



# **KMS111**

## **Higher Education (HE)**

### **Academic Appeals Policy and Procedure**

**For advice on how to submit an Academic Appeal contact:**

- Email: [exams.team@kmc.ac.uk](mailto:exams.team@kmc.ac.uk)
- KMC Website: <https://www.kmc.ac.uk/college/quick-links/higher-education-policies/>
- By telephone (Exams Team - 01305 215000 option 1, extension 3400)

#### **Alternative formats**

If you require this policy and procedure document in an alternative format (such as large print, printed on coloured paper or a paper copy of an electronic document), please use the following email address or contact:

[enquiries@kmc.ac.uk](mailto:enquiries@kmc.ac.uk)

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## **Higher Education Academic Appeals Policy**

## **1 Introduction**

- 1.1 The Higher Education Academic Appeals Policy and Procedure contains the purpose, principles, and procedures for academic appeals at University Centre Kingston Maurward (UCKM) for programmes leading to awards of the Open University.
- 1.2 The processes for academic appeal submission, review, and outcomes are set out in the Procedures section for students and staff.
- 1.3 The Academic Appeals Policy and Procedures contain UCKM principles and processes of monitoring of academic appeals and governance review.
- 1.4 The College through monitoring and governance review of academic appeal casework and outcomes, learns from academic appeals and complaints, to improve the experiences of students and its service delivery. No individuals are identified during the monitoring and/or governance process.

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

- 2.1 An academic appeal is a request for review of a decision of the HE Board of Examiners. The HE Board of Examiners has the authority to make decisions on student assessment, progression, and awards.
- 2.2 This Policy and Procedure relates to academic appeals against the decision of the HE Board of Examiners including decisions of Panels which the HE Board of Examiners considers and ratifies. An appeal may therefore include a request for review of the decision of an Extenuating Circumstances Panel or Academic Misconduct Panel.

### **3 Scope – Who do the Policy and Procedures apply to?**

- 3.1 This Academic Appeals Policy and Procedure applies to higher education students studying programmes leading to awards of The Open University, throughout their programme.
- 3.2 Graduates from Open University programmes, who have completed their programme, may submit an academic appeal within six months of the date of notification of their award results.
- 3.3 The Academic Appeals Policy and Procedure sets out our approach to reviewing academic appeals fairly and transparently. If you are unhappy with the outcome of an academic appeal, you may request a review by the Office of the Independent Adjudicator for Higher Education, for review.
- 3.4 You will need your Completion of Procedures Letter. The time limit for bringing a complaint to the OIA is 12 months from the date of the Completion of Procedures letter for your appeal or complaint. See section 16 of this Appeal Policy and Procedure for further information on Completion of Procedures letters and Annex C, for more information on requesting a review from the OIA.
- 3.5 For further details of the grounds and criteria for OIA review, please go to [Office of the Independent Adjudicator for Higher Education - OIAHE](#).

### **4 College Governance– improving the student experience**

- 4.1 This Academic Appeals Policy and Procedure is reviewed regularly by UCKM, in line with the latest university sector and Open University guidance to ensure it is meeting its objectives.
- 4.2 UCKM also review all appeal and complaints annually including the grounds, issues, and outcomes with equality, diversity, and inclusion analyses. This is evaluated by the Higher Education Academic Board to

determine what steps can be taken to improve the College's educational services considering any findings. The process provides assurance that all college educational services are operating effectively, fairly, and transparently and incorporate learning from practice.

- 4.3 No individuals submitting complaints or appeals are identified through this process, which focuses on educational and support services improvement, for higher education students and service users within the Scope of the Higher Education Academic Appeal and Complaints Policies.
- 4.4 The annual review of Academic Appeals is part of the Higher Education (HE) Annual Self Evaluation Report (SAR) document presented to the UCKM Higher Education Academic Board for consideration, review, and approval, and the KMC Quality and Standards Committee. They monitor this policy, its operation, and outcomes.
- 4.5 Approved policies and outcomes of monitoring and review are provided, and outcomes reported to the Kingston Maurward College Corporation who oversee educational provision at UCKM. Students are advised of changes to policy and procedures in advance of the change being applied. Where change is linked to the student agreement and impacts on terms and conditions, student agreement to the change is sought.
- 4.6 Changes to policy and the lessons learnt from student appeals are also disseminated to the wider staff as appropriate, for example at staff CPD sessions. No individuals are identified through this process.

## **5 Academic Appeal Policy Principles**

- 5.1 The key principles of the Academic Appeals Policy, are that:

- Students and recent graduates may request review of their award and assessment outcomes.
- The request for Academic Appeal sets clear grounds for academic appeal set out in Section 9 of this Academic Appeals Policy and Procedure.
- UCKM ensures justice, upholds academic standards and is fair in the assessment and student award decision-making process
- Academic Appeal decisions are made based only on the evidence available to the Academic Appeals Panel.
- This procedure is time-bound, meaning there are deadlines by which appeals must be raised by students and in turn must be responded to by UCKM.
- Academic Appeals will be investigated in confidence, with only staff who need to know for investigation purposes, being made aware of the appeal.
- Students will not be disadvantaged if they raise an Academic Appeal.

## **6 Reasonable Adjustments**

- 6.1 Reasonable adjustments will be made to accommodate students' needs during the appeal process as agreed in the Individual Learning Plan. See the UCKM Reasonable Adjustments Policy and Procedure for further details ([UCKM Reasonable Adjustments Policy and Procedure](#))

## **7 Time Limits**

- 7.1 The academic appeal process has clearly defined service expectations and time limits, summarised in procedures, section 15 of this Appeals Policy and Procedures document ([Section 15](#)).

## **8 Confidentiality, Data Storage and Retention**

- 8.1 Academic Appeal information (details of the submission and personal details of the person making the appeal) is entered onto the

confidential database. The Complaints Officer hold this, with secure and restricted access, to allow for information for service improvement to be identified and acted upon.

- 8.2 Copies of all submissions and responses are kept in date order in an active and an archive file. Once an academic appeal has been responded to, it will be securely archived.
- 8.3 Copies of all complaint's correspondence are confidentially and securely archived for a minimum of three years, and then securely destroyed.
- 8.4 All data is kept securely in accordance with the General Data Protection Regulation Act 2018 and the College's [Data Protection Policy](#).

## **9. Grounds for Academic Appeal**

- 9.1 An academic appeal is considered to have grounds valid for investigation, if it is based upon one or more of the following criteria:
  - A procedural irregularity or error occurred (for example there is a marker, transcript, or administrative error)
  - There was bias, or there is a reasonable perception of bias, in assessment
  - There were circumstances affecting your performance where, for good reason, the HE Board of Examiners was not made aware of this significant factor when it made its award decision and/or confirmed marks.
  - Written evidence is provided to support a claim that performance in the assessment was adversely affected by extenuating circumstances, which the student was unable or, for valid reasons, unwilling to disclose before the HE Board of Examiners reached its decision.

- The examinations and/or assessments were not conducted in accordance with the regulations for the programme and/or reasonable adjustment arrangements formally agreed.
- Additional consideration is required of personal extenuating circumstances, which affected performance in assessment and/or examination, and which were unknown at that time due to their nature.
- Academic appeals which question academic judgement, without sufficient grounds or valid supporting evidence, will not be considered.

9.2 Students on HE Programmes Validated by other Universities: who are currently enrolled or who have recently completed a named award, wishing to appeal against a decision taken by the UCKM HE Board of Examiners operating programmes validated by other Universities. Appeals are in this instance are made following the Regulations of the validating university.

9.3 UCKM will only consider academic appeals of the decision of an Extenuating Circumstances Panel, based on one or more of the following grounds and on no other basis, providing there is supporting evidence to support the claim:

- There is evidence to suggest that the Extenuating Circumstances Policy was not followed, in a manner that could have resulted in a different decision if it had been properly followed
- There was an administrative error or other mistake in the process of consideration of the request.
- The decision of the Extenuating Circumstances Panel did not consider the evidence of Extenuating Circumstances provided
- New evidence is available which was not provided, for good reason (e.g. it was not available at the time the appeal was submitted), which may affect the appeal outcome.



9.4 You have the right to appeal the decision of an Academic Misconduct Panel, after the decision of the Panel has been confirmed by the HE Board of Examiners.

UCKM will only consider appeals of the decision of an Academic Misconduct Panel, based on one or more of the following grounds and on no other basis, providing there is evidence to support the claim:

- There is evidence to suggest that the [Academic Misconduct Policy](#) was not followed, in a manner that could have resulted in a different decision if it had been properly followed.
- There was an administrative error or other mistake in the process of consideration of academic misconduct.
- The decision of the Academic Misconduct Panel did not consider the supporting documents and /or evidence provided
- New evidence is available which was not provided, for good reason (e.g. it was not available at the time the Academic Misconduct Panel met), which may affect the outcome determined by the Academic Misconduct Panel.

# Higher Education Academic Appeal Procedures for Higher Education Programmes (Open University Awards)

## 10 Academic Appeal Process Stages

10.1 Students registered on an HE programme leading to Open University awards, should follow the procedure given here to make an appeal. There are three possible “stages” of the process for Academic Appeal:

### **Stage 1 - Early Resolution (UCKM)**

Recommended stage, but not required

### **Stage 2 - Formal Appeals Procedure: Academic Appeals Panel (UCKM)**

Required stage for all academic appeals, the Academic Appeals Panel meets and agrees the appeal outcome

### **Stage 3 - Review by the Open University**

An optional stage, requested by student/graduate where there is dissatisfaction with an appeal outcome determined at Stage 2. The Open University may review the appeal outcome if it meets University’s published criteria for review [OU Partnership Student Guide](#)

10.2 It may be possible, following review by the Open University, for independent external review by the Office of the Independent Adjudicator where a student or graduate remains dissatisfied, with the appeal outcome and/or process. The Office for the Independent Adjudicator publish criteria to assess the eligibility of requests for review [OIAHE Guidance](#)

### **Stage 1 - Early Resolution**

10.3 Where there has been a college administrative error or other irregularity it is possible for the College, to correct the error and resubmit a student assessment profile and decision to the HE Board of Examiners for reconsideration.

## Stage 2 - Formal Appeals Procedure: Academic Appeals Panel

- 10.4 The Panel will be constituted as required and as set out in the 'Academic Appeals Panel' section of the Quality Assurance and Enhancement Handbook under the authority of the Terms of Reference of the HE Academic Board. [HEAB ToR](#).
- 10.5 A member of the HE Team shall serve as Secretary to the Academic Appeals Panel and will co-ordinate the panel.
- 10.6 The outcomes of successful academic appeals are reported to the Board of Examiners and the HEAB (Higher Education Academic Board). A summary of academic appeals and any lessons learnt are reported to the KMC Quality and Standards Committee
- 10.7 All documentation relevant to the case is supplied to the Academic Appeal Panel, including:
- The Appeal submission,
  - Supporting documentation
  - Where relevant, a summary from the Chair of the HE Board of Examiners, and confirmed minutes of the HE Board of Examiners
  - Copy of the student assessment record
- 10.8 A copy of all relevant documentation is provided to the student submitting the academic appeal for information and reference.
- 10.9 The views of the student(s) are made known in writing to the Appeals Panel through the information supplied on the appeals proforma and any supporting documentation.
- 10.10 Students/graduates submitting an Academic Appeal may elect to attend the Appeal Panel, if they choose to do so, with a friend or other nominated person for personal support. Attendance at the Panel is not compulsory and is offered if a student or graduate wishes to speak with the Appeal Panel directly about their appeal case. The Panel agenda

indicates the time slot where attendance is available, and attendees are asked to confirm whether they wish to attend in advance of the Panel meeting to state their appeal case and answer any questions of clarification the Panel have about their case. ([Academic Appeal Panel Terms of Reference](#))

## 11 Outcomes of an Academic Appeals Panel

11.1 Outcomes of the Appeals Panel in relation to decisions of an Award Board are:

11.2 If the Academic Appeals Panel is satisfied on the above issues, it may take one of the following courses of action:

- In light of the extenuating circumstances, and with consideration by the Chair of the Board of Examiners, **uphold the appeal and amend the decision of the Board.**
- In light of the circumstances, **uphold the appeal and request the work is remarked by the original or alternative assessor and is then re-considered by the next Board of Examiners or via Chair's Action as appropriate.**
- If it is found that all the circumstances of a student's case were known to, and had been taken into account by UCKM, or that such extenuating circumstances were not relevant to the case and that such a body had been properly constituted, **the Academic Appeal Panel may reject the appeal and therefore confirm the decision of the Board of Examiners.**
- If it is found that the evidence does not support that the student was not fit to undertake or prepare for assessment, and for prior non-disclosure of circumstances, **the Academic Appeal Panel may reject the appeal and therefore confirm the decision of the Award Board.**
- If the panel requires further information before it can determine an outcome, **the Chair may adjourn consideration of the case pending receipt of the additional information.**

- **Other courses of action may be taken as appropriate.** In the case of international students sponsored by the College further study based on academic decision taken by an Appeal Panel of the Board of Examiners shall be conditional upon holding a valid student visa (Tier 4).
- **Pending** a student who submits an appeal is not academically disadvantaged until a decision on the appeal has been finalised.

## 12 Appeal Outcome Notification

- Notification of the outcome of an appeal by the HE Team shall normally inform the student, in writing (via pdf letter within an email), of the outcome of the appeal as soon as possible following the Academic Appeal Panel.
- Notification is normally no more than five working days after receipt of the appeal.
- The letter from the HE Team shall contain details of the findings of the Academic Appeal Panel and give a summary of the reasons for any decisions taken.
- An anonymised summary of the outcome of all Academic Appeals is reviewed and recorded by in the relevant minutes of the HE Board of Examiners and HE Academic Board. Care is taken so as not to identify individuals in this monitoring process.

## 13 Academic Appeal Panel and Grounds for Reconsideration

13.1 The Academic Appeals Panel, when an Academic Appeal is upheld, identifies the grounds on which it asks the relevant panel, decision maker(s) or HE Board of Examiners, to reconsider its decision. In relation to an appeal against the decision of an Award Board: the Academic Appeal Panel considers whether:

- All eligible work was properly submitted for assessment and considered by the HE Board of Examiners.

- There is evidence of an administrative or computational error of such a nature to cause reasonable doubt, as to whether the HE Board of Examiners would have reached the same conclusion if that error had not been made.
- There is evidence, not previously available, to the HE Board of Examiners of defects, errors, or irregularities in the conduct of the assessment, its written instructions, or in advice relating to the assessment, to cause reasonable doubt as to whether the HE Board of Examiners would have reached the same conclusion.
- Details of relevant extenuating circumstances affecting the student's conduct or performance were submitted to UCKM in accordance with the regulations but were not fully considered in reaching the decision.
- Supporting documentation or statement, provided by the student, supports that the student could not determine whether they were fit to undertake or prepare the assessment. It provides a reason for nondisclosure of extenuating circumstances which, had the Extenuating Circumstances Panel considered them, may have led to a different decision and/or assessment outcome.
- There is evidence or reasonable perception of prejudice or of bias in assessment practices or process.
- Inadequate assessment practice on the part of one or more of the assessors (for example not adhering to the published assessment criteria)
- The HE Board of Examiners decision was such that no body of reasonable people could have arrived at that decision.

## 14 Stage 3 - Review by Higher Education Awarding Bodies

- 14.1 For students studying at UCKM under collaborative arrangements offered with Bournemouth University or the Royal Agricultural University, appeals against academic decisions must be made through the university academic appeals procedure.
- 14.2 The table below gives a summary overview of the nature of academic partnership between UCKM and each of its university partners, the roles, and responsibilities of each party for their academic appeals procedures:

<b>Responsibilities for Academic Appeal Processes in accordance with University Awarding Body Regulations</b>				
<b>University Partner / Validating Institution</b>	<b>University Campus Kingston Maurward (KM College)</b>	<b>University Partner / Validating Institution</b>	<b>UCKM Policy Used?</b>	<b>Location of HEI academic appeals policy information</b>
The Open University	UCKM has responsibility for managing the academic appeals process.	This UCKM appeals procedure is used by students wishing to lodge an academic appeal.  Students who are dissatisfied can request review by the Open University process, once the UCKM process has been completed.	Yes	See the <a href="#">‘Regulations for validated awards of The Open University’</a>  <a href="#">OU Partnership Student guide</a>

Bournemouth University	UCKM / KMC provides students with information about the BU (Bournemouth University) academic appeals processes.	To provide procedural information regarding appeals at BU. To support academic appeals in accordance with their policy.	No	<a href="#">BU Appeals information</a>
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## 15 Summary of Academic Appeal Process and Timescales

Appeal Stage and /or Appeal Process	What happens?	What are the time limits?
<p><b>Submitting an Academic Appeal:</b></p> <p><b>if you are a UCKM enrolled Higher Education Student</b></p>	<ol style="list-style-type: none"> <li>1. <b>You have received your transcript</b> following the agreement and confirmation of marks by the HE Board of Examiners.</li> <li>2. <b>You wish to submit an Academic Appeal</b> against module mark (s) or progression decision of the HE Board of Examiners</li> <li>3. <b>You are advised to complete an online Academic Appeal form, together with supplying supporting documentation</b> (<a href="#">Academic Appeals Form</a> )</li> </ol>	<ol style="list-style-type: none"> <li>1. <b>The deadline for an academic appeal submission is normally 15 working days</b> from date of issue of the transcript.</li> <li>2. <b>The deadline for receipt of academic appeals, will be published with student transcripts</b> to avoid disadvantage to a student (e.g. delayed stage/year progression)</li> <li>3. <b>Appeals requests NOT received by the deadline</b> (may be <b>accepted up to 6 months</b> of results being issued from the date of transcripts for consideration).</li> </ol>

		<p>4. <b>You are advised to submit an appeal in accordance with UCKM published deadlines,</b> for review before the start of a new academic year.</p>
<p><b>Submitting an Academic Appeal if you are a:</b></p> <ul style="list-style-type: none"> <li>• Graduate</li> <li>• Former student who has completed or left a programme</li> <li>• Former student who withdrew from their programme</li> </ul>	<ol style="list-style-type: none"> <li>1. <b>A Student receives their award outcome and transcript of marks,</b> following agreement of by the HE Board of Examiners.</li> <li>2. <b>Wishes to submit an Academic Appeal</b> against their final or exit award decision of the HE Board of Examiners.</li> <li>3. <b>Completes an online Academic Appeal form with supporting documentation</b> and submits the appeal.</li> </ol>	<p>An appeal must be submitted <b>within 6 months, from the date of issue of award and /or final transcript, contained</b> in your final results letter.</p>
<p><b>UCKM consideration of the validity of grounds for appeal, based on the published grounds and criteria for academic appeal</b></p>	<ol style="list-style-type: none"> <li>1. <b>Academic appeal submissions (the completed form and supporting documentation) are administratively reviewed</b> by senior quality assurance staff, to assess whether the grounds given for the academic appeal submission are valid, against the criteria for appeal (insert link)</li> <li>2. <b>Appeals may be: Accepted or assessed as Not Valid, against the published criteria for appeal.</b></li> </ol>	<p>UCKM will respond to you within 2 working days of appeal submission</p>

	<p>3. <b>A Letter is sent by email to the Chair of the Appeal Panel</b> advising and to you as the student or former student seeking academic appeal review.</p> <p><b>Please note if supporting documentation submitted is incomplete this will be requested. This is so the appeal grounds may be assessed. This may delay consideration of your appeal.</b></p> <p><b>There may also be delay to the timescales set out, to include request for further documentation and/or explanation of your appeal grounds. This is to ensure we can consider your request for review thoroughly.</b></p>	
<p><b>UCKM Stage 1 – Early Resolution and putting things right</b></p>	<ol style="list-style-type: none"> <li>1. If your appeal is based on a mistake made in your transcript or other college administrative error, this will be referred for checking and correction.</li> <li>2. You will also be asked if you would find it helpful to discuss your case for further advice and support. This is not compulsory but may assist you.</li> </ol>	<p>Within 5 working days of the date of the appeal submission.</p>
<p><b>UCKM Stage 2 - Formal Appeals Procedure: Academic Appeals Panel (UCKM)</b></p>	<p>If the grounds for appeal are assessed as valid, the panel is constituted and considers the application. Consideration is based upon the criteria for appeal, the appeal submission and supporting documentation, and the academic regulations of the Open University and the University Centre Kingston Maurward.</p>	<p>The Panel will meet to review your appeal <b>within 5 working days of the date of email notification of validity of your grounds for appeal.</b></p> <p>You will be notified of the date of the appeal panel meeting, and a time slot provided for you to directly address the Panel should you wish to do so.</p>

<p><b>Notification of Academic Appeal Panel Outcome</b></p>	<p>UCKM will write to you to advise you of the Academic Appeal Panel decision.</p> <p>This may include a decision for reconsideration of your assessment outcome by the HE Board of Examiners.</p>	<p>You will be notified of the outcome of the appeal panel, by email, within <b>5 working days</b> of the academic panel meeting considering your academic appeal.</p> <p>The letter will explain how the decision was reached and next steps.</p>
<p><b>Referral by the Appeals Panel for reconsideration by HE Board of Examiners/ and or Extenuating Circumstances Panel/ Academic Misconduct Panel</b></p>	<p>The Board of HE Examiners will reconsider your assessment outcomes, if asked to do so by the Academic Appeal Panel.</p>	<p>Within 5 working days of the date of appeal outcome notification.</p> <p>The outcome of the HE Board will be sent</p>
<p><b>Final outcome from the HE Board of Examiners / or panel confirmed</b></p>		<p><b>Within 20 working days of the date of submission</b> of the Academic Appeal if you submitted your appeal within published deadlines and your application is complete.</p>
<p><b>You may complain or request a Stage 3 review of your academic appeal outcome, by the Open</b></p>	<p>If you are dissatisfied with the outcome of your academic appeal, you may request review by the Open University.</p> <p>Open University guidance and published criteria for review, is contained in Appendix 1 of the:</p>	<p><b>You are advised to contact the Open University as soon as possible, and no later than 3 months from the date of your final appeal</b></p>

<b>University, if you are dissatisfied.</b>	<a href="https://www5.open.ac.uk/validation-partnerships/sites/www.open.ac.uk/validation-partnerships/files/files/OU-Handbook-for-Validated-Awards-2023-24.pdf">https://www5.open.ac.uk/validation-partnerships/sites/www.open.ac.uk/validation-partnerships/files/files/OU-Handbook-for-Validated-Awards-2023-24.pdf</a>	<b>outcome being notified to you.</b>
<b>Stage 3 Outcome and Completion of Procedures Letter Open University</b>	The Open University will review and investigate your request for review of your academic appeal against the published criteria in Appendix 1	<b>Within 40 working days of receipt of your appeal request by the Open University</b>
<b>Office of the Independent Adjudicator (OIA)</b>	If you remain dissatisfied, you may have grounds to submit your case to the Office of the Independent Adjudicator. Advice and guidance published by the OIA is here:	You have 12 months from the date of your Completion of Procedures letter, which is required by the OIA, to submit your complaint or academic appeal decision for OIA review

## 16 Completion of Procedures Letter

- 16.1 If you are still dissatisfied, you will be issued with a Completion of Procedures letter by the Open University (or the university that carries out the final review), which will enable you to refer your case to the Office of the Independent Adjudicator ([www.oiahe.org.uk](http://www.oiahe.org.uk)). The OIA will decide if it is a case that they are able to review against their published criteria for review.

## 17 Applicable Policies and Procedures

- 17.1 Further detailed information about UCKM policies and procedures can be found in:

[UCKM HE Assessment Policy](#)

[Open University / UCKM Academic Regulations](#)

[UCKM HE Admissions Policy and Procedure](#)

[UCKM HE Extensions and Extenuating Circumstances Policy](#)

[UCKM HE Academic Misconduct Policy](#)

[UCKM Equality Policy](#)

[UCKM Reasonable Adjustments Policy and Procedures](#)

## APPENDIX A

### How to submit an academic appeal

- All appeals against academic decisions must be made in writing and directed to the Higher Education (HE) Team, via the [exams.team@kmc.ac.uk](mailto:exams.team@kmc.ac.uk).
- Check the deadline for Academic Appeal submission
- Further information and advice about these procedures is also available from the HE Team.

Completing an academic appeal form ([Academic Appeals Form](#))

- Academic appeals will need to include the following information:

A statement of the grounds on which the appeal is based (See section 9).

The outcome wished from the appeal. The HE team will check this is possible within academic regulations

Supporting documentation to evidence and support the claim being made for appeal.

- In addition, appeals related to the decision of the HE Board of Examiners should also include:
  - Copies of documentation to enable consideration of any exceptional circumstances or claims  
(for example: medical/health letters or certificate, letter of support from a support service at UCKM).  
This should be:  
Dated, and indicate how the circumstances affected academic performance.  
Explain why circumstances affecting assessment were not raised through [Extenuating Circumstances](#) procedures.  
The absence of supporting documentation may impact on the outcome of an appeal.
  - Where an appeal is made on the grounds of new evidence / extenuating circumstances, provide supporting documentation

which shows the impact of the circumstances on preparation for, and or, completion of the assessment. Explain why the extenuating circumstances were not raised with UCKM at time they occurred, see [Extensions and Extenuating Circumstances Policy](#).



## **APPENDIX B**

### **How to Request Review of your Appeal Outcome by the OIA**

The Office of the Independent Adjudicator for Higher Education (OIA) operates independent student complaints review service in accordance with the Higher Education Act 2004.

All higher education institutions in England and Wales are required to comply with the rules of the OIA programme. The OIA is not a regulator; it oversees individual complaints against higher education institutions and is a free service to students.

Students who are dissatisfied with the outcome of their appeal may be able to complain and seek a review by the OIA providing, that their complaint is eligible under OIA rules and criteria for review (these are on the OIA website).

Students will need to send to the OIA a Scheme Application Form within twelve months of the date of the Completion of Procedures letter (issued by the Open University, following UCKM and OU completion of the appeals process).

Information about how to apply for OIA review is below

<https://www.oiahe.org.uk/students/how-to-complain-to-us/>

## Appendix C

# Higher Education Academic Appeals Panel (AAP): Terms of Reference

## 1 Purpose

- 1.1 The Higher Education Academic Appeals policy applies to all forms of academic appeal at University Centre Kingston Maurward. The policy:
- Sets out the definition and transparent principles of appeals.
  - Identifies the staff roles and responsibilities, operating structures and related policies.
  - Identifies grounds and criteria for an academic appeal
  - Then goes on to set out clear, detailed procedural guidance on HE academic appeals for staff and students.
- 1.2 The Appeals Panel is an integral part of the Appeals Policy and exists to consider any HE student's appeal against the determinations of any UCKM committee or process throughout the student lifecycle.
- 1.3 The purpose of the Panel is to consider academic appeals raised by higher education students in a fashion that is fair, timely and produces outcomes which respect both the student and academic standards.
- 1.4 The Appeals Panel is a sub-committee of the Higher Education Board of Examiners and reports to both the HEBoE and the HEAB.
- 1.5 The operation of the panel is described in the HE Academic Appeals Policy. It sets out decision making mechanisms, how the student will be notified of the outcome and the appeals process which applies. See: OU 6-13 HE Academic Appeals Policy [Weblink Required]
- 1.6 The full policy gives detailed information on the criteria for an Academic Appeal under different circumstances and sets out the procedures by which an appeal may be made. If the student has exhausted the appeals process at UCKM and is still dissatisfied with the outcome then the policy further sets out how a student may make an appeal to the degree validating and awarding body and if that is unsatisfactory to the Office of the Independent Adjudicator (OIA).

## 2 Remit

- 2.1 The remit of the Appeals Panel is to:
- Review potential appeals against an academic decision of an academic board, committee or panel.
  - Determine if there are grounds for appeal based on the criteria in the HE Academic Appeals Policy.
  - If there are grounds for appeal then to gather additional evidence if required.
  - Consider carefully the evidence and to reach an informed conclusion as to the validity or not of the appeal.
  - Make a fully evidenced recommendation as to the outcome, and action to be taken, to the Higher Education Academic Board or to the Higher Education Board of Examiners as appropriate.

- Ensure that the student who has raised the appeal is kept fully apprised in writing of the progress of the appeal and the eventual outcome.
- If the outcome is unsatisfactory to the student then the panel will ensure they are informed in writing about the further appeals and complaint processes open to them.
- In a complex case (or one involving staff on the panel) then the panel can pass the case to the Board of Examiners which can operate as an extended Academic Appeal Panel.
- Evaluate the effectiveness of the Academic Appeal Policy and make recommendations for change to, or enhancement of, the policy and procedures to HEBoE and HEAB.

### **3 Membership**

#### Members

3.1 The Academic Appeals Panel is composed of members drawn from both the Higher Education Academic Board and the Higher Education Board of Examiners nominated to serve by the Chair of each board. Other academic staff can be co-opted to serve if required. The Panel is generally composed of seven or more staff and will usually include:

- Chair – Usually the Assistant Principal Student Experience & Progression
- Deputy Chair – Usually the Head of Higher Education or a senior academic nominated by the Head of Higher Education
- Panel Member – Head of Department or HE Programme Leader.
- Panel Member – HE Programme or Module Leader.
- Panel Member – Member of HE Teaching Staff
- Panel Member – A senior Member of the Student Welfare Team
- Higher Education Administrator

3.2 There is no Student Representatives on the Academic Appeals Panel.

#### Nomination/Election and Term

3.3 Members are nominated by both HEAB and HEBoE.

3.4 Members usually serve three (3) years unless Ex Officio in which case they serve for the duration of their employment.

#### Additions

3.5 Subject to approval by the Higher Education Board of Examiners additional voting members may be co-opted by the Chair as they deem necessary to deal with complex cases.

#### Co-Options/Observers/Consultants

3.6 If required by the business of the Academic Appeals Panel other members of staff (from both academic or professional services), legal representatives or other consultants may be invited to attend in a non-voting capacity for a specific case or related cases.

#### Alternates

3.7 Alternates are permitted and panel members may nominate a replacement in their stead if they are unable to attend. In normal

practice the Chair of the Panel should be notified in writing of the alternate prior to the relevant meeting.

#### Review of Membership

- 3.8 The composition and membership of the Academic Appeals Panel shall be reviewed, and if necessary, amended by the Higher Education Board of Examiners each year.

### **4 Operation**

#### Quorum

- 4.1 The Academic Appeals Panel will normally operate with five to six members. The panel is quorate for decision making with three members present provided one of them is the Chair.

#### Frequency of Meeting

- 4.2 The Academic Appeals Panel will meet to consider appeals as they are submitted by students. In the absence of any submitted appeals then the Panel will meet at least once a term.
- 4.3 It is recognised that there is a need to convene panels quickly in response to students concerns. Given the need to minimise the length of time the student is facing an unresolved situation the Panel will therefore conduct a part of its work (usually the initial determinations by email and on-line meetings). Email trails will be used to minute decisions. The final outcome meeting will generally be face to face.

#### Chair and Secretary

- 4.4 The Chair of the Academic Appeals Panel will usually be the Assistant Principal Student Experience & Progression (& Designated Safeguarding Lead).
- 4.5 The Deputy Chair will usually be the Head of Higher Education or a senior academic nominated by the Head of Higher Education to act as Deputy Chair. The Deputy Chair will lead panel meetings when the Chair is unable to attend.
- 4.6 The HE Administrator will act as the AAP Secretary. They will take and circulate the minutes.

#### Submission / Availability of Minutes

- 4.7 The minutes and reports of the Academic Appeals Panel will be forwarded to the Chair of the Higher Education Board of Examiners and the Chair of the Higher Education Academic Board for circulation to members of HEBoE and HEAB.
- 4.8 Copies of the approved minutes shall be lodged with, and held by, the Registrar (or person nominated to act as Registrar).
- 4.9 The Minutes will not be published on the College (UCKM) website as they will deal with personal and confidential matters.

### **5 Procedure**

- 5.1 Students will make their appeal by applying to the HE Team (HE@kmc.ac.uk) who will supply a pro-forma which will seek to identify the nature and grounds for the appeal.

- 5.2 The submitted academic appeals shall be filtered by the HE Team, in discussion with the relevant curriculum team. Appeals which are not based on the grounds listed in the Appeals Policy, or where there is no evidence to support the appeal, will result in the submission being rejected and the student informed of this decision.
- 5.3 If the appeal is deemed to be valid within the term of the HE Appeals Policy then the full appeal is submitted to the Panel.
- 5.4 All documentation relevant to the case, including the appeal submission, supporting documentation and where relevant, comments from the Chair of the Board of Examiners or the Programme Lead, and a copy of the relevant student record shall be supplied to members of the Academic Appeal Panel within a reasonable timescale.
- 5.5 A copy of all relevant documentation shall also be provided to the student submitting the appeal for information, normally accompanying the outcome of the appeal.
- 5.6 The views of the students shall be made known to the Appeals Panel through the information supplied on the appeals proforma and any supporting documentation. In exceptional circumstances and with the permission of the Chair, students may be permitted to make representation directly to the Appeal Panel.
- 5.7 The Academic Appeals Panel will identify the grounds on which it is asking the relevant panel, decision maker(s) or Board of Examiners, to reconsider its decision if it decides that there are reasonable grounds to do so. In relation to an appeal against the decision of an Award Board the Academic Appeal Panel shall consider:
- whether all eligible work was properly submitted for assessment and taken into account by the Award Board;
  - whether there is evidence of an administrative or computational error of such a nature to cause reasonable doubt as to whether the Award Board would have reached the same conclusion if that error had not been made;
  - whether there is evidence of defects or irregularities in the conduct of the assessment or in written instructions, or in advice relating thereto to cause reasonable doubt as to whether the Award Board would have reached the same conclusion if that defect or irregularity had not been made and the student has provided a compelling reason for not bringing to the attention of UCKM these defects or irregularities;
  - whether details of relevant extenuating circumstances affecting the student's conduct or performance were submitted to UCKM in accordance with the regulations;
  - whether details of relevant extenuating circumstances affecting the student's conduct or performance were fully considered in reaching the decision;
  - whether evidence provided by the student supports the notion that he/she was incapable of determining whether or not they were

fit to undertake or prepare the assessment and therefore provides a compelling reason for nondisclosure;

- whether the relevant extenuating circumstances have any bearing on the case;
- whether there is evidence of prejudice or of bias or of inadequate assessment on the part of one or more of the assessors;
- whether the decision of the Board was such that no body of reasonable people could have arrived at that decision.

5.8 The conclusions and recommendations the Panel shall be communicated to HEBoE and HEABS for consideration, ratification and implementation.

## **6 Review**

6.1 The Procedures, Operations and Terms of Reference of the Academic Appeals Panel will be reviewed every three years by the Higher Education Academic Board. Review can take earlier if demanded by circumstances (for example a change in the legal framework).

6.2 Recommendations for changes to the TOR will be considered and approved by the Higher Education Academic Board and ratified by the Quality and Standards Committee.

### Document Management, Approvals & Review:

Title	<b>Higher Education Academic Appeals Policy and Procedure</b>	
Executive Oversight	Deputy Principal Kingston Maurward College	
Approvals (Committee)	Approved by Higher Education Academic Board	Date
Approvals (Board)	Approved by Corporation	
Next Review Due	In two years	
Equality Impact Assessment:	Tbc	

### Change Log

<b>Summary of changes made between previous issue and this current issue</b>	<b>Page number</b>
Full review and revisions to the Academic Appeals Policy and Procedure for 2024-2025 Academic Year, incorporating Consumer Markets Authority guidance for Higher Education institutions, Open University approval and an accessibility review.	<b>Full document review</b>