Academic Appeals & Complaints Procedure

(to apply to all Academic Appeals & Complaints relating to academic year 2012-13 onwards)

1. Purpose

1.1 The Academic Appeals Procedure is intended to allow the formal raising of concerns by UEA Students* undertaking taught or research programmes regarding their academic results or circumstances relating to them. The Academic Complaints Procedure is intended to allow the formal raising of concerns by UEA students undertaking taught or research courses regarding academic matters not relating to academic results. We take students' concerns seriously at UEA and the Procedure is designed to enable their effective consideration and the enacting of timely remedies as appropriate. If a more appropriate route exits to consider the substantive concern, the student will be advised to engage with the relevant alternative procedure.

1.2 The Academic Appeals and Complaints Procedure is informed by the following core principles: Natural Justice, Ease of Use, Realistic Time Frames, Transparency, Consistency, The Treatment of Students as Adults, Recognition of Professional Body Requirements

1.3 The Academic Appeals and Complaints Procedure comprises three parts: an informal stage; a formal Stage One, in which the Faculty Appeals & Complaints Panel (FACP) considers the appeal, and a formal Stage Two, which a Student may follow if dissatisfied with the outcome of the Stage One appeal and if the submission meets the required conditions for consideration.

1.4 A Guidance document for staff and students detailing the processes associated with these regulations is available from Learning & Teaching Services

* *Students studying at UEA, or registered with UEA and based at the John Innes Centre, The Sainsbury Laboratory, The Genome Analysis Centre or Institute of Food Research. For students based at the John Innes Centre, Sainsbury Centre, Sainsbury Laboratory, The Genome Analysis Centre or Institute of Food Research, Stage One appeals and complaints are considered by the FACP applicable to the School of registration. Students on validated or accredited programmes at partner institutions wishing to submit an appeal or complaint should use the relevant procedures at their place of study.*

2. Commitments

2.1 Students who submit a case under this procedure will not be unfavourably treated for having done so. Any Student who believes that s/he has been less favourably treated as a result of submitting a case should immediately contact the relevant Director of University Services.

2.2 The University expects 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 provide grounds for disciplinary action against the student.

2.3The University will operate in accordance with its Equal Opportunities Policy when applying the Appeals & Complaints Procedure.

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 University in accordance with the Data Protection Act 1998.

2.6 Training will be provided for all University staff involved in the processing of appeals and complaints.

3. First Steps to Try to Resolve Concerns

(Note: In this and the following sections, references to 'Board of Examiners' in relation to postgraduate research students normally means the internal and external examiner of the thesis appointed by the University. For other students, and for the taught elements of the professional doctorates (ClinPsyD and EdD) and the PhD with Integrated Studies, references to 'Board of Examiners' normally means those internal and external examiners appointed by the University in respect of taught provision.)

3.1 Students are encouraged to seek an informal resolution of the matter about which they are concerned before beginning the formal Procedure. Informal explorations of possible ways in which a matter may be resolved will not prejudice the consideration of a later formal submission.

3.2 Marks allocated to work which has not been double-marked can be challenged by students either informally (via re-marking) or as part of an appeal. Work which has been double-marked cannot be challenged or the subject of an Appeal. Details of the procedure are available from the relevant University Service Offices. Under the Submission of Work for Assessment Policy the outcome should normally be available within a further 10 working days.

3.3 Students should make every attempt to submit their case concerning a

provisional academic result (whether singly or double marked) before the Board of Examiners meets. This is in Students' 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 procedure 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 Procedure.

4. The Nature of the Appeal/ Complaint

4.1 Students may appeal any of the following:

i) A degree result
ii) Confirmed marks (i.e. following internal moderation)
iii) Failure to be transferred to a PhD from an MPhil or to an EdD from an MEd
iv) Required withdrawal from a course
v) A verdict of plagiarism and/or collusion
vi) A penalty applied in respect of plagiarism and/or collusion
vii) 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 by the FACP.

4.3 Academic complaints may address any aspect of a student's academic experience about which s/he is dissatisfied with the exception of those grounds detailed at 4.1 above

5. Submitting a Stage One Academic Appeal or Complaint

5.1 Students must submit a completed Stage One Academic Appeal Form or a completed Stage One Academic Complaint Form to their Hub. Forms can be downloaded at http://www.uea.ac.uk/learningandteaching/documents/appeals_complaints. Students should be guided by Section 4 (above) in selecting the appropriate form. Students should submit all relevant evidence with their form.

5.2 The relevant University Service may suspend the Stage One Academic Appeal or Complaint where appropriate, pending clarification by a Student that s/he has tried to resolve the matter s/he is concerned about informally before beginning the formal Procedure.

5.3 A Student who has been found guilty of plagiarism or collusion and

wishes to appeal against the level and/ or subsequent penalty, may submit a Stage One academic appeal. A Stage Two academic appeal should be submitted if a Student wishes to appeal against the decision that s/he has plagiarised and/or colluded.

5.4 A Student may decide to withdraw an appeal or complaint at any time prior to its consideration by the FACP

5.5 The Head of School shall be notified of the substance of the Appeal or Complaint and may choose, within the limits of his/ her authority, to reverse the action or decision giving rise to the Appeal or Complaint in advance of the FACP meeting to consider the case. 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.

5.6 Until such time as the 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 undertake.

6. Consideration of the Stage One Appeal or Complaint

6.1 Stage One Appeals and Complaints that meet the grounds for consideration (see 4.i-4.iii above) shall be considered by a Faculty Appeals & Complaints Panel (FACP), which shall meet with a frequency that ensures that the time between submission and consideration by a panel does not exceed 20 working days for any case (normally this will require monthly meetings).

6.2 There shall be two panels in each Faculty, one being responsible for UG and PGT cases and the other being responsible for PGR cases. Each panel shall be chaired by a senior, well-trained member of academic staff in the Faculty concerned. The Panel shall comprise 3 members of academic staff from the Faculty in question, one member of staff from a Panel in another Faculty, plus the Chair and an experienced LTS/ PGR Service secretary/advisor. The Head of LTS/PGR Services will advise on procedural matters in relation to particularly complex cases.

6.3 The relevant University Service Office will provide the FACP with the documentation submitted by the Student under Stage One, a summary or the case and an indication as to whether the submission appears to meet one of the necessary objects in order for it to be considered.

6.4 The relevant University Service Office will, within 5 working days of receipt of the Appeal or Complaint, write to the student acknowledging receipt and informing the student of the date of the next meeting of the

FACP at which their case will be considered. This letter will also inform the student of the date by which they should normally expect to be advised of the Panel's decision.

7. Timescales for Stage One

7.1 The Student's submission including any supporting documentation must be received in the relevant Hub no later than 10 working days after:

i) Appeals - the date on which the student was formally notified of the outcome against which they are appealing 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) 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 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 relevant University Service Office if s/he is unable to meet this deadline.

7.3 The decision by the relevant Director of University Services or their nominee as to whether a late submission should be accepted shall be final and not subject to appeal.

7.4 Cases shall be considered by the next scheduled FACP, where a case is received by the relevant Service Hub not later than 5 working days prior to the FACP meeting. Cases received after that date will be deferred to the following FACP meeting to allow sufficient time for supporting documentation to be collated.

7.5 In normal circumstances the student shall be advised of the outcome of his/her Stage One Appeal or Complaint within 10 working days of the date of the FACP meeting. Where the complexity of the case prevents this the student shall be notified of the delay.

8. Actions and outcomes at Stage One

8.1 A FACP will uphold appeals 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 by the ADTP).

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 A FACP will uphold complaints 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 FACP, will not involve any adjustment to academic outcomes (since academic outcomes must be addressed through the Appeals route) and where a concession would be needed to allow the proposed remedy to apply the Chair of the relevant FACP should seek advice from ADTP or ADRP as appropriate.

8.4 FACPs shall be able to agree compensatory payments to be made to students in relation to upheld complaints up to a limit of £500. If it is felt that such compensation would provide an insufficient remedy the Chair of the relevant FACP should seek advice from the ADTP or ADRP as appropriate who will exercise the powers they hold in relation to Stage Two cases in this regard.

8.5 The FACP shall have the power to institute the following actions in respect of upheld Appeals. The precise remedy determined by the FACP 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) Instruct a new set of examiners to examine a thesis.
iv) Permit the student to submit a revised thesis within a time period specified by the FACP.
v) Permit the student a further upgrade attempt with a new transfer panel.
vi) Require the correction of procedural irregularity.

vii) Set aside a verdict and/ or penalty applied in relation to work alleged to have been plagiarised or in respect of which there is alleged collusion.
viii) Require a Plagiarism Officer, not previously involved in the case, to investigate the case and determine the presence and level of any plagiarism and/ or collusion.
ix) Grant retrospective approval of extension for late submitted work.
x) Permit a student a further period of supervised study and to submit a revised thesis within a time period set by the FACP.
xi) Retrospective granting of a delayed first sit.
xii) Recommend a concessional remedy to be approved by ADTP or ADRP.

8.6 Where the outcome of an 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 Secretary of the FACP of the outcome.

8.7 In all cases the Secretary to the FACP shall write to advise the student of the outcome of the consideration of their case in accordance with 7.5 above.

8.8 The letter shall advise the student that a Stage Two Appeal or Complaint can only be submitted if the student believes that correct procedures were not followed at Stage One. The letter shall advise the student that, if they do not intend to pursue a Stage Two Appeal or Complaint on those grounds, the student may treat the Stage One outcome letter as a completion of procedures notification and, if they wish, exercise their entitlement to contact the Office of the Independent Adjudicator.

9. Submitting a Stage Two Academic Appeal or Complaint

9.1 A Stage Two Appeal or Complaint can only be considered where the student claims that there was a procedural irregularity at Stage One or where the student is appealing against the decision to find them guilty of plagiarism and/ or collusion. 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 1.2 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 http://www.uea.ac.uk/learningandteaching/documents/appeals_complaints with any supporting documentation to the relevant Head of University Service..

9.3 A Student may decide to withdraw an appeal or complaint at any time

prior to its consideration by the relevant DUS or their nominee and ADTP/ADRP

9.4 Until such time as the Stage Two 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, s/he will retain this status until such time as the outcome of an Appeal or Complaint results in his/ her reinstatement

9.5 The relevant University Service Office will, within 5 working days of receipt of the Appeal or Complaint write to the student acknowledging receipt.

10. Consideration of the Stage Two Appeal or Complaint

10.1 The relevant Director of University Services or their nominee will check that the appeal or complaint rests on a claim of procedural irregularity, or that it has been submitted in relation to a judgement of guilt in relation to plagiarism and/ or collusion. 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 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 relevant Director of University Services or their nominee.

10.3 Where the Director of University Services 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 Director of University Services is not satisfied that there is evidence of procedural irregularity at Stage One, the case shall also be considered by either the ADTP/ADRP as appropriate.

11. Timescales for Stage Two

11.1 The Student’s submission including any supporting documentation must be received in the relevant Hub no later than 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 the relevant University Service Office if s/he is unable to meet this deadline.

11.3 The decision by the relevant Director of University Services or their nominee as to whether a later submission should be accepted shall be final and not subject to appeal.

11.4 In normal circumstances the student shall be advised of the outcome of their Stage Two Appeal or Complaint within 20 working days of the date of receipt by the relevant Service Office. Where the complexity of the case prevents this the student shall be notified of the delay.

12. Actions and Outcomes at Stage Two

12.1 A Stage Two Appeal or Complaint shall be upheld where there is evidence that correct procedure was not followed at Stage One

12.2 Where a Stage Two Appeal or Complaint is upheld the case shall be referred to the next FACP for consideration in accordance with correct procedures and the case shall be treated in all regulatory respects as though it were at Stage One.

12.3 Where there is no evidence that correct procedure has not been followed the appeal or complaint shall be rejected and there shall be no further right of appeal or complaint within the University.

12.4 Where 12.3 applies a completion of procedures letter shall be sent to the student by the relevant Service Office advising the student of their entitlement to contact the Office of the Independent Adjudicator

APPENDIX A

For the purposes of the *Academic Appeals Procedure* 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

Formal notification:
Communication by the 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 University or student address as held on SITS; electronically either via email or through 'E'Vision or any software package currently in use by the 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 by an FACP 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 the FACP (or the relevant DUS or their nominee for Stage Two cases) has determined sufficient evidence exists that the necessary grounds have been met (eg 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, student may appeal a classification decision on the grounds of bias or prejudice. The FACP may find evidence of bias and prejudice and so uphold the appeal. The action prescribed by the FACP 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 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.