



Union School of Theology Academic Appeals Policy and Procedure

Approved by UST Academic Board 17-01-2018

Amended for Open University July 2018

Policy due for Academic Board Review – June 2019

1. CONTENTS OF POLICY

- 1 Contents of Policy
- 2 Policy Framework
- 3 Introduction
- 4 Principles of Policy
- 5 Appealing about Module Marks
- 6 Appealing about Final Award
- 7 Requesting a Review of an Academic Appeal
- 8 Appeals to External Bodies
- 9 Appeals Process Monitoring
- 10 Other Regulations
- 11 Responsibilities, Policy Approval and Review
- 12 Policy Communication

2. POLICY FRAMEWORK

This policy has been developed in accordance with the following regulations, policies and procedures. This list is not exhaustive:

- [Union School of Theology \(UST\) Programme Handbooks](#)
- [Union School of Theology Learning Support Policy](#)
- [Union School of Theology Moderation Policy](#)
- [UST Equal Opportunities Policy](#)
- [Union School of Theology Data Protection Policy](#)
- [QAA 'UK Quality Code for Higher Education – Chapter B9: Academic Appeals and Student complaints'](#)
- [Open University Handbook for Validated Awards](#)

3. INTRODUCTION

3.1 The aim of the Academic Appeals process is to provide you with a mechanism for appealing against what you consider to be an unfair procedure in assessment.

3.2 An academic appeal is defined as "A request for a review of a decision of an academic body charged with making decisions on student progress, assessment and awards." ¹ It only relates to the outcome of students' progression, an assessment, examination or award, and not to dissatisfaction with their administration.

For example, a complaint concerning unreasonable delay in returning work would be dealt with by the '[Complaints Policy for Non-Academic Issues](#)', which is found on the UST website www.ust.ac.uk and the Student VLE (Union Cloud).

Please note that you may not appeal simply because you do not agree with the marker's academic judgement.

To make a formal academic appeal you will need to use the *Formal Academic Appeal Form*.

4. PRINCIPLES OF POLICY

a. We aim to respond to any enquiry or appeal confidentially, fairly and promptly and in accordance with the School's [Equal Opportunities Policy](#). Staff aim to be courteous to the complainant, responding positively and, wherever possible, offering constructive solutions.

b. All appeals will be managed in a sensitive way and with due regard to data protection issues. Whilst it is understood that complainants may wish some evidence (e.g. a witness statement or medical evidence) to remain confidential, this may not always be possible without hampering a thorough investigation of the facts. In these circumstances the School will discuss with the complainant the best way to approach the submission of evidence, before releasing all, or some, of the evidence to the investigating officer or any others involved in the investigation.

c. Parties to an investigation will be offered support by the School Welfare Officer or their Personal Tutor. Parties may also choose to be accompanied by, or represented at any meetings by, a supportive friend. This must be someone independent of the circumstances that gave rise to the meeting and therefore not be the person offering them pastoral support through the process.

d. A detailed record will be kept of all formal investigations, appeals or reviews.

e. The processing of the formal appeal and any subsequent review should take no longer than 90 calendar days. This requires the student to meet any School deadlines for the submission of material. If there are good reasons for extending the

¹ UK Quality Code for Higher Education.

timeframe, the complainant will be notified of any delays and regularly informed of progress and the complainant shall similarly notify the School.

f. Appeals involving more than one issue may, in some cases, require the resolution of one issue before dealing with another. This may necessitate having a discussion with the complainant regarding the best way to resolve the whole situation satisfactorily.

g. Group appeals are permissible where the issue raised affects a number of students. In such circumstances, in order to manage the progression of the appeal, we ask the group to nominate one student to act as a group representative; this student may also be supported by one other person.

h. The complainant will always be informed, in writing, of the outcome of an investigation or appeal and with reasons given for the decision which has been reached. The complainant will be informed at the same time of any further appeal processes which may still be available to them.

i. Any review will be heard by someone who was not involved in the original investigation and will occur according to the timescales given. You will be informed if there is going to be any unavoidable delay.

j. No-one will be disadvantaged by making an appeal.

k. The appeal may be withdrawn without prejudice at any time during the process. The School must be informed in writing. Any decision made by the School at the previous stage in the procedure will then be upheld and become the final outcome.

l. The School will not investigate any formal appeal, or review which it considers to be frivolous or vexatious.

m. All appeal procedures should be available to all, monitored regularly, and reviewed and evaluated periodically.

5. APPEALING ABOUT A MODULE MARK

5.1 Grounds for Appeal

You can appeal only on the following grounds.

- i. When there is an allegation of failure to apply the School regulations in arriving at the final mark (*administrative error*).
- ii. When the grading criteria/learning outcomes published in the handbook were not fairly and consistently applied by the marker.
- iii. When you were not correctly informed of the required assessment or deadline.
- iv. There was a procedural irregularity in the assessment process

- v. When your performance was significantly affected by extenuating circumstances such as illness or other factors which you were unable or, with valid reason, unwilling to divulge to the relevant academic body when it made its original decision relating to the assessment of your work. Your appeal must be accompanied by documentary evidence acceptable to the academic body.

5.2. Inadmissible Reasons for Appeal

- i. An appeal against a module mark cannot be made simply because you do not agree with the mark awarded (*academic grounds*).
- ii. An appeal cannot be made on the grounds of unawareness of the published assessment regulations (e.g. word count, submission deadline, etc).
- iii. Where you disagree with the conclusions reached by the committee which considered your submission of extenuating circumstances.

5.3. Process For Appealing About An Individual Module Mark:

If you think that your appeal meets any of the admissible criteria, you can appeal by:

- a. Completing a *Formal Academic Appeal form*. This is attached as an appendix to this policy document.
- b. The completed and *signed* form, together with all your supporting evidence, should be given to the Complaints Officer who is the Academic Registrar (paper or electronic copies are acceptable).
- c. The form and supporting evidence should be submitted within 14 calendar days of publication of the mark. It will be acknowledged in writing within 7 working days.
- d. The Programme Leader will discuss the appeal with the first marker and moderator and seek to reach mutual agreement about whether any change should be made. The School aims to communicate the result to you within 30 days of receiving the appeal form.
- e. If no such agreement is reached, the matter will be resolved in consultation with the external examiner(s) for a final decision, which will then be communicated to you in writing. In this case, the School aims to communicate the result to you within a further 14 calendar days. This written response will include any actions required by you or the School to follow up and implement that decision.
- f. Should you remain dissatisfied on the grounds that you were not fairly/impartially treated, you have 30 days to request a review of the appeal decision. (see below for the procedure).

- g. You may withdraw a formal appeal in writing without prejudice at any time during the procedure.

6. APPEALING ABOUT A FINAL AWARD

6.1. Grounds for Appeal

The Board of Examiners, which meets at the end of the academic year to finalise the classification of awards, takes great care to be equitable, fair and objective. However, you have the right to appeal against a decision of the Board of Examiners about the final exit award, but only on the following grounds.

- i. When there is an allegation of failure to apply the School regulations in arriving at the final grade or classification (*administrative error*).
- ii. When the grading criteria/learning outcomes published in the handbook were not fairly and consistently applied by the marker.
- iii. When you were not correctly informed of the required assessment or deadlines.
- iv. When your performance was adversely affected by illness or other factors which you were unable or, with valid reason, unwilling to divulge to the relevant academic body when it made its decision. Your appeal must be accompanied by documentary evidence acceptable to the academic body.

6.2. Inadmissible Grounds for Appeal

- i. An appeal cannot be made simply because you do not agree with the final grade or classification (*academic grounds*) you were awarded.
- ii. An appeal cannot be made on the grounds of unawareness of the published assessment regulations (e.g. word count, submission deadline, etc).

6.3 Final Award Appeals Procedure

If you think that your appeal meets any of these criteria, you can appeal by:

- a. Completing a *Formal Academic Appeal Form*. This is attached as an appendix to this policy document.
- b. The completed and *signed* form, together with all your supporting evidence, should be given to the Academic Registrar within 14 calendar days of receiving the result of the relevant assessment or final award (paper or electronic copies are acceptable) which you wish to appeal against. This will be acknowledged in writing within 7 working days.

- c. It should clearly set out the reasons for the appeal and include, where appropriate, supporting documentary evidence.
- d. The Programme Leader shall, within 14 calendar working days, consider the academic appeal and determine whether there is a *prima facie* case to answer.
- e. In the perceived absence of a valid case to answer, the Programme Leader will explain to you in full the reasons behind the Board of Examiners' original decision and provide you with those reasons in writing. This written response will include any actions required by you or the School to follow up and implement that decision.
- f. If, conversely, there is perceived to be an academic case to answer, the Programme Leader will submit the academic appeal with all appropriate documentation to the members of the Board of Examiners for discussion and final decision.
- g. If you fail, without good cause, to provide the examiners, in advance of their marking, with information about personal circumstances that may have affected your performance in assessments, the Board of Examiners has authority to reject the request on those grounds.
- h. You may withdraw a formal academic appeal in writing without prejudice at any time during the procedure. Any decision made by the School at the previous stage in the procedure will then be upheld and become the final outcome.

6.4 Outcome of Academic Appeals of Final Award

- 6.4.1 Whenever an appeal is concluded, the result and reason for the decision will be submitted in writing to the student. Should the appeal have been dismissed, the student will be advised of their right to a review of the appeal.
- 6.4.2 Where a decision is upheld, a recommendation must be made for reconsideration by the Board of Examiners.
- 6.4.3 Should the examiners agree to amend their decision, but are uncertain about the most appropriate alternative recommendation, they should seek additional evidence of the student's performance. This may be obtained either through reassessment at the next opportunity, or through a viva voce examination or, through another form of assessment appropriate to the student's circumstances and to the requirements of the programme of study.
- 6.4.4 If a student has produced evidence that performance was affected by illness or another valid cause, the Board of Examiners may agree new arrangements for the assessment of the student.
- 6.4.5 You be informed in writing of the Board of Examiners' decision, by the Programme Leader, within 30 days of the case being referred to the Board of Examiners. You will be kept informed if there is going to be any unavoidable delay.

6.5 Established Procedural Irregularity

- 6.4.6 In cases where procedural irregularity is established as a result of an academic appeal, the Board of Examiners should then be responsible for ensuring appropriate follow-up action.
- 6.4.7 If an error or irregularity is found to have affected more than one candidate, the Board of Examiners must reconsider all the relevant grades and classifications and take appropriate follow-up actions. In this case it is the responsibility of the Board of Examiners to confirm the revised grades and classifications in the presence of an OU representative.

7. REQUESTING A REVIEW OF AN ACADEMIC APPEAL

7.1. Requesting a Review:

7.1.a. If a student is dissatisfied with the outcome of the formal appeal stage, he or she may be able to request a review. The academic appeal must have completed its formal stages before a review can be requested. It will usually only be possible to request a review of the School's final decision if the School has either not followed its own published procedures properly or it has not dealt with the appeal fairly. The review stage will not usually consider the issues afresh or involve a further investigation.

7.1.b There are a limited number of grounds on which a review can be sought. These include:

- i) request for a review of the procedures followed at the formal stage
- ii) a consideration of whether the outcome was reasonable in all the circumstances
- iii) consideration of material evidence which the student was unable, for valid reasons, to provide earlier in the process.

7.1.c To request a review you must:

- Submit a signed and completed *Formal Review of Appeal Form* within 14 calendar days of receiving the judgement of the appeal to the Academic Registrar of the relevant programme. This will be acknowledged in writing within 7 working days. This form can be found as an appendix to this policy document.
- Explain on the form the grounds for requesting a review beyond a simple disagreement with the outcome.
- Provide any additional supporting documentary evidence with, where appropriate, an explanation of why this was not submitted with the original appeal. Without a valid explanation, further evidence will not be accepted.

7.2 Review Process

7.2.1 On receiving a request for a review, Union School of Theology will allocate the responsibility for the review to a designated member of staff not involved at any previous stage. In many cases this will be the Provost. At this point the nature of what is being

reviewed, and the purpose and scope of the review will be established and explained to the student.

7.2.2 The Reviewer will make clear to the student what the possible outcomes of a review are if it is felt there is a *prima facie* case to answer.

7.2.3 You may withdraw a review request in writing without prejudice at any time during the investigation. Any decision made by the School at the previous stage in the procedure will then be upheld and become the final outcome.

7.3 The Reviewer must consider the following questions -

- a) Were the relevant procedures followed during the formal stage?
- b) Was the outcome reasonable in all the circumstances?
- c) Has the student received clear reasons why the academic appeal was rejected at the formal stage?
- d) If new material evidence has been provided has the student given valid reasons for not supplying this earlier?

7.4 The reviewer will, within 14 calendar days, consider whether he feels there is a *prima facie* case to answer. If there is not, the reviewer will explain the reasons for the rejection of the request for review.

- a. If there is felt to be a *prima facie* case to answer, the reviewer may call an explanatory meeting with you. You may be accompanied, or represented at this meeting, by a supportive friend (see 5c above).
- b. Minutes will be taken.
- c. The timescale of the judgement may depend on whether any further documentary evidence is required to be reviewed before a final decision can be reached, but is expected to be within 30 days of receiving the review request.
- d. There will occasionally be circumstances when, for good reason, the School will need to extend the timeframe for the investigation. Where this is the case the School will notify the student, and keep the student regularly informed of progress.
- e. The reviewer will inform you of the outcome of the review in writing, and with the reasons given.
- f. If the review is upheld:
 - i. In the case of the request for a review of an appeal in relation to an individual module mark the reviewer may overturn the outcome of the formal appeal stage, and request the work be remarked by an independent marker.
 - ii. In the case of an appeal in relation to a final award, the reviewer may refer the outcome back to the formal stage for the reconsideration of the Board of Examiners.

That reconsideration will take place as soon as practicable, and normally within 90 days.

iii. The reviewer will provide the student with a written explanation of the outcome and explain how and when the School will implement any remedy.

g. If the academic review is not upheld, the outcome of the review stage will be communicated to the student in writing, and a Completion of Procedures letter issued within 28 days. This will include a clear explanation and outline of the reasons for the decision.

h. The decision in the review will include any options you may have of appealing to another external body. However, none of these options are available to you until after you have exhausted the School's [own complaints or appeals procedures](#).

8. APPEAL TO EXTERNAL BODIES

a. It will usually only be possible to appeal to an external body against the School's final decision if the School has either not followed its own procedures properly or it has not dealt with the appeal fairly.

b. It is only possible to make an appeal to an external body after all the internal appeal and review procedures have been exhausted.

8.1. Appealing to the Open University:

a. The School is a partner of the Open University (OU). As the body which validates our awards, the OU is interested in the concerns of all students undertaking those programmes. You can approach the Open University only if you can demonstrate to them that you have exhausted all the appropriate academic appeals procedures (which have been approved by the OU) which are open to you at Union School of Theology. If, after doing this, you still feel your concerns have not been properly addressed, you may approach the OU and make a formal appeal or complaint with them, if you have sufficient grounds according to the OU regulations. These can be found in the *Open University Handbook of Validated Awards* on the Union Cloud VLE and also on the UST website. Alternatively the Open University can be contacted directly by email: OUVP-Director@open.ac.uk, by phone: 01908 332840 or by post: The Director, Centre for Inclusion and collaborative Partnerships, Walton Hall, Milton Keynes, MK7 6AA, UK.

b. In order to appeal to the Open University, you must:

i. Request a 'Completion of Procedures' letter from the School within one month of the conclusion of our internal processes. If your appeal is not upheld the completion of procedures letter will be issued automatically within 28 days of the completion of the internal processes. This letter can be requested from the Academic Registrar of the relevant programme.

- ii. Appeal within 3 months of the receipt of the Completion of Procedures letter.
- iii. Follow the Open University's own procedures (see previous paragraph).

8.2. Appealing to the Office of the Independent Adjudicator:

Once a student has completed all the internal and OU procedures in relation to an Academic Appeal, if still they remain dissatisfied with how the appeal was handled, they may be able to complain to the Office of the Independent Adjudicator for Higher Education (OIA) by contacting them at: www.oiahe.org.uk. The OIA was set up under the Higher Education Act 2004 to provide 'an independent student complaints scheme'. All Higher Education Institutions in England and Wales are required to comply with the scheme, which is free to students. However, the OIA can only consider unresolved complaints from students in relation to Academic Appeals *after* the internal appeals and review procedure of both UST and OU has been concluded. The time limit for bringing a complaint to the OIA is 12 months.

a. The complaints which the OIA will consider include, but are not limited to:

- Academic Appeals
- Extenuating Circumstances
- Teaching and Facilities
- Accommodation
- Research supervision
- Welfare
- Discrimination (but see * below)
- Bullying and harassment
- Placements
- Procedural irregularities
- Unfair practices
- Disciplinary matters – including plagiarism.

* In considering issues related to discrimination the OIA does not act as a court. It does not investigate or make legal findings in the same manner as a court. However, it is appropriate for the OIA to refer to the law and guidance on discrimination to form an opinion as to good practice and to decide whether the provider has acted fairly.

b. The OIA cannot consider complaints/appeals concerning:

- Admissions
- Academic judgement
- Matters which are already are or have been the subject of Court or Tribunal proceedings, unless the proceedings have been 'stayed' or adjourned.

c. In order to make an Academic appeal to the OIA, you will need to:

- i. Request a 'Completion of Procedures Letter' from the School to submit with your appeal to the OIA. This must be requested within one month of your

appeal being upheld. If your appeal is not upheld the completion of procedures letter will be issued automatically within 28 days of the completion of the internal processes. This letter can be requested from the Academic Registrar after the appeals procedure has been completed.

- ii. Complete the OU Academic Appeals Process;
- iii. Complete the OIA's own form, which is available from www.oiahe.org.uk.
- iv. Submit your appeal to the OIA within twelve months of the date of your Completion of Procedures letter.

9. APPEALS PROCESS MONITORING

The issues and outcomes of any appeals will be discussed in the BA, GDip, MTh Programme Committees and the Quality Assurance Committee to monitor and ensure the effectiveness of the appeal, the quality of the student learning experience and the issue of confidence in the appeals processes. The Academic Board also monitors the entire processes and outcomes.

10. OTHER REGULATIONS

- a. Marks are awarded according to the School '[Moderation Policy](#)' which is found on the UST website www.ust.ac.uk and the Union Cloud VLE.
- b. Academic appeals will be considered impartially. The School makes every effort, in accordance with its '[Equal Opportunities Policy](#)', to ensure that students are not unlawfully discriminated against according to the Equality Act 2010. We believe that diversity is a positive contribution to the learning experience at UST.
- c. Records of any appeal process are kept in accordance with the General Data Protection Regulation. See the Union School of Theology '[Data Protection Policy](#)' for details, which is found on the UST website www.ust.ac.uk and the Union Cloud VLE. In line with the terms of the General Data Protection Regulation, students are entitled to a copy of all their personal data held by us. All requests should be made to the Academic Registrar.

11. RESPONSIBILITIES, POLICY APPROVAL AND UPDATING

11.1 The Provost and the Programme Leaders have overall responsibility for the academic appeals policy, including its approval and annual review.

11.2 They also have responsibility for overseeing the academic appeals process, and ensuring that decision making complies with Open University regulations.

12. POLICY COMMUNICATION

- 1.1 This document can be found on the UST website www.ust.ac.uk and in the student area on the 'Cloud', UST's VLE
- 1.2 Every effort will be made to respond to any request to provide this policy in a different format.
- 1.3 This policy will be included in staff and student induction.

FORMAL ACADEMIC APPEAL FORM

Student Name		Student No.	
Preferred email contact details: If this is an appeal made by a group of students, please give the email details of <u>one</u> nominated point of contact.			
Do you have a disability or additional learning need you would like us to be aware of when considering your appeal?		Yes/No (circle). If yes, please give details of adjustments that will assist you.	
Programme:		Level	
Appeal relates to: (what academic decision do you feel was wrong or unfair?)	<input type="checkbox"/> Assignment mark <input type="checkbox"/> Module mark <input type="checkbox"/> Final Award <input type="checkbox"/> Academic Misconduct <input type="checkbox"/> Other		
I am making this Academic Appeal based on (tick the relevant box(es) only if they are listed as permissible grounds in the relevant School policy)		I offer the following information in support of the ground(s) selected (complete the relevant box(es) below):	
<input type="checkbox"/> 1. Failure to apply the School regulations in calculating the final mark		(You need to state clearly the precise nature of the error)	
<input type="checkbox"/> 2. Unfair or inconsistent application of the grading criteria/learning outcomes published in the handbook		(You need to state clearly the precise nature of the error)	
<input type="checkbox"/> 3. Incorrectly informed of the required assessment deadline(s)		(Explain as fully as possible)	

--	--

<p>¶ 4. You have new material evidence that you were unable to provide earlier. NB This is only relevant in the case of extenuating circumstances. You must give us this evidence and explain why it was not available when your work was marked. This reason can also be used to appeal for a lighter penalty in a case of Academic Misconduct, but only if the evidence was unavailable at the time of your hearing.</p>	<p>(By material evidence, we mean information that might have the potential to change a decision, although this cannot be guaranteed. State the evidence and explain why this information was not given to the College at the correct time.)</p>
--	--

--	--

Brief factual outline why you are appealing against this academic decision:

--

Optional: Additional information offered for consideration:

--

Where New Evidence is available (section 4), list attachments if applicable:

Do you have anyone to support you with this appeal ? Please speak with your personal tutor or a friend/other staff member about this so that they can support you.			
Signed (Student)		Date:	

NEXT STEP

1. Have you completed all sections of this form?
2. Have you included all supporting documents (if appropriate)?
3. Have you checked the relevant Academic Appeals Policy document on the UST website www.ust.ac.uk and the Union Cloud VLE.
This document tells you:
 - a. The permissible grounds for your appeal
 - b. Any time limits relevant to your appeal
4. You should pass this completed and signed form on to the UST Academic Registrar.

REVIEW OF ACADEMIC APPEAL DECISION FORM			
Student Name		Student No.	
Preferred email contact details: If this is a request for a review of an academic appeal decision made by a group of students, please give the email details of <u>one</u> nominated point of contact.			
Do you have a disability or additional learning need you would like us to be aware of when considering your appeal?	Yes/No (circle). If yes, please give details of adjustments that will assist you.		
Programme:		Level	
Review relates to: (what aspect of the decision in the academic appeal do you feel was wrong or unfair?)			
I am making this request for a review of the Academic Appeal decision based on the following grounds – (You need to state clearly the precise nature of the error)			
I offer the following information in support of the request for review(s):			
Do you have new material evidence that you were unable to provide earlier. If so, please state what this is? (By material evidence, we mean information that might have the potential to change a decision, although this cannot be guaranteed. State the evidence and explain why this information was not given to the School at the correct time.)			

NB This is only relevant in the case of extenuating circumstances. You must give us this evidence and explain why it was not available when your work was marked. This reason can also be used to appeal for a lighter penalty in a case of Academic Misconduct, but only if the evidence was unavailable at the time of your hearing.	
--	--

Please provide a brief factual outline why you feel a review of this academic appeal decision should be made:

--

Additional information offered for consideration:

--

Where New Evidence is available, list attachments if applicable:

--

--	--

Do you have anyone to support you with this appeal? Please speak with your personal tutor or a friend/other staff member about this so that they can support you.

Signed (Student)		Date:	
------------------	--	-------	--

NEXT STEP

- i) Have you completed all sections of this form?
- ii) Have you included all supporting documents (if appropriate)?
- iii) Have you checked the relevant Policy document? [Academic Appeals Policy](#) is found on the UST website www.ust.ac.uk and the Union Cloud VLE. This document tells you:
 - a. The permissible grounds for your appeal
 - b. Any time limits relevant to your appeal
- iv) You should pass this completed and signed form on to the UST Complaints Officer who is the Academic Registrar, academicregistrar@ust.ac.uk