

HE Academic Appeals and Queries Policy

2023-24



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Scope of policy (audience):	Higher Education students, staff
Policyholder:	Head of Registry
Contact:	quality@leedsconservatoire.ac.uk
Alternative formats:	Audio, large font (on request)

Linked external codes/regulations
QAA Code of Practice Chapter B9 (Academic Appeals and student complaints, 2013) University of Hull Academic Appeals & Queries Regulations (QH:E1) v.2.01 (2016) OIA Good Practice Framework for handling complaints and academic appeals (2014)
Linked documents/references
Leeds Conservatoire Complaints Procedure Leeds Conservatoire Performance Assessment Procedure
Equality Impact Assessment information
Impact Assessment to be completed
Scope of policy (audience)
Higher Education students, staff
Alternative Formats
Large font available on request

Policy statement
It is the policy of Leeds Conservatoire, as a collaborative partner of the University of Hull, to deal with academic results queries and appeals in accordance with the University of Hull regulations. It is not feasible for the conservatoire to simply adopt the University of Hull regulations as is since there are considerable differences between us in size, structure and breadth. As such, the following procedure for the consideration of Academic Appeals follows the general principles of the University of Hull Appeals Regulations and complies with the Expectation set out in the Quality Assurance Agency <i>UK Quality Code Chapter B9 Academic</i>

Appeals and Student Complaints (2013), the OIA Good Practice for handling complaints and academic appeals (2014).

Complaints made by students are considered by the conservatoire under its Complaints Procedure. <https://space.lcm.ac.uk/course/view.php?id=34#section-5>

Further Education Appeals Procedures are set out in a separate document.

Background/vision (if applicable)

Revision reflects the addition of internal Hearing and Review Stages and the Right of Final Challenge to the University of Hull

Procedure

In-year Results queries (informal stage): before Boards of Examiners have met

The conservatoire will accept 'In-year results queries' from students (pre-formal results notification) on the basis of procedural irregularity in the conduct of the assessment process.

An in-year results query should be submitted by email or in writing to the Exams Team. The Exams Team will facilitate the review of the query, providing advice and information or referring to members of Academic or Registry staff, as appropriate.

The conservatoire will endeavour to resolve any queries at this stage where appropriate.

All marks displayed to students at this stage are provisional and not yet ratified by the Module Board of Examiners therefore a formal appeal at this stage is not possible.

A query of this nature does not signify any intention to make a formal appeal or affect students' right to proceed to a formal appeal if not resolved.

Where an issue is not able to be resolved a student is advised that if they wish to take the matter further they will have the opportunity to do so after the Board has met at the end of the academic year.

Results queries (informal stage): after Boards of Examiners have met

The conservatoire will accept 'results queries' from students (following ratification of marks at Module Board of Examiners and the formal publication of results).

Results queries do not signify any intention to make a formal appeal or affect students' right to proceed to a formal appeal if the matter is not resolved.

Results queries must be submitted by email or in writing to the Exams Team within 5 office days of the publication of online results.

The Exams Team will facilitate the review of the query, providing advice and information or referring to the Module Coordinator, Senior/Principal Lecturer, Curriculum /Course Leader, and/or Head of Under/Postgraduate studies, as appropriate.

The Module Coordinator, Senior/Principal Lecturer, Curriculum /Course Leader, and/or Head of Under/Postgraduate studies, as appropriate, may contact the student to attempt to resolve queries informally.

Results queries will be dealt with and the outcome communicated to the student as quickly as possible.

Where there are amendments to results, the Chair of the Board of Examiners will progress these via Chair's Action, in consultation with the External Examiner.

Where a student remains dissatisfied and wishes to pursue the issue, they must do so by submitting a formal academic appeal.

Formal Academic Appeals: after Boards of Examiners have met

Formal Academic Appeals must be submitted to Leeds Conservatoire

Timing:

Students who wish to formally appeal against the decision of a Module or Programme Board of Examiners must do so:

- (i) within 10 working days of publication (online) of the decision or within 10 working days of notification by email of the outcome of a 'results query', whichever is the later date;
- (ii) using the designated University of Hull form (SAS-A);
- (iii) by submitting the completed form along with supporting evidence to the Exams Team in Registry, room 406.

Decisions which may be appealed:

A candidate for an undergraduate or taught postgraduate programme of study may appeal against the decision of a Module or Programme Board of Examiners:

- (i) to exclude the candidate from an examination, dissertation, placement or other form of study or assessment forming part of the candidate's programme of study;
- (ii) to award or refuse to award the candidate the qualification or classification of the qualification;
- (iii) any other academic decision concerning the academic progress of a candidate.

Grounds for Appeal:

A candidate may appeal on one or more of the following grounds:

- (i) that there existed circumstances affecting the candidate's performance of which the examiners had not been made aware when the recommendation

or decision was made, and that had the examiners been aware of those circumstances it was reasonably likely that the examiners would not have made the recommendation or decision, or would have made a different recommendation or decision;

- (ii) that there were procedural irregularities in the conduct of the assessment process (including administrative error), of such a nature as to cause reasonable doubt as to whether the examiners would have reached the same conclusion had the irregularities not occurred;
- (iii) that there are reasonable grounds to believe that the recommendation or decision was influenced by prejudice or bias on the part of one or more of the examiners.

Investigation stage:

All appeal statements and supporting evidence are scrutinised by an Officer/Officers of Leeds Conservatoire. The Officer/Officers may invite the Appellant to meet with them.

Where the Officer requests further information from the Appellant, once this has been received or after 10 working days has elapsed from the Appellant being contacted for further information, the Officer/Officers will make a decision on the appeal as follows:

- (i) there are *prima facie* grounds for appeal and an informal resolution has been identified and agreed by all parties. A letter confirming the agreement is issued;
- (ii) there are *prima facie* grounds for appeal and no informal resolution has been identified: Appeal Panel to be convened to consider the appeal;
- (iii) there are no *prima facie* grounds for appeal: the appeal is rejected. The Appellant has 10 working days to request a Review by the Chair of the Programme Board of Examiners.

All resolutions will be within the Academic Appeals and Queries Regulations and the Programme Regulations and approved by the Chair of the Module or Programme Board of Examiners and the External Examiner as appropriate.

Failure to submit an appeal within the published timescale will result in a late appeal being rejected without an investigation being conducted. The Officer will be the final arbiter of whether exceptional circumstances exist to mitigate a late submission.

The Officer may determine that an appeal is vexatious or frivolous and reject an appeal without an investigation being conducted.

Hearing stage:

An Appeal Panel will be convened to hear an appeal where the Officer has determined that there are *prima facie* grounds for appeal but no informal resolution has been identified.

The Appeal Panel will be held within 1 month of the Officer requesting it and conducted in line with the University of Hull regulations.

The proceedings will be minuted by the Quality team.

The duty of the Appeal Panel is to consider all the evidence and determine whether the appeal should be upheld or rejected by deciding whether there are grounds for appeal.

Where the Appeal Panel upholds the appeal, it will quash the original decision (against which the appeal was made) and make one or more of the following orders:

- (i) that the Module or Programme Board of Examiners be required to reconsider its decision in the light of the evidence presented at the hearing
- (ii) that the examiners be required to re-mark any examination script, piece of coursework or dissertation, or other form of assessment
- (iii) that the Appellant be reinstated and permitted to proceed with his or her programme of study
- (iv) that the Appellant be entitled to submit a fresh piece of coursework, dissertation, project or similar within a deadline determined by the Chair of the Panel
- (v) that the Appellant be entitled to sit a further examination as a fresh attempt
- (vi) such other order as the Appeal Panel deems appropriate, subject to the restriction that the Appeal Panel cannot award any credit or other qualification, or raise or lower any mark or degree classification.

The Appeal Panel **may** make additional recommendations relating to issues arising from the appeal, for example the way in which the assessment process was conducted, or the guidance provided to candidates.

The Appellant must be informed in writing of the decision and the reasons for it within five working days of the hearing.

The Appeal Panel may determine that an appeal is vexatious or frivolous and reject an appeal without a hearing being held.

Review stage:

Where an appeal is

- (i) rejected at the Investigation stage by the Officer or
- (ii) rejected at the Hearing stage by the Appeal Panel

the Appellant will be given the opportunity to request a formal review of this decision. Such a request must be received in writing/by email by the Exams Team within 10 working days of the decision being communicated to the Appellant.

The request must set out the basis for the review and may be on one of the following grounds:

- (i) A request to review the procedures followed at the formal stage;
- (ii) A request to consider if the outcome was reasonable in all of the circumstances;
- (iii) The submission of new evidence which the Appellant had not, for valid reasons, been able to provide earlier in the case.

The review will be conducted by the Chair of the Module or Programme Board of Examiners (or nominee) and will consider:

- (i) Was the appeal conducted in accordance with the regulations?
- (ii) Was the decision reached reasonable given the evidence that had been presented?
- (iii) Has any new evidence been provided that, for valid reasons, has not previously been considered?

The Chair of the Board of Examiners will make one of the following decisions:

- (i) Uphold the decision of the Officer/Appeal Panel to reject the appeal;
- (ii) Require the Officer/Appeal Panel to reconsider their decision;
- (iii) Recommend that a new Appeal Panel considers the case.

The decision will be communicated in writing to the student by the Exams Team.

Where the appeal is rejected at the review stage, the Appellant will be informed of their final right of challenge to the University of Hull.

The Chair of the Board of Examiners may determine that an appeal is vexatious or frivolous and reject an appeal without a review being carried out.

Right of Final Challenge to the University of Hull stage:

A candidate on a programme of study validated by the University of Hull is entitled to challenge the decision of the review stage where the following conditions are satisfied:

- (i) that Leeds Conservatoire's appeal procedures have been exhausted, and
- (ii) that the candidate can demonstrate on a balance of probabilities that the body which made the final decision relating to the candidate's appeal was not constituted in accordance with the regulations and procedures of the institution, or acted outside its jurisdiction.

An Appellant who wishes to instigate the above procedure must write to the Secretary of the Student Progress Committee, University of Hull, within 10 working days of being informed of the outcome of the review, detailing the evidence supporting the challenge. The review outcome letter will inform the Appellant how to do this.

The University's Student Progress Committee will communicate with the Appellant under the procedure outlined in the University of Hull's Academic Appeals and Queries regulations, Section V.

Once Leeds Conservatoire's and any relevant University of Hull procedures have been exhausted, the Appellant will receive a Completion of Procedures letter, confirming this is so.

Office of the Independent Adjudicator (OIA):

The Completion of Procedures letter will be issued by Leeds Conservatoire, to indicate to the Appellant that all Leeds Conservatoire's and the University of Hull's appeal procedures have

been exhausted and that if the student remains dissatisfied, s/he may take their case to the Office of the Independent Adjudicator (OIA – www.oiahe.org.uk). The letter will provide advice on how to access the services of the OIA and the deadline by which the student must apply.

Notes

Mitigating circumstances:

Where an appeal is resolved or upheld at any stage in the process because of mitigating circumstances, it will not normally be appropriate to follow the course of action under (ii) above within 'Hearing Stage' because of the nature of assessments: a fresh attempt at the assessment will be offered.

Graduation:

A student who has appealed against a decision that relates to a final award may attend the Graduation ceremony whilst the appeal is under consideration. If the outcome of the appeal allows the student further opportunities for assessment or requires a change to the original award, the student will be required to rescind that qualification and return the original certificate and transcript.

Academic judgement:

A student may not appeal against a matter of academic judgement; for example appeals will not be permitted against a specific mark or grade awarded by an examiner in instances where the student, or a third party, believes the work merits a higher grade or mark.

The mark to be awarded for an individual piece of assessed work or an overall mark or classification for an award is regarded as a matter for the academic judgement of the examiner or examiners, or the Board of Examiners concerned. As such, matters of academic judgement are not appealable under these or any other regulations or procedures of Leeds Conservatoire or the University of Hull.

A student who wishes to question marking processes is entitled to ask for confirmation that the work has been marked in accordance with the regulations and procedures of Leeds Conservatoire and the University of Hull. Provided Leeds Conservatoire confirms this in writing, the matter is deemed closed and the mark or other decision upheld.

Impartiality of Decision-Makers:

No person who declares an interest, academic or otherwise, will be permitted to take part in the making of a decision regarding an appeal at either the formal appeal stage or review stage. This includes members of the same academic school and members of the Board of Examiners which made a decision against which the appeal is made.

Privacy, Confidentiality and Data Protection:

All evidence submitted by an Appellant in support of a results query/appeal will be treated with respect for the privacy of the student/Appellant and will be confidential to those members of staff concerned with the matters raised in the query/appeal, at the appropriate stage of the results query/appeal process.

Responsibilities

Exams Team, Registry

Advise and provide information on procedure to be followed for all stages of the Results and Academic Appeals procedure.

Receive and log results queries and facilitate the review of informal results queries.

Receive Academic Appeals and requests for formal review.

Head of Undergraduate/Postgraduate Studies, Curriculum/Course Leader, Senior/Principal Lecturer, Module Co-ordinator

Scrutinise informal results queries to identify resolution where possible

External Examiner

Advise on remedy in cases of procedural irregularity

Approves alternative assessments where decision is taken to re-run

Reconsiders student profile to facilitate informal resolution (in consultation with Chair of Module or Programme Board of Examiners)

'Officer' of Leeds Conservatoire

Normally Head of Registry or nominee

Investigates formal appeals

Requests a formal Appeal Panel Hearing where appropriate

Appoints the Appeal Panel

Ensures that members of the Appeal Panel receive appropriate training on the appeals regulations and related procedures

Appeal Panel

Normally comprises member of JMG (Chair) and 2 members of academic staff from pathways/courses other than that of the Appellant

Conducts a formal Appeal Hearing

Quality team

Minutes formal Appeal Hearing

Chair of the Programme Board of Examiners

Normally Director of Curriculum or nominee

Carries out a formal review of rejected appeals where appropriate

Secretary of the University of Hull Student Progress Committee

Considers Final Challenge requests where appropriate

Procedure flowchart

To be completed

University of Hull Regulations

The University of Hull Academic Appeals Regulations may be accessed on their website here
http://www2.hull.ac.uk/administration/leap/quality_standards/qualityhandbook/e-appealsandcomplaints.aspx

The Appeal Against an Academic Decision form (SAS-A) may be accessed here
http://www2.hull.ac.uk/student/registry_services/current_students/if_things_go_wrong/academic_appeals.aspx

Appendix A

Hull Academic Appeals Regulations

http://www2.hull.ac.uk/administration/leap/quality_standards/qualityhandbook/e-appealsandcomplaints.aspx

QH:E1

Appendix B

Hull Academic Appeal Submission Form SAS-A

http://www2.hull.ac.uk/student/registry_services/current_students/if_things_go_wrong/academic_appeals.aspx