

# Higher Education Programmes Academic Appeals and Academic Complaints Regulations

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## **1. General Principles**

The Academic Appeals Regulations are intended to inform students how to formally raise concerns about their academic results or circumstances relating to them. The Academic Complaints Regulations are intended to allow students to formally raise concerns not relating to academic results.

All forms and guidance associated with these Regulations are available at on the VLE.

Terms used in the Academic Appeals and Complaints Regulations are set out in Annex A.

## **2. Scope**

We take students' concerns seriously and the Regulations are designed to enable their effective consideration and the enacting of timely remedies as appropriate. If a more appropriate route exists to consider the substantive concern, the student will be advised to engage with the relevant alternative Regulations. Non-academic Complaints are considered under separate procedures, the Complaints Policy.

This Policy sets out the procedures through which the College will normally respond to an academic appeals or complaint as defined above. This Policy applies students on any programme described at level four and above at West Suffolk College including for example:

1. HNC/D students
2. Degree or higher-level apprentices;
3. Association of Accounting Technicians (AAT);
4. A former student may also be considered under this Policy as is in keeping with the Academic Regulations of the College and the validating body for the award being studied.

## **3. Timeframes**

### **3.1. Timeframes for Stage One Appeals and Complaints.**

The student's submission including any supporting documentation must be received by the Academic Services no later than 10 working days after:

- i) Academic Appeals – the date on which the student was formally notified of the outcome against which they are Appealing (for example, the date of the release of coursework mark and feedback or the date on an email notifying of a penalty) or, where informal resolution has been sought, the date of the last communication to the student regarding the outcome of the informal stage (this may include, inter alia, meetings, emails and letters).
- ii) Academic Complaints – the date on which the attempt to resolve matters informally was concluded. This date shall be the date of the last communication to the student regarding the outcome of the informal stage (this may include, inter alia, meetings, emails and letters).

Academic Appeals or Complaints submitted after the deadline with good reason for the delay may still be considered. The student should contact the Academic Services if they are unable to meet this deadline.

The decision by the Appeal/Complaint Investigator or their nominee as to whether a late submission of an Academic Appeal/Complaint should be accepted shall be final and not subject to Appeal.

The Appeal/Complaint Administrator will write to the student within 5 working days of receipt of the Academic Appeal or Complaint acknowledging receipt.

In normal circumstances the student shall be advised of the outcome of their Stage One Academic Appeal/Complaint within 10 working days of receipt of the Academic Appeal and Complaint Form. Where the complexity of the case prevents this the student shall be notified of the delay.

### **3.2. Timescale for Stage two.**

The student's submission including any supporting documentation must be submitted within 15 working days after the date on which the student was formally advised of the Stage One outcome. Appeals and Complaints submitted after this deadline with good reason for the delay may still be considered. The student should contact Academic Services at University Studies at West Suffolk College if they are unable to meet this deadline.

The decision by the Head of Academic Services as to whether a late submission should be accepted shall be final and is not subject to Appeal.

In normal circumstances the student shall be advised of the outcome of their Stage Two Academic Appeal or Complaint within 20 working days of the date of receipt by Academic Services at University Studies at West Suffolk College. Where the complexity of the case prevents this the student shall be notified of the delay

## **4. Development: How was this policy developed?**

### **4.1. External reference points**

- a) Office of the Independent Adjudicator (OIA) Good Practice Framework Handling complaints and academic appeals [Good Practice Framework - Handling complaints and academic appeals - OIAHE](#)
- b) Quality Assurance Agency (QAA)- Advice and Guidance for Concerns, Complaints and Appeals [qc-a-g-concerns-complaint-appeals](#)
- c) These regulations embody the following core principles:
  - Natural Justice
  - Ease of Use
  - Time Frames that meet OIA recommendations
  - Transparency
  - Consistency
  - The Treatment of Students as Adults
  - Recognition of Professional Body Requirements.

### **4.2. Student engagement**

## **5. Support and representation for students who are being considered under this policy**

A student, who has made an appeal or academic complaint is entitled to have a supporter present at any stage of the procedures outlined in this policy. The supporter may be a member of the Student Welfare Team (SWT), family member or friend.

The College encourages students to seek advice and support to understand this policy and ensure they are represented in a timely way. Advice and support are available from the Student Support Hub.

The role of the supporter is to provide advice and emotional support but is not normally an advocacy role. Supporters are not allowed to ask or answer questions on behalf of the student. Students should represent themselves, as they will have the best knowledge of the reasons leading to the enactment of these processes and will be best placed to answer questions. In some limited circumstances and where there is sound material reason, the College will allow a request from a third party acting as the complainant's authorised representative. In which case the College will only communicate with this representative. However, the student will not normally be permitted to be represented by a legal practitioner at meetings or hearings held under this policy.

A supporter cannot perform the duties of both witness and supporter.

## **6. Commitments**

Students who submit a case under these Regulations will not be unfavourably treated for having done so. Any student who believes that they have been less favourably treated as a result of submitting a case should contact the Head of Academic Services at University Studies at West Suffolk College immediately.

It is expected that students will not engage in frivolous or malicious Appeals or Complaints. It should be noted that if an Appeal or Complaint is found to have been brought with mischievous or malicious intent this may prove grounds for disciplinary action against the student.

The University Studies will operate in accordance with our Equal Opportunity Policy when applying the Academic Appeals and Academic Complaints Regulations.

Students should be aware that any information they supply will be treated with due discretion and on a 'need to know' basis. All personal information will be processed in accordance with our data protection policy and in accordance with the General Data Protection Regulation 2018.

Training will be provided to all staff involved in the processing of Academic Appeals and Complaints.

## **7. First steps to try to resolve concerns**

Students are encouraged to seek an informal resolution of the matter about which they are concerned before beginning the formal process. Informal explorations of possible ways in which a matter may be resolved will not prejudice the consideration of a later formal submission. It is recognised that an informal approach is most likely to be of use in respect of Complaints rather than Appeals against academic outcomes.

Marks allocated to work which has not been double marked can be challenged by students either via re-marking or as part of an Academic Appeal. Work which has been double marked cannot be challenged or the subject of an Academic Appeal.

Students should make every attempt to submit their case concerning a provisional academic result before the Board of Examiners meets. This is in the student's best interests as an early decision can then be made. Where the interval between the notification of an academic result and a meeting of the Board of Examiners is less than 10 working days, consideration of an

Appeal shall be postponed until after the relevant Board of Examiners has met. At this point, the formal Academic Appeals Regulations shall be followed.

Should these steps not resolve the matter to the student's satisfaction, the student may submit an Academic Appeal or Complaint under Stage One of the Regulations.

## **8. The Nature of the Appeal/Complaint**

Students may Appeal any of the following:

- i) A degree result
- ii) Confirmed marks except where double marked
- iii) Required withdrawal from a course
- iv) A penalty applied in respect of plagiarism and/or collusion
- v) A refusal to permit the late submission of work for assessment or to approve a delayed first sit

Only those decisions/judgements/outcomes detailed above can be cited as the object of an Academic Appeal and any Appeal based on grounds not covered above shall be rejected without consideration.

Academic Complaints may address any aspect of a student's academic experience about which they are dissatisfied with the exception of those grounds detailed above.

## **9. Procedures for dealing with Academic Appeals and Complaints**

### **9.1. Submitting a Stage One Academic Appeal or Complaint**

Students must submit a completed Stage One Academic Appeal/Complaint Form [universitystudies@wsc.ac.uk](mailto:universitystudies@wsc.ac.uk) the subject line should clearly state "Higher Education Academic Appeal/Complaint", students need to attach the recognised complaints form which is available here on the VLE. Students should submit all relevant evidence with their form.

An investigator will be appointed to manage the academic appeal/complaint and the response at this stage. An appeal/complaint investigator may suspend the Stage One Academic Appeal or Complaint where appropriate, pending clarification by a student that they have tried to resolve the matter they are concerned about informally before beginning the formal stage of the process.

A student may decide to withdraw an appeal or complaint at any time prior to its consideration by the appeal/complaint investigator.

The College may choose, within the limits of its authority, to reverse the action or decision giving rise to the appeal or complaint in advance of consideration by the appeal/complaint investigator. Where this occurs, it shall be regarded as an informal resolution of the appeal or complaint subsequent to a confirmation by the student that they are now content that the appeal or complaint has been satisfactorily addressed.

Collective academic appeals and academic complaints will be considered in the same manner as those received by an individual student.

Until such time as the academic appeal or complaint has been resolved the student should continue in accordance with such requirements as are placed upon them with regard to their situation as it stands at the point of submission. For example, students appealing against a failing mark should continue to engage with any reassessment opportunities they are required to take.

## **9.2. Consideration of the Stage One Appeal or Complaint**

Stage One Academic Appeals and Complaints that meet the grounds for consideration (see above) shall be considered by the appeal/complaint investigator. If the appeal/complaint Investigator is part of the subject of the appeal or complaint, was a member of the Board of Examiners whose decision is being challenged, or is otherwise in a conflict of interest, a suitable substitution will be made. Notwithstanding this provision, for ease of reference the person responsible for responding to the appeal or complaint will be called the appeal/complaint investigator hereafter in these Regulations.

The appeal/complaint investigator may delegate investigation of an academic appeal or complaint to one or more members of staff who do not have a conflict of interest with respect to the appeal/complaint. In such cases the appeal/complaint investigator will retain responsibility for the decision reached at Stage One and will act in accordance with subsequent sections of the Academic Appeals and Complaints Regulations where required.

The appeal/complaint officer will provide the appeal/complaint investigator with the documentation submitted by the student under Stage One. The appeal/complaint investigator having completed the investigation will decide whether the academic decision of the Examiners should be reviewed, whether any other remedial action should be taken (such as seeking a concession against the regulations), or whether the academic appeal or complaint should be rejected. The decision of the appeal/complaint investigator and the reasons(s) for it will be communicated to the student in writing.

Each academic appeal or complaint will normally be considered individually, though depending on circumstances, where a series of academic appeals and complaints involve the same subject matter or individual(s), the College may consider such appeals and complaints collectively, subject to any confidentiality requirements in the same manner as those received by an individual student.

## **9.3. Stage One Actions and Outcomes**

Stage One Academic Appeals will be upheld where any of the following are found:

- i) Correct procedure was not followed which undermined the validity of the academic result
- ii) Prejudice and/or bias affected the academic result
- iii) The student's performance was adversely affected by extenuating circumstances not previously submitted (ONLY where late submission of extenuating circumstances has been approved)
- iv) Significant changes were made to a course without being properly communicated and/or were not properly taken into account
- v) The teaching, supervision or research training provided was insufficient
- vi) Extenuating circumstances were not fully and properly considered
- vii) Natural Justice dictates that the Appeal be upheld
- viii) The learning support provided was unsatisfactory or inappropriate

Stage One Academic Complaints will be upheld where any of the following are found:

- i) Correct procedures were not followed
- ii) The student experienced prejudice and/or bias
- iii) Significant changes were made to a course without being properly communicated and/or were not properly taken into account



- iii) The teaching, supervision or research training provided was insufficient
- iv) Natural Justice dictates that the Complaint be upheld
- v) The learning support provided was unsatisfactory or inappropriate

The possible remedies to an upheld complaint will, by the nature of complaints, be too individual to summarise here. They shall be determined by the appeal/complaint investigator, will not involve any adjustment to academic outcomes (since academic outcomes must be addressed through the appeals route). Where a concession would be needed to allow the proposed remedy to apply, the appeal/complaint investigator should seek advice from Vice Dean.

The appeal/complaint investigator shall have the power to institute the following actions in respect of upheld Appeals. The precise remedy determined shall depend on the details of the case:

- i) Reconvene a Board of Examiners to reconsider the academic decision/outcome
- ii) Require the correction of procedural irregularity.
- iii) Set aside a penalty applied in relation to work alleged to have been plagiarised or in respect of which there is alleged collusion.
- iv) Require a Plagiarism Officer, not previously involved in the case, to investigate the case and determine the level of any plagiarism and/ or collusion.
- v) Grant retrospective approval of extension for late submitted work.
- vi) Retrospective granting of a delayed assessment/reassessment.
- vii) Recommend a concessional remedy to be approved by the Vice Dean.

Where the outcome of an Academic Appeal requires the establishment of a reconvened Exam Board, the reconvened Board should have different internal members from the original Board. The Board should reconvene as soon as practical and the Secretary to the reconvened Board shall advise both the student and the appeal/complaint investigator of the outcome.

The outcome of Stage 1 will be communicated to the complainant by email to their college email address, the University Studies Academic Services team will be included in the email. The outcome will clearly state the problem/s, its impact and the resolution proposed, together with a brief outline of the steps of the investigation.

The letter shall advise the student that a Stage Two Academic Appeal or Complaint can only be submitted if the student believes that correct Regulations were not followed at Stage One (for example, evidence was not fully and properly considered). The letter shall advise the student that, if they do not believe that they are able to pursue a Stage Two Academic Appeal or Complaint on those grounds, the student may treat the Stage One outcome letter as a Completion of Procedures letter and, if they wish, exercise their entitlement to contact the Office of the Independent Adjudicator.

#### **9.4. Submitting a Stage Two Academic Appeal or Complaint**

A Stage Two Academic Appeal or Complaint can only be considered where the student claims that there was a procedural irregularity at Stage One. It is fundamental to the proper operation of the Academic Appeals and Complaints Regulations that all evidence is considered fully and properly. Where a student believes that evidence was not fully and properly considered at Stage One this shall be regarded as a claimed procedural irregularity and any Stage Two Appeal or Complaint submitted on this basis shall be duly considered. The decision as to whether to consider a Stage Two Academic Appeal or Complaint will be made in the context of the principles set out above, with particular reference to the College's commitment to apply Natural Justice.

A student must submit a completed Stage Two Academic Appeal or Complaint Form with any supporting documentation to [universitystudies@wsc.ac.uk](mailto:universitystudies@wsc.ac.uk) the subject line should clearly state "Higher Education Academic Appeal/Complaint". Forms are available on the VLE.

A student may decide to withdraw an Appeal or Complaint at any time prior to its consideration by appeal/complaint investigator.

Until such time as the Stage Two Academic Appeal or Complaint has been resolved the student should continue in accordance with such requirements as are placed upon them with regard to their situation as it stands at the point of submission. For example, students appealing against a failing mark should continue to engage with reassessment opportunities. In instances where a student has been withdrawn, they will retain this status until such time as the outcome of an appeal or complaint results in their reinstatement.

Academic Services will, within 5 working days of receipt of the Stage Two Academic Appeal or Complaint write to student acknowledging receipt.

### **9.5. Consideration of the Stage Two Academic Appeal or Complaint**

An investigator will be appointed to manage the appeal or complaint, this will normally be the Head of Department and the response at this stage, but it will not usually include those staff who were involved at Stage. The appeal or complaint investigator will check that the appeal or complaint rests on a claim of procedural irregularity which shall include claims that evidence was not fully or properly considered. Where this is not the case the Stage Two submission will not be accepted for further detailed consideration and the student will be advised in writing that the submission does not meet the conditions necessary for consideration as a Stage Two Academic Appeal or Complaint.

Where the Stage Two submission makes a claim of procedural irregularity at Stage One and the investigator is satisfied that there is evidence to support this the student will be advised that their Stage Two Appeal or Complaint has been upheld.

Where the investigator is not satisfied that there is evidence of procedural irregularity at Stage One, the case will be referred to Vice Dean.

### **9.6. Stage 2 Actions and Outcomes**

A Stage Two Academic Appeal or Complaint shall be upheld where there is evidence that correct Regulations were not followed at Stage One.

Where a Stage Two Academic Appeal or Complaint is upheld this further consideration will constitute the conclusion of the Regulations; the subsequent outcome letter will represent the Close of Procedures letter and will advise the student of their entitlement to contact the Office of the Independent Adjudicator. The outcome of Stage Two will be communicated to the complainant by email to their college email address, the Vice Dean (as chair of the Academic Development and Quality Assurance Committee) will be included in the email.

Where the procedural irregularity giving rise to the Stage Two Appeal being upheld relates to a failure by a Board of Examiners to follow the requirements and/or recommendations of the Stage One outcome fully and properly, the appeal/complaint investigator shall be advised that there is no need for further consideration and that the matter has been referred back to the Board of Examiners. This further consideration will constitute the conclusion of the Regulations; the subsequent outcome letter will represent the Close of Procedures letter will advise the student of their entitlement to contact the Office of the Independent Adjudicator.

Unless there is evidence that correct Regulations have not been followed the appeal or complaint shall be rejected and there shall be no further right of appeal or complaint within the College. A Completion of Procedures letter shall be sent to the student by Academic Services at the University advising the student of their entitlement to contact the Office of the Independent Adjudicator.

The complaint must be received by the OIA within twelve months of the CoP letter being issued by the College. It typically takes a number of months for the OIA to consider a complaint and issue an outcome. Further information about escalating a complaint to the OIA is available on: [How to complain to us - OIAHE](#)

## **10. Recoding and Monitoring of Complaints.**

It is important that complaints are monitored in order to improve the student experience. The ULT records and provide reports to indicate the nature of appeals and complaints and complainants, and resultant action. These reports are considered in the following ways;

- i) The monitoring and evaluation of programmes of study, department, and the college;
- ii) Feed directly into appropriate College committees;
- iii) Assisting in identifying problems and trends across the College.

## 11. Annex A Terms used in the Academic Appeals and Complaints Regulations

For the purposes of the Academic Appeals and Complaints Regulations the following definitions shall apply:	
Academic Result	The result of the exercise by one or more duly authorised Teachers or Examiners of academic and/or professional expertise in determining the quality of a student's performance in any part of the assessment process for a degree or qualification of the College
Double Marked	Two examiners/assessors mark the assignment independently and subsequently agree a mark.
Formal notification	Communication by the College, its representatives and/ or staff through any of the following: delivery of a paper form notification in person or to designated mail collection points within the College or student address; electronically either via email or through any software package currently in use by the College for the purposes of communication with students
Grounds for Consideration	Where an appeal or complaint has been accepted as meeting the criteria that allow it to be considered it is referred to as meeting the grounds for consideration
Upheld	Where an appeal or complaint is described as having been upheld this means that it has been determined sufficient evidence exists that the necessary grounds have been met (e.g. that there is evidence of a bias or prejudice). It is important to note that upholding an appeal does not necessarily imply a particular final outcome for the student. For example, a student may appeal a classification decision on the grounds of bias or prejudice and the appeal may be upheld however the action prescribed may be for the Board of Examiners to reconvene and the reconvened Board may still determine that, notwithstanding the outcome of the appeal, the degree classification itself remains appropriate
Procedural Irregularity	This term refers to circumstances where agreed processes have not been correctly applied, regulations not followed, or where other errors have been made by the College either in the actions that led up to the appeal or complaint, or in the consideration of the appeal or complaint. This might include cases where not all the available evidence has been weighed in the consideration of an appeal or complaint or where factual data has been misinterpreted

