HE Appeals Policy and Procedure

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Please contact us on 01904 770372 or email us at qi-admin@yorkcollege.ac.uk if you would like this document in an alternative format

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HIGHER EDUCATION APPEALS AGAINST ADMISSIONS DECISIONS AND THE RESULTS OF EXAMINATIONS& ASSESSMENTS

This policy and procedure relating to academic appeals has been updated to comply withthe UK Quality Code Concerns, Complaint and Appeals (2018) and the Office of the Independent Adjudicator's The Good Practice Framework for handling complaints and academic appeals (2022)

POLICY

1 INTRODUCTION

This is the procedure to follow if you want to appeal an Admissions decision or a decision of the Examination Board.

An appeal is defined as "A serious, urgent, or heartfelt request." (Lexico,2021) You can appeal:

a) the decision not to offer you a place on an HE course at York College
b) the decision made as a result of the Recognition of Prior Learning process
c) the decision not to award you a degree
d) the class of degree you receive
e) the decision to terminate your study
f) the decision on whether you can progress within your programme
g) the opportunity for a re-assessment
h) the mark you were awarded for an assessment (excluding formative assessments)

You cannot appeal against the **academic judgement** of your assessors. This is adecision where the opinion of an academic and or vocational expert is needed, forexample, the academic merit of an assessment. You do not have the right to demand any re-marking of an assessment.

This appeal procedure may only be used where you are seeking to have an

academic decision reviewed. If you are dissatisfied with teaching or other service provision, you should use the College's **Complaints and Compliments Procedure** instead. If you submit an appeal that the S Quality, Compliance and Qualification Development Lead believes would be more appropriately dealt with as acomplaint, the College may decide to follow the complaints procedure instead of or as well as the appeals procedure.

This procedure does not apply to an appeal relating to a finding of academicmisconduct such as cheating or plagiarism – there is a separate **academic misconduct procedure** for this.

This procedure applies to you if you are an applicant, current student or a student who is suspending studies.

2 PRINCIPLES

2.1 The appeals procedure shall be implemented with due regard to the need to eliminatediscrimination, harassment and victimisation, advancing equality of opportunity, and fostering good relations. The procedure applies equally to all students irrespective of age, disability, gender reassignment, pregnancy or maternity, race, ethnic origin or national identity, religion or belief, sex or sexual orientation. York College is committed to procedures that are fair and transparent, and decisionsthat are reasonable and have regard to law.

2.2 All staff involved in investigating and deciding your appeal will do so impartially. Nostaff members with a material personal interest in the appeal will be involved in investigating and deciding the appeal.

2.3 You will not be treated less favourably by the College as a consequence of making an appeal. You can expect your appeal to be dealt with seriously and constructively, once it is made in good faith.

2.4 Where an appeal is upheld, the College will offer what it deems to be an appropriate remedy.

2.5 You must submit your appeal in writing to the Quality, Compliance and Qualification Development Lead within **10** working days of the notification of your admissions decision or assessment outcome.

2.6 Where the issues raised affect several students, you may submit a group appeal. The College retains the discretion to communicate directly with some or all the students individually, particularly where the substance or circumstances of the appeal differ, and to reach different decisions where it deems this to be appropriate. In processing a group appeal, the College may ask the group to nominate one student to act as group representative, to communicate on the group's behalf with the College and to liaise with the other students. Each student needs to communicate in writing to the Quality, Compliance and Qualification Development Leadr their wish to be represented by the designated individual.

2.7 You may withdraw the appeal at any point in the process by sending a letter or email marked “withdrawal of appeal” to the Quality, Compliance and Qualification Development Lead at QI-Admin@yorkcollege,ac,uk. Once the appeal has been withdrawn, it cannot be reinstated.

2.8 Details of your appeal will be kept confidential, except where the disclosure is necessary to progress your appeal or implement a decision on the appeal, or where itis required by law or in the public interest. If there are elements of your appeal which are particularly sensitive and you have particular concerns about their confidentiality, you are welcome to indicate this fact to the Quality, Compliance and Qualification Development Leadwho will discuss with you how disclosure can be minimised. You are responsible for providing all the necessary supporting documentation related to your appeal. Those deciding your appeal will draw any conclusions they see fit from this material.

2.9 You have the right of access to information and documents which have informed thedecision, subject to considerations of privacy, confidentiality and the reasonable interests of any third parties.

3 GROUNDS FOR APPEAL

You can appeal against an admissions decision if you believe and have evidencethat any of the following apply:

You believe that the evidence provided for the Recognition of Prior Learning process has not been considered fairly or has been disregarded. The fact that you disagree with the way in which your application was considered is not in itself grounds for appeal.

A procedural irregularity has occurred; the admissions process was conducted unfairly or improperly; the admissions decision was biased.

You can appeal against an assessment decision if you believe and have evidence that any of the following apply:

There were relevant exceptional circumstances (for example, illness), and you have a good reason for failing to notify the examiners of these sooner. Normally you must inform the examiners by the assessment deadline (or up to five days after the deadline in the case of examinations), by using the exceptional circumstances procedure. A 'good reason' means that circumstances beyond your control prevented you from disclosing the relevant circumstances at the appropriate time. Personal embarrassment or unwillingness to disclose personalcircumstances are not considered 'good reason' for the purposes of an appeal.

You did notify the Award Leader earlier about exceptional circumstances or some other disruption of the assessment process, but there is clear evidencethat the exceptional circumstances procedure was not correctly followed. Thefact that you disagree with the way in which your exceptional circumstances were considered is not in itself grounds for appeal.

A procedural irregularity has occurred; the assessment was conductedunfairly or improperly; the assessment was biased.

4 SUPPORT AND ADVICE BEFORE MAKING AN APPEAL

Before making an appeal, the College recommends that you request an informal discussion with the Admissions Manager or your Award Leader as appropriate. This is to ensure that you fully understand the Admissions decision or decision of the Examination Board, the reasons behind it and the implications for your progression and/or award. The admissions decision, or your results will not be changed as a result of this discussion, but it may help you to clarify whether an appeal is an appropriate step to take. It is important to understand that the College must maintain academic standards,so an admissions decision or assessment outcome will only be changed as a result of an appeal where there is clear evidence that the original outcome was unsound.

5 RECORDS, MONITORING AND REVIEW RELATING TO THE POLICY AND PROCEDURE ONAPPEALS AGAINST ADMISSIONS DECISIONS AND THE RESULTS OF EXAMINATIONS AND ASSESSMENTS

The College will retain and then dispose of all correspondence relating to appeals in accordance with the appropriate principles on data retention and protection.

A report on appeals and their outcomes will be produced annually and submitted to the HE Academic Board for consideration. This will report the reasons for appeals and related outcomes and is intended to facilitate learning from appeals.

6 PROCEDURE - HOW TO APPEAL

Appeals should be made to the Quality, Compliance and Qualification Development Leadby emailing qi-admin@yorkcollege.ac.uk, or by post (addressed to the Quality, Compliance and Qualification Development Lead, York College, Sim Balk Lane York YO23 2BB). If sending it by email, you are advised to request a "read receipt". This appeal must be made within **10 working days** of your receiving your admissions decision or assessment outcome

Your written appeal must make a full statement of all grounds of appeal and provide all necessary supporting evidence. This may include copies of emails to and from academic staff concerning your issue, death certificates, and notes from doctors concerning health conditions. You will generally not be allowed to introduce new material later in the appeal process. Supporting evidence should be provided in English. Where the original document is in another language, you must provide both theoriginal document and a translation into English. This need not be a professional translation – you may provide your own translation.

You should use the form to say clearly what outcome you are seeking.

Appeals received beyond the specified time period will not normally be considered. Special consideration will only be given exceptionally, where you provide a substantiated, valid reason for any delay, in writing and in conjunction with the late

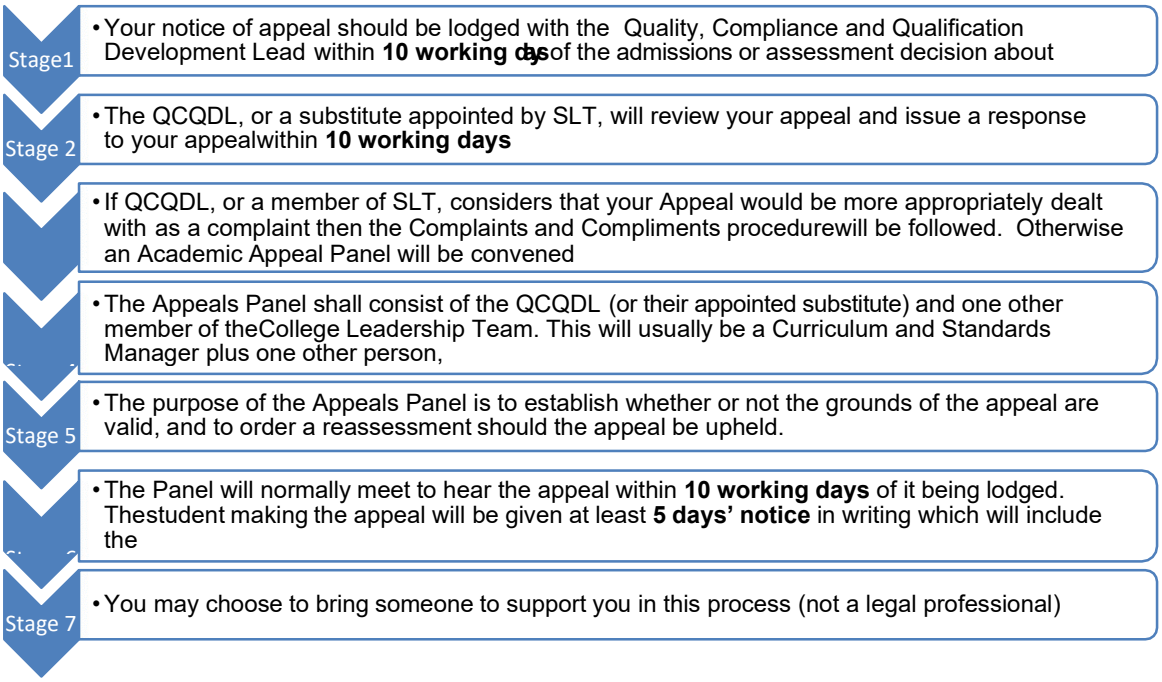
submission. If you believe that a valid, substantiated reason for the delay has been provided but not accepted, you may challenge the decision not to accept by writing to the Director of Curriculum (HE Lead) **within 5 working days** of the decision.

If the Director of Curriculum (HE Lead) agrees with the challenge, the appeal will be considered in the usual manner described below. If the Director of Curriculum (HE Lead) does not agree with the challenge, a Completion of Procedures at York College letter will be issued which will allow you to raise the out of time issue with the Awarding Provider or the Office of the Independent Adjudicator for Higher Education (OIA) as appropriate.

You should expect to receive an acknowledgement of your appeal within **5 working days**. If you have not received an acknowledgement within **5 working days**, please contact **QI-Admin** to check that your appeal has been received.

Any correspondence from the College shall be deemed to have been delivered 48 hours after e-mailing or posting to the address notified to the College by you. You must keep the College informed of any changes of address. Our preferred means of correspondence is email as it enables us to communicate quickly and efficiently, but please indicate if you prefer to correspond by letter.

7 WHAT WILL HAPPEN



CONDUCT OF HEARING

The person making the appeal can present their case and to be questioned. Staff involved in the assessment can state their case and be questioned.

Both parties then withdraw to allow the panel to consider its decision.
The outcome of the appeal will be communicated, within 10 working days to all partiesconcerned, stating reasons and any appropriate action that is required.

There are two possible outcomes from this Panel review:

a. The matter to be resolved

b. The appeal to be dismissed on the grounds that your application does notshow that there is a case to be answered.

If you are **unable to** attend the meeting physically, you may request alternative arrangements such as use of Teams. The request should be made to the HE Coordinator. It will normally only be permitted to students who are outside the UK.

If you do not choose to appear before the Panel or decide for a representative to attend on your behalf, the Panel will reserve the right to hear the case in your absence, drawing such conclusions as it deems appropriate. If you fail toattend an

arranged hearing without explanation or notice, the College reserves the right to dismiss the appeal.

At the hearing, you or your representative may make a statement and the Panel may ask you questions. You and your representative may consult each other. Notes are taken and are available to you afterwards upon request.

It is not normally possible to introduce new grounds for appeal at this stage, unless it relates to evidence that could not have been provided sooner, for example. a medical specialist's report that you received after you submitted your appeal.

You and your representative will be asked to leave the room while the Panel discussesthe case.

The Panel will decide whether you have provided sufficient evidence to substantiate your claim on the balance of probabilities, for example that what you have claimed is more likely than not to be the case. The panel may ask for further information to inform their decision, I would think. If this does occur, further time for investigation maybe needed and you will informed of this in writing.

You will not usually receive a final decision on the day of the hearing. You will receive a final decision in writing, including the reasons for the decision, as soon as possible after the hearing, and normally within **10 working days**.

REVIEW BY THE DIRECTOR OF CURRICULUM (HE LEAD)

If you are dissatisfied with the decision, you may ask the Director of Curriculum (HE Lead) to review the case. You must make this request by submitting the relevant appeal to Director of Curriculum (HE Lead) within **10 working days** from the date on the letter notifying you of the decision of the Appeals Panel. Director of Curriculum (HE Lead) decisions on the case will be final as far as the College's internal procedures are concerned. The Director of Curriculum (HE Lead) may delegate the review to an appropriate person.

The Director of Curriculum (HE Lead) will review the decision on the following grounds only:

c. The decision of the panel was unreasonable in the light of the evidence supplied.

d. The procedure for the hearing of the appeal was deficient in a way which materially prejudiced your case.

The Director of Curriculum (HE Lead) will base the decision on the written material submitted to the first hearing of the case, a written statement of the outcome of the appeal and your written case. The Director of Curriculum (HE Lead) will not normally consider new grounds of appeal or new evidence, unless there is new material evidence which you were unable, for valid reasons, to provide earlier in the process.

The Director of Curriculum (HE Lead) or delegate may, if necessary, carry out an interview with you, the representatives of the academic area and the relevant members of the Student Appeals and Conduct Committee.

The Director of Curriculum (HE Lead) or delegate will send you the decision in writing as soon as possible and normally **within 10 working days**. At this point, you have come to the end of the York College appeals procedure. You will receive a Completion of Procedures at York College letter.

OFFICE OF THE INDEPENDENT ADJUDICATOR FOR HIGHER EDUCATION

If after the internal procedures for York College have been exhausted the appellant remains dissatisfied, they will

a) have the right to refer the matter to the Office of the Independent Adjudicator who will either review the case or pass it on to the relevant Awarding Organisation. The College's Closure of Proceeding's at York College letter will make it clear how the complainant can proceed.
b) Where the provision is validated by a University, the decision of the College will be reviewed by the University. The College's Closure of Internal Proceedings letter will make it clear how the complainant can proceed

The OIA is an independent body established to consider student complaints which have not been resolved internally. Appeals to the OIA should be made within 12 months of getting a decision from theCollege. This service is free to students. More information can be found on the OIA website: www.oiahe.org.uk

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Change of owner

Main document changes and comments

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Quality, Compliance and Qualification Development Lead

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Senior Quality and Compliance Officer