The matters set out in 1.5.d shall form the basis of the appeal and no additional substantive points may be raised subsequent to lodging the appeal unless such points form the basis of a response to a request for further information.
- 1.7 In exercising the right of appeal a student must ensure that the grounds of appeal are in accordance with rules and procedures governing the result against which the appeal is being made.
- 1.8 The College will make every effort to ensure that the procedures are applied so as to be accessible to disabled students.

2. Consideration of the Appeal

- 2.1 Within two clear days of receipt of an appeal the Secretary to the Academic Board or Higher Education Manager shall acknowledge receipt in writing.
- 2.2 The Academic Board shall delegate to the Higher Education Manager authority to consider the appeal for the purpose of determining whether there is a prima facie case for consideration.
- 2.3 In reaching a decision under 2.2 the Higher Education Manager may request additional information from the Programme Manager in which the programme of study is located, including the report of the Board at which the decision was made and any relevant mark sheet.
- 2.4 If the Higher Education Manager determines on the information presented under 1.5 and 2.3 that there is no prima facie case the appeal shall be dismissed.
- 2.5 Where, after due consideration the Higher Education Manager determines that the student has a prima facie case then the matter shall be referred:-
 - a) in the case of an appeal based on grounds as set out in 1.3 a) b) c) to the appropriate Examinations Board with the requirement that the matter be reconsidered in the light of any additional circumstances.
 - or
 - b) in the case of an appeal based upon grounds set out in 1.3d) e) to an Appeals Panel as set out in 2.11 below.

- 2.6 Nevertheless the Higher Education Manager has absolute discretion to refer any appeal as set out in 1.3 a) b) c) to an Appeals Panel as set out in 3.1 below where it is felt equitable to do so and provided always that the reasons for so doing are clearly recorded.
- 2.7 The decision as set out in 2.4 or 2.5 must be conveyed in writing to the student within ten clear days of receipt of the appeal by the Secretary to the Academic Board provided always that a decision under 2.5 shall consist only of a statement that the matter is being referred to the Appeals Panel or Examinations Board.
- 2.8 Where the appeal is referred to the Appeals Panel or to the Examinations Board the decision whether to uphold the appeal shall be made wherever possible within 30 clear days of the date upon which the appeal was lodged or within such time as will avoid the student being prejudiced in the matter of academic progression.
- 2.9 Where it is decided that an appeal shall go forward to an Appeals Panel the Secretary to the Academic Board must ensure details of the appeal are conveyed to the Chairperson of the Appeals Panel, and the appropriate Programme Manager.
- 2.10 Immediately upon receipt, the Programme Manager must inform the Secretary to the Academic Board whether he/she will represent the Programme Area at the hearing or whether another person will be nominated. At the same time the Programme Manager must ensure that the names of any witnesses are submitted, whose presence at the hearing the Programme Area would request, and must confirm the name of the relevant Course Tutor.
- 2.10 The Chairperson of the Panel will agree a date and time for the hearing which must be notified to the following in writing by the Secretary to the Academic Board at least ten clear days before such a date:-
- a) the Panel, composed as set out in these regulations;
 - b) the appellant;
 - c) a person nominated by the appellant;
 - d) the Programme Manager responsible for the appellant's area of study;
 - e) the Course Tutor;
 - f) the Secretary to the Academic Board or his/her nominee;
 - g) the Assistant Director Learner Services or his/her nominee as observer.

The notification to the appellant will be sent by recorded delivery to the address previously provided by the appellant and will include a statement indicating the support available from Learner Services.

- 2.11 The responsibility for ensuring that the details of the hearing are notified to persons nominated as witnesses by the appellant, or by the Programme Area shall lie with the respective party.

- 2.12 All reasonable assistance shall be given to the appellant, subject to the rules of confidentiality set out in College Regulations and/or the Regulations of the Examining Bodies.
- 2.13 The Secretary to the Academic Board will require the relevant Programme Area to furnish a written statement for distribution to the Panel and appellant, relating to the decision which forms the basis of the appeal.
- 2.15 Any confidential material relating to the Examinations Board will be held by the Clerk to the Panel.

3. Appeals Panel

- 3.1 Where the Higher Education Manager refers an appeal to an Appeals Panel such panel shall consist of:
- a) a chairperson;
 - b) a sabbatical officer of the Students' Union;
 - c) two members of the teaching staff of the College drawn from a list of staff nominated for the purpose by each Programme Area.
- 3.2 The Chairperson in 3.1.a above shall be the Chairperson of the Academic Board or a senior postholder nominated by the Chairperson of the Academic Board.
- 3.3 The persons normally present at the hearing shall be:-
- a) the Panel;
 - b) the appellant;
 - c) a person nominated by the appellant;
 - d) the Programme Manager or his/her nominee responsible for the appellant's area of study
 - e) the Course Tutor
 - f) the Secretary to the Academic Board or his/her nominee, who shall be Secretary to the Panel;
 - g) the Assistant Director Learner Services or his/her nominee who shall attend as an observer.
- 3.4 Where the presence of other persons has been requested prior to or during the hearing, their admission to the hearing shall be determined by the Chairperson, in consultation with the Panel, provided always that the following may make representations relating to the confidentiality of the matters to be set out: persons referred to under b) d) e) and g) above.
- 3.5 Where such persons are admitted to the hearing, the Chairperson may direct:
- a) that they are present for a limited time only;
 - b) that they may not speak except in response to a specific request from the Panel.

4. Conduct of Hearing

- 4.1 It shall be the responsibility of the Chairperson to ensure these procedures are applied and to ascertain that the other members of the Panel are aware of their functions.
- 4.2 The Chairperson shall open the hearing and:-
- a) outline the procedures as set out herein;
 - b) shall ascertain that the due periods of notice have been given;
 - c) inform those present of any limitations in the powers of the Panel occasioned by the regulations of external examining bodies;
 - d) formally enquire of the appellant if he/she has been acquainted of the location and function of Learner Services.
- 4.3 In the event of the Secretary to the Academic Board not having notified the appellant of the location and functions of Learner Services at least 48 hours before the date of the hearing, then the hearing must be adjourned for a period of not less than two clear days.
- 4.4 The panel must, prior to consideration of the substances of the hearing, resolve any procedural representations and any decision must be clearly recorded.
- 4.5 The appellant shall not be required to give any reasons relating to his/her selection of the nominated person.
- 4.6 The Chairperson may, in the event of conduct which he/she deems prejudicial to the hearing, require the withdrawal of the person(s) concerned.
- In such circumstances, the Panel shall decide whether or not to continue with the hearing.
- 4.7 The Chairperson must ensure that a record is compiled to include the following points:-
- a) details of the appellant, panel members and all other parties present;
 - b) the grounds upon which the appeal is based;
 - c) a summary of the evidence given;
 - d) the decision. Where more than one ground is set out in the appeal it shall be necessary to identify clearly the decision on each point.
- 4.8 The record shall be confidential and its contents, apart from the decision, shall not be revealed.
- The record of the hearing shall be retained by the Secretary to the Academic Board.
- 4.9 If the appellant does not appear for the hearing without prior explanation and good cause, the Chairperson may elect to continue the hearing.

5. Evidence

5.1 The following persons may give evidence:-

The appellant;

A person nominated by the appellant;

The Programme Manager, or his/her nominee, responsible for the appellant's area of study;

The Course Tutor;

Witnesses as permitted by the Panel.

5.2 Evidence given before the Panel shall be:-

a) **Statements**

- oral statements made by, or on behalf of:
the appellant
the Programme Area
and such witnesses as are permitted to the hearing
- written statements made by, or on behalf of:
the appellant
the Programme Area
and such witnesses as are unable to be present at the hearing

Such evidence must be identified by signature on each document. There shall be no limit to the number of such statements except as determined by the Panel.

b) **Supporting Material**

- reference to any document of an academic nature prepared otherwise than for the purpose of the appeal;
- reference to other material which is relevant to the substance of the appeal.

5.3 The Panel may call for additional evidence and may specify that such evidence shall be oral or by written statements.

5.4 All evidence given at the hearing shall be confidential.

5.5 The Chairperson shall direct that inadmissible evidence shall be disregarded.

5.6 The Programme Area, or his/her nominee, shall inform the Panel of the Examinations Board's decision.

- 5.7 The appellant or the person nominated by the appellant shall commence by setting out those matters which form the substance of the appeal and in so doing shall establish the proof thereof. Reference may be made to written statements or other documentary evidence or articles or other items which are materially relevant to the appeal and to witnesses the appellant may wish to call.
- 5.8 The person nominated by the appellant, together with witnesses as agreed by the Panel, may give oral evidence in support of the appellant's statement.
- 5.9 The two representatives of the Programme Area have the right to question the appellant and the person nominated by the appellant and the witnesses called.
- 5.10 The Programme Area representatives may reply and make reference to written statements or other documentary evidence, articles or other items which are materially relevant to the substance of the item and to witnesses the Programme Area may wish to call.
- 5.11 The appellant and the person nominated by the appellant shall have the right to question the witnesses and the representatives of the Programme Area.
- 5.12 The Panel and the Secretary have the right to speak and ask questions of anyone present.
- 5.13 The Chairperson shall invite the appellant and the Programme Area to indicate if there are further representations to be made.
- 5.14 The Programme Manager, or his/her nominee, shall then be invited to make a final statement.
- 5.15 The appellant or the person nominated by the appellant shall then be invited to make a final statement.

6. Decision

- 6.1 At the end of the hearing, everyone present except the Panel and the Secretary to the Panel shall withdraw so as to allow the Panel to arrive at a decision on whether the appeal be upheld or rejected.
- 6.2 The members of the Panel shall have the right to vote and the Chairperson, in the event of a tie, shall have a second or casting vote.
- 6.3 Those persons present at the hearing, having previously withdrawn, shall be recalled and the Chairperson shall announce the decision together with any recommendation for consequent action.
- 6.4 The Secretary to the Panel shall notify the appellant and the Programme Manager, in writing, of the decision of the Panel, together with any recommendations, within seven days of its sitting.

7. Appeals to the Corporation

- 7.1 A student has the right of appeal to an Appeals Panel of the Corporation against a decision of the Panel of the Academic Board.
- 7.2 The appeal to a Panel of the Corporation shall be only on procedural grounds.
- 7.3 The appeal must be lodged with the Clerk to the Corporation within seven clear days of notification of the decision of the Appeals Panel of the Academic Board.

The decision of the Panel shall be final.

- 7.4 The Corporation shall appoint three of its members (excluding the Principal) to consider an appeal as set out in 7.1, 7.2.

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