

## ACADEMIC APPEALS

### INTRODUCTION

Further to the Appeals and Complaints guidance reviewed at the May 2011 CDD Quality Assurance Committee meeting, and subsequent to guidance from University of Kent, please note the following amendment: in terms of procedure, awarding universities make a distinction between non-academic appeals and complaints, academic complaints and academic appeals. In the case of academic appeals only, the case should go directly to the awarding university, the University of Kent. For all other cases, the procedure remains the same.

*It is the responsibility of Central School of Ballet to:*

- *Handle, in the first instance, all complaints and non-academic disciplinary cases;*
- *Establish an academic disciplinary committee or committees to consider academic offences;*
- *Have in place their own procedures for dealing with complaints from students and they should ensure that students are aware of these procedures;*
- *Inform the University, on an annual basis, of the number of academic complaints made by students and the outcome of these complaints.*

*It is the responsibility of the University of Kent to:*

- *Handle all appeals made by students against decisions of Boards of Examiners;*
- *Handle all appeals made by students against decisions made by disciplinary committees with respect to academic offences as defined by Annex 10 of the Credit Framework;*  
<https://www.kent.ac.uk/teaching/qa/credit-framework/creditinfoannex10.html>
- *Handle academic complaints made by students who have exhausted the academic complaints procedure of a Validated Institution and remain dissatisfied under its procedures and are, therefore, submitting a grievance to the University's Council.*

### **What is an Academic Appeal?**

1. An **Academic Appeal** is defined as a request for a review of an academic decision made in relation to progression, assessment, and awards.
2. The academic appeal procedures apply to students registered on taught programmes of study leading to an award of the University of Kent who request a review of a decision of an academic body charged with making a decision on student progression, assessment and awards. Any queries regarding other courses should be addressed to the Head of Studies.

## **Office of the Independent Adjudicator**

3. If a student is not satisfied once the internal procedures for an academic appeal has been exhausted, then s/he can make a complaint to the Office of the Independent Adjudicator for Higher Education (OIAHE):

<http://www.oiahe.org.uk/making-a-complaint-to-the-oia/how-to-make-a-complaint.aspx>

This is an independent body that will undertake an independent review if they think there is a case.

Full details can be found in the Common Core Complaints Policy and Procedures document which on the student noticeboard in the Library and can also be found on the school website policies page: <http://www.centralschoolofballet.co.uk/>

### ***Grounds for an academic appeal***

Appeals from students against recommendations of Boards of Examiners will be considered in the following circumstances only:

where there is reasonable ground supported by objective evidence to believe that there has been administrative, procedural or clerical error of such a nature as to have affected the recommendation of the Board of Examiner; or

- where there is evidence of illness or other misfortune such as to cause exceptional interference with academic performance and which the student was, for good reason, unable to submit by the published deadline; or
- where evidence relating to illness or other misfortune submitted under concessions procedures within the prescribed time limit was not properly considered by the Board of Examiners.

### ***Academic Appeals cannot be made on the following grounds:***

- Challenges to the academic judgement of examiners on an assessment outcome or the level of the award recommended or granted.
- Claims that academic performance was adversely affected by factors such as ill health, where there is no contemporaneous, independent, medical or other evidence to support the application.
- Appeals that are based on mitigating circumstances which, without good reason, were not brought to the attention of the Board of Examiners through concessions procedures at the appropriate time will not be considered.

### ***Timing***

If a student decides to appeal, the following procedures will apply:

- the appeal must be initiated no later than 21 days after the formal publication of results.

For the purposes of these procedures, the date of publication of assessment results means the date upon which the full transcript of the results under appeal are first made available to students in writing.,

***Advice to Students Wishing to Appeal:***

Prior to taking a decision as to whether to appeal or not, students may wish to ask advice of Head of Studies or the Director as to whether the issue of concern is an academic appeal or an academic complaint. In the case of **academic appeals, the case should go directly to the awarding university, the University of Kent** in accordance with the process outlined at:

<http://www.kent.ac.uk/teaching/qa/guidance/appeals.html>

***Procedures for an Academic Appeal***

Appeals will be considered only if submitted:

- by means of the Appeal Form, available from the School Office.
- accompanied by a letter explaining in full the grounds for the appeal and the remedial action sought from the Board of Examiners.
- providing all necessary documentary evidence substantiating the grounds of the appeal.
- within the applicable deadline.

***Faculty Review Panel of the University of Kent***

The following information is taken from the University of Kent website where full details of the procedures for appeals against recommendations of Boards of Examiners can be found:

<https://www.kent.ac.uk/teaching/qa/credit-framework/creditinfoannex13.html>

**6.3 Faculty Review Panel**

6.3.1 Where an appeal is referred for consideration by a Faculty Review Panel the student and the Chair of the Board of Examiners shall be informed by the Faculties Support Officer of the date on which the Review Panel will consider the appeal, that they may submit evidence to the Review Panel in writing and/or in person, that, except where the Chair of the Review Panel decides that evidence provided by either party should be confidential to the Review Panel, they will each be provided with copies of the written evidence submitted by the other and that they will both be permitted to hear the other's verbal evidence.

6.3.2 Where a student attends a meeting of the Review Panel, he/she may be accompanied by a member of staff or a student of the University or a member of staff of the Students' Union or a relative. Review Panels are not legal proceedings and a student may not be accompanied by a legal representative, even if the legal representative is a member of staff or a student of the University or a member of staff of the Students' Union or a relative.

6.3.3 A student who does not take up the opportunity of a Review Panel hearing, will forego his/her right to such a hearing and will have no further right of redress within the appeals procedures. Where non-attendance is thought to be for reasons beyond the student's control, the Chair of the Review Panel will have discretion to proceed with the hearing in the student's absence or to reconvene the Review Panel at a later date.

6.3.4 Where a student attends a meeting of the Review Panel that attendance will normally be in person. The student may alternatively attend the Review Panel meeting via video link where the student makes the request in good time before the hearing and where the student cannot reasonably be expected to attend the hearing in person. Where attendance is to be via video link the student shall make his or her own arrangements and at his/her own expense.

6.3.5 The Chair of the Board of Examiners may appoint another member of the Board of Examiners to act on his/her behalf.

6.3.6 The Chair of the Review Panel shall have the right to decide that evidence submitted verbally or in writing should be ignored by the Review Panel on the grounds that it is irrelevant or inappropriate and shall give reasons for doing so.

6.3.7 The Review Panel will meet privately to reach a decision. The Review Panel shall be authorised to confirm or to vary the original recommendation of the Board of Examiners and will vary the recommendation only if it is satisfied:

- that one or more of the grounds for appeal has been demonstrated; and
- where appropriate, that the Board of Examiners (or the Chair of the Board of Examiners acting on behalf of the Board of Examiners) did not act reasonably in exercising its discretionary powers in its consideration of evidence relating to illness or other misfortune submitted within the concessions and/or appeals proceedings.

6.3.8 Where the Review Panel recommends that the original recommendation of the Board of Examiners should be changed, its recommendation shall carry the weight of a recommendation of a Board of Examiners and will require approval as if it were the recommendation of a Board of Examiners. The student and the Chair of the Board of Examiners will be informed by the Faculties Support Officer in writing of the decision and of the reasons for the decision.

6.3.9 A written record of the hearing will be prepared and this will be approved by the Chair of the Faculty Review Panel.

## **6.4 Appointment of Review Panels**

6.4.1 Each Faculty shall have a Review Panel appointed by the Faculty Board. Meetings of Review Panels should be provisionally arranged at times when it is anticipated that they will be required. Meetings may also be convened at short notice to consider individual cases as they arise.

6.4.2 Any member of the Review Panel who is a member of the Board of Examiners concerned in a particular appeal shall take no part in the Review Panel's consideration of that case and shall withdraw during consideration of the case.

6.4.3 Each appeal which is referred for consideration by a Review Panel must be considered by at least three members of the Review Panel.

## **6.5 Further Right of Appeal**

Where an appeal against a recommendation of a Board of Examiners is considered by the Faculties Support Officer not to meet the technical conditions outlined in section 6.1, or where it is rejected by a Dean, a Chair of a Board of Examiners or a Review Panel, the student shall have a further right of appeal to the Senate Academic Review Committee (SARC), which will consider only whether the original appeal was considered properly and fairly or that there is new evidence that could not have reasonably been submitted with the original appeal.

The submission of an appeal to SARC will be subject to the submission requirements set out at 6.1 above and to the procedures set out in the Standing Orders on Academic Review Procedure.

**If the student remains dissatisfied following this final stage, s/he has the right to make a complaint to the Office of the Independent Adjudicator (see p. 24 of the Programme Handbook).**