

UEA Partner Institution Academic Appeals and Academic Complaints Regulations

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SUMMARY: Partner Institution Academic Appeals and Academic Complaints Regulations

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15/2/21	1.1	Links to website updated	Hannah Jackson	Academic Partnerships
02/03/22	1.2	Clarifications added in regard to content and issuing of completion of procedures letters; UEA instructing partners to take actions during reconsideration of appeals at Stage 2; ensuring there are no conflicts of interest	Gavin Tash	LTC (pending)

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1. Purpose

- 1.1 The Academic Appeals Regulations are intended to allow students studying or registered within the last 30 days on UEA validated courses at partner institutions (as set out in Appendix A), undertaking taught courses to formally raise concerns about their academic results or circumstances relating to them. The Academic Complaints Regulations are intended to allow students at partner institutions undertaking taught courses to formally raise concerns not relating to academic results. We take students' concerns seriously and the Regulations are designed to enable their effective consideration and the enacting of timely remedies as appropriate. If a more appropriate route exists to consider the substantive concern, the student will be advised to engage with the relevant alternative Regulations.
- 1.2 Non-academic Complaints are considered under separate procedures and are available from the relevant partner institution.
- 1.3 The Regulations have been informed by the Office of the Independent Adjudicators (OIA) Guidance on Good Practice and embodies the following core principles:
- Natural Justice
 - Ease of Use
 - Time Frames that meet OIA recommendations
 - Transparency
 - Consistency
 - The Treatment of Students as Adults
 - Recognition of Professional Body Requirements.
- 1.4 The Academic Appeals and Complaints Regulations comprises three parts:
- an informal stage at the relevant partner institution;
 - a formal Stage One managed by the relevant partner institution, in which the Appeal/Complaint Reviewer (please see Appendix A for relevant person for each partner institution) considers the Academic Appeal or Complaint; and
 - a formal Stage Two managed by UEA, which a student may follow if dissatisfied with the outcome of the Stage One Academic Appeal or Complaint, and if the submission meets the required conditions for consideration.
- 1.5 Terms used in the Academic Appeals and Complaints Regulations are set out in Appendix B.
- 1.6 All forms and guidance associated with these Regulations are available at: <https://www.uea.ac.uk/web/about/partnership-hub/academic/work-with-us/resources/partnerships-handbook/appeals-and-complaints>

2. Commitments

- 2.1 Students who submit a case under these Regulations will not be unfavourably treated for having done so. Any student who believes that they have been less favourably treated as a result of submitting a case should contact the Head of Partnerships at the University immediately.
- 2.2 It is expected that students will not engage in frivolous or malicious Appeals or Complaints. It should be noted that if an Appeal or Complaint is found to have been brought with mischievous or malicious intent this may prove grounds for disciplinary action against the student.
- 2.3 The relevant partner institution and the University will operate in accordance with their Equal Opportunity Policy when applying the Academic Appeals and Academic Complaints Regulations.
- 2.4 Students should be aware that any information they supply will be treated with due discretion and on a 'need to know' basis.
- 2.5 All personal information will be processed by the relevant partner institution in accordance with its data protection policy and by and the University in accordance with the General Data Protection Regulation 2018.
- 2.6 Training will be provided to all staff involved in the processing of Academic Appeals and Complaints.

3. First Steps to Try to Resolve Concerns

- 3.1 Students are encouraged to seek an informal resolution of the matter about which they are concerned before beginning the formal process. Informal explorations of possible ways in which a matter may be resolved will not prejudice the consideration of a later formal submission. It is recognised that an informal approach is most likely to be of use in respect of Complaints rather than Appeals against academic outcomes.
- 3.2 Marks allocated to work which has not been double-marked can be challenged by students either via re-marking or as part of an Academic Appeal. Work which has been double-marked cannot be challenged or the subject of an Academic Appeal.
- 3.3 Students should make every attempt to submit their case concerning a provisional academic result before the Board of Examiners meets. This is in the student's best interests as an early decision can then be made. Where the interval between the notification of an academic result and a meeting of the Board of Examiners is less than 10 working days, consideration of an Appeal shall be postponed until after the relevant Board of Examiners has met. At this point, the formal Academic Appeals Regulations shall be followed.

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

4. The Nature of the Appeal/Complaint

- 4.1 Students may Appeal any of the following:
- i) A degree result
 - ii) Confirmed marks except where double marked
 - iii) Required withdrawal from a course
 - iv) A penalty applied in respect of plagiarism and/or collusion (except for Colchester Institute students who should appeal via the Academic Offences Procedures)
 - v) A refusal to permit the late submission of work for assessment or to approve a delayed first sit
- 4.2 Only those decisions/judgements/outcomes detailed at 4.1 above can be cited as the object of an Academic Appeal and any Appeal based on grounds not covered by 4.1 above shall be rejected without consideration.
- 4.3 Academic Complaints may address any aspect of a student's academic experience about which they are dissatisfied with the exception of those grounds detailed at 4.1 above.

Stage One Academic Appeals and Complaints

5. Submitting a Stage One Academic Appeal or Complaint

- 5.1 Students must submit a completed Stage One Academic Appeal or Complaint Form to Appeal/Complaint Administrator as listed in Appendix A. Forms are available on the UEA Academic Partnerships website or directly from your partner institution (please see Appendix A for relevant person/office for each partner institution):

<https://www.uea.ac.uk/web/about/partnership-hub/academic/work-with-us/resources/partnerships-handbook/appeals-and-complaints>

Students should submit all relevant evidence with their form.

- 5.2 The Appeal/Complaint Reviewer may suspend the Stage One Academic Appeal or Complaint where appropriate, pending clarification by a student that they have tried to resolve the matter they are concerned about informally before beginning the formal stage of the process.

- 5.3 A student may decide to withdraw an Appeal or Complaint at any time prior to its consideration by the Appeal/Complaint Reviewer.
- 5.4 The institution may choose, within the limits of its authority, to reverse the action or decision giving rise to the Appeal or Complaint in advance of consideration by the Appeal/Complaint Reviewer. Where this occurs it shall be regarded as an informal resolution of the Appeal or Complaint subsequent to a confirmation by the student that they are now content that the Appeal or Complaint has been satisfactorily addressed.
- 5.5 Collective Academic Appeals and Academic Complaints will be considered in the same manner as those received by an individual student.
- 5.6 Until such time as the Academic Appeal or Complaint has been resolved the student should continue in accordance with such requirements as are placed upon them with regard to their situation as it stands at the point of submission. For example students Appealing against a failing mark should continue to engage with any reassessment opportunities they are required to take.

6. Consideration of the Stage One Appeal or Complaint

- 6.1 Stage One Academic Appeals and Complaints that meet the grounds for consideration (see 4.1 above) shall be considered by the Appeal/Complaint Reviewer.

Where any of the below criteria apply to the Appeal/Complaint Reviewer a suitable substitution will be made by the relevant partner institution:

- the Appeal/ Complaint Reviewer is part of the subject of the Appeal or Complaint,
- the Appeal/ Complaint Reviewer was involved in discussions with the student regarding informal resolution of the Appeal and Complaint,
- the Appeal/ Complaint Reviewer was a member of the Board of Examiners whose decision is being challenged,
- if a fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility of the Appeal/ Complaint Reviewer being biased against a Participant,.

Notwithstanding this provision, for ease of reference the person responsible for responding to the Appeal or Complaint will be called the Appeal/Complaint Reviewer hereafter in these Regulations.

- 6.2 The Appeal/Complaint Reviewer may delegate investigation of an Academic Appeal or Complaint to one or more members of staff who do not have a conflict of interest with respect to the Appeal/Complaint. In such cases the Appeal/Complaint Reviewer will retain responsibility for the decision reached at Stage One and will act in accordance with subsequent sections of the Academic Appeals and Complaints

Regulations where required. The Appeal/Complaint Reviewer must inform Academic Partnerships at the University when a Stage One Academic Appeal or Complaint has been submitted by a student.

- 6.3 The Appeal Administrator will provide the Appeal/Complaint Reviewer with the documentation submitted by the student under Stage One. The Appeal/Complaint Reviewer having completed the investigation will decide whether the academic decision of the Examiners should be reviewed, whether any other remedial action should be taken (such as seeking a concession against the regulations), or whether the Academic Appeal or Complaint should be rejected. The decision of the Appeal/Complaint Reviewer and the reasons(s) for it will be communicated to the student in writing and a copy shall be sent to Academic Partnerships at the University.
- 6.4 Each Academic Appeal or Complaint will normally be considered individually, though depending on circumstances, where a series of Academic Appeals and Complaints involve the same subject matter or individual(s), the relevant partner institution may consider such Appeals and Complaints collectively, subject to any confidentiality requirements in the same manner as those received by an individual student.

7. Timescales for Stage One Appeals and Complaints

- 7.1 The student's submission including any supporting documentation must be received by the Appeal/Complaint Administrator no later than 10 working days after:
- i) Academic Appeals – the date on which the student was formally notified of the outcome against which they are Appealing (for example, the date of the release of coursework mark and feedback or the date on an email notifying of a penalty) or, where informal resolution has been sought, the date of the last communication to the student regarding the outcome of the informal stage (this may include, inter alia, meetings, emails and letters).
 - ii) Academic Complaints – the date on which the attempt to resolve matters informally was concluded. This date shall be the date of the last communication to the student regarding the outcome of the informal stage (this may include, inter alia, meetings, emails and letters).
- 7.2 Academic Appeals or Complaints submitted after the deadline (see 7.1 above) with good reason for the delay may still be considered. The student should contact the Appeal/Complaint Administrator if they are unable to meet this deadline.
- 7.3 The decision by the Appeal/Complaint Reviewer or their nominee as to whether a late submission of an Academic Appeal/Complaint should be accepted shall be final and not subject to Appeal.

- 7.4 The Appeal/Complaint Administrator will write to the student within 5 working days of receipt of the Academic Appeal or Complaint acknowledging receipt.
- 7.5 In normal circumstances the student shall be advised of the outcome of their Stage One Academic Appeal/Complaint within 10 working days of receipt of the Academic Appeal and Complaint Form. Where the complexity of the case prevents this the student shall be notified of the delay.

8. Actions and Outcomes

- 8.1 Stage One Academic Appeals will be upheld where any of the following are found:
- i) Correct procedure was not followed which undermined the validity of the academic result
 - ii) Prejudice and/or bias affected the academic result
 - iii) The student's performance was adversely affected by extenuating circumstances not previously submitted (ONLY where late submission of extenuating circumstances has been approved)
 - iv) Significant changes were made to a course without being properly communicated and/or were not properly taken into account
 - v) The teaching, supervision or research training provided was insufficient
 - vi) Extenuating circumstances were not fully and properly considered
 - vii) Natural Justice dictates that the Appeal be upheld
 - viii) The learning support provided was unsatisfactory or inappropriate
- 8.2 Stage One Academic Complaints will be upheld where any of the following are found:
- i) Correct procedures were not followed
 - ii) The student experienced prejudice and/or bias
 - iii) Significant changes were made to a course without being properly communicated and/or were not properly taken into account
 - iv) The teaching, supervision or research training provided was insufficient
 - v) Natural Justice dictates that the Complaint be upheld
 - vi) The learning support provided was unsatisfactory or inappropriate
- 8.3 The possible remedies to an upheld Complaint will, by the nature of Complaints, be too individual to summarise here. They shall be determined by the Appeal/Complaint Reviewer, will not involve any adjustment to academic outcomes (since academic outcomes must be addressed through the Appeals route). Where a concession would be needed to allow the proposed remedy to apply, the Appeal/Complaint Reviewer should seek advice from the UEA Associate PVC Academic Partnerships and Apprenticeships (through Academic Partnerships at the University).
- 8.4 The Appeal/Complaint Reviewer shall have the power to institute the following actions in respect of upheld Appeals. The precise remedy determined shall depend on the details of the case:

- i) Reconvene a Board of Examiners to reconsider the academic decision/outcome
- ii) Recommend to Senate that it instructs the original Examination Board to award a specified classification.
- iii) Require the correction of procedural irregularity.
- iv) Set aside a penalty applied in relation to work alleged to have been plagiarised or in respect of which there is alleged collusion.
- v) Require a Plagiarism Officer, not previously involved in the case, to investigate the case and determine the level of any plagiarism and/ or collusion, determine any penalty and make the relevant decision.
- vi) Grant retrospective approval of extension for late submitted work.
- vii) Retrospective granting of a delayed assessment/reassessment.
- viii) Recommend a concessional remedy to be approved by the UEA Associate PVC Academic Partnerships and Apprenticeships (through Academic Partnerships at the University).

8.5 The institution shall consult with UEA prior to agreeing any compensatory payments to be made to students in relation to upheld Complaints

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

8.7 In all cases the Appeal/Complaint Administrator shall write to advise the student of the outcome of the consideration of their case and the rationale for this in accordance with 7.5 above.

8.8 The letter should include the following information:

- A summary of the complaint or appeal
- The title of the regulations/procedures that were applied;
- A summary of the issues considered
- The final decision taken
- The reasons for that decision;

The letter shall also advise the student that a Stage Two Academic Appeal or Complaint can only be submitted to the university if the student believes that the criteria in 9.1 apply. The letter shall advise the student that, if they do not believe that the basis on which they remain dissatisfied falls within the grounds for submission of an appeal, they may ask the university for a Completion of Procedures notification so that they can, if they wish, exercise their entitlement to contact the Office of the Independent Adjudicator (OIA). The letter should further advise that the OIA usually will not consider a complaint if the University's internal procedures have not been completed, where a ground of appeal is available.

Stage Two Academic Appeals and Complaints

9. Submitting a Stage Two Academic Appeal or Complaint

- 9.1 A Stage Two Academic Appeal or Complaint can only be considered where the student claims that one of the following criteria apply:
- The correct procedure was not followed in the conduct of the Stage One Appeal or Complaint and this is sufficient to undermine the validity of the decision
 - That there was prejudice and/or bias or the appearance of prejudice and/or bias on the part of the Appeal/Complaint Reviewer and/or any person helping the Appeal/ Complaint Reviewer to investigate. There will be an appearance of prejudice or bias if a fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility of the Reviewer or any person helping the Reviewer being biased against the student.
 - That evidence (including any mitigation) put forward at Stage One was not fully considered

The decision as to whether to consider a Stage Two Academic Appeal or Complaint will be made in the context of the principles set out at 1.4 above, with particular reference to the institution's commitment to apply Natural Justice.

- 9.2 A student must submit a completed Stage Two Academic Appeal or Complaint Form with any supporting documentation to the Head of Partnerships at UEA. Forms are available from the relevant office at the partner institution (as set out in Appendix A) or on the UEA Academic Partnerships website:

<https://www.uea.ac.uk/web/about/partnership-hub/academic/work-with-us/resources/partnerships-handbook/appeals-and-complaints>

- 9.3 A student may decide to withdraw an Appeal or Complaint at any time prior to its consideration by the Head of Partnerships.
- 9.4 Until such time as the Stage Two Academic Appeal or Complaint has been resolved the student should continue in accordance with such requirements as are placed upon them with regard to their situation as it stands at the point of submission. For example students Appealing against a failing mark should continue to engage with reassessment opportunities. In instances where a student has been withdrawn, they will retain this status until such time as the outcome of an Appeal or Complaint results in their reinstatement.
- 9.5 Academic Partnerships will, within 5 working days of receipt of the Stage Two Academic Appeal or Complaint write to student acknowledging receipt.

10. Consideration of the Stage Two Academic Appeal or Complaint

- 10.1 The Head of Partnerships will check that the Appeal or Complaint rests on a claim of procedural irregularity which shall include claims that evidence was not fully or properly considered. Where this is not the case the Stage Two submission will not be accepted for further detailed consideration and the student will be advised in writing that the submission does not meet the conditions necessary for consideration as a Stage Two Academic Appeal or Complaint.
- 10.2 Where the Stage Two submission makes a claim of procedural irregularity at Stage One this will be investigated by the Head of Partnerships.
- 10.3 Where the Head of Partnerships is satisfied that there is evidence of procedural irregularity at Stage One the student will be advised that his/her Stage Two Appeal or Complaint has been upheld.
- 10.4 Where the Head of Partnerships is not satisfied that there is evidence of procedural irregularity at Stage One, the case shall also be considered by the UEA Associate PVC Academic Partnerships and Apprenticeships

11. Timescales for Stage Two

- 11.1 The student's submission including any supporting documentation must be submitted within 15 working days after the date on which the student was formally advised of the Stage One outcome.
- 11.2 Appeals and Complaints submitted after this deadline with good reason for the delay may still be considered. The student should contact Academic Partnerships at the University if they are unable to meet this deadline.
- 11.3 The decision by the Head of Partnerships as to whether a late submission should be accepted shall be final and is not subject to Appeal.
- 11.4 In normal circumstances the student shall be advised of the outcome of their Stage Two Academic Appeal or Complaint within 20 working days of the date of receipt by Academic Partnerships at the University. Where the complexity of the case prevents this the student shall be notified of the delay.

12. Actions and Outcomes

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

- 12.2 Where a Stage Two Academic Appeal or Complaint is upheld the case shall be referred back to the partner along with advice from the Head of Partnerships on how the procedural irregularity is to be eliminated. The partner institution shall issue a fresh response to the student's Stage One appeal or complaint that complies with that advice.
- 12.3 The implementation of the outcome shall constitute the conclusion of the University's procedures. The Head of Partnerships shall issue a completion of procedures letter upon being informed by the partner institution that it has fully implemented the decision. Where in the view of the Head of Partnerships the partner has not complied with its obligation to implement the decision at its earliest opportunity, the Head of Partnerships shall issue a completion of procedures letter to the student at the student's request, enabling the student to proceed to the OIA.
- 12.4 Unless there is evidence that correct Regulations have not been followed the Appeal or Complaint shall be rejected and there shall be no further right of Appeal or Complaint within the University.
- 12.5 Where 12.4 applies a Completion of Procedures letter shall be sent to the student by Academic Partnerships at the University as per paragraph 8.8

Appendix A

Staff at Partner Institutions involved in Academic Appeals and Academic Complaints. The Appeal/Complaint Administrator is the point of contact for the Stage One Appeal/Complaint form and will advise on where to access further support and guidance:

SMB Group (Brooksby Melton College)

Appeal and Complaint Reviewer – Director of Curriculum

Appeal and Complaint Administrator – Director of Quality, Teaching and Learning

Colchester Institute

Appeal and Complaint Reviewer – Dean of HE

Appeal and Complaint Administrator – Senior Academic Services Officer

City College Norwich

Appeal/Complaint Reviewer – Assistant Principal for Higher Education and Adults

Appeal/Complaint Administrator – HE Co-ordinator

INTO UEA

Appeal/Complaint Reviewer – Centre Director

Appeal/Complaint Administrator – Academic Support Manager

Mountview Academy of Theatre Arts

Appeal/Complaint Reviewer – Director of Academic Affairs and Head of Undergraduate Performance

Appeal/Complaint Administrator – Senior Programme Manager

Royal Marsden School

Appeal/Complaint Reviewer – Director of School

Appeal/Complaint Administrator – Student Support Services Manager

South Essex College

Appeal/Complaint Reviewer – Dean of HE

Appeal/Complaint Administrator – HE Information Manager

West Suffolk College

Appeal/Complaint Reviewer – Vice Dean of Higher Education

Appeal/Complaint Administrator – Head of Academic Services

Any queries regarding Stage Two Appeals and Complaints should be emailed to academic.partnerships@uea.ac.uk

Appendix B

For the purposes of the Academic Appeals and Complaints Regulations the following definitions shall apply:

Academic Result:

The result of the exercise by one or more duly authorised Teachers or Examiners of academic and/or professional expertise in determining the quality of a student's performance in any part of the assessment process for a degree or qualification of the University.

Double Marked:

Two examiners/assessors mark the assignment independently and subsequently agree a mark.

Formal notification:

Communication by the partner institution/University, its representatives and/ or staff through any of the following: delivery of a paper form notification in person or to designated mail collection points within the partner institution/University or student address; electronically either via email or through any software package currently in use by the partner institution/University for the purposes of communication with students.

Grounds for Consideration:

Where an Appeal or Complaint has been accepted as meeting the criteria that allow it to be considered it is referred to as meeting the grounds for consideration.

Upheld:

Where an Appeal or Complaint is described as having been upheld this means that it has been determined sufficient evidence exists that the necessary grounds have been met (e.g. that there is evidence of a bias or prejudice). It is important to note that upholding an Appeal does not necessarily imply a particular final outcome for the student. For example, a student may Appeal a classification decision on the grounds of bias or prejudice and the Appeal may be upheld however the action prescribed may be for the Board of Examiners to reconvene and the reconvened Board may still determine that, notwithstanding the outcome of the Appeal, the degree classification itself remains appropriate.

Procedural Irregularity:

This term refers to circumstances where agreed processes have not been correctly applied, regulations not followed, or where other errors have been made by the partner institution/University either in the actions that led up to the Appeal or Complaint, or in the

consideration of the Appeal or Complaint. This might include cases where not all the available evidence has been weighed in the consideration of an Appeal or Complaint or where factual data has been misinterpreted.