

Birmingham City University

Academic Queries and Appeals Procedure

Introduction

This procedure reflects our commitment to dealing with issues as early as possible and to carrying out thorough and fair investigations where needed to make sure we are able to make decisions based on the facts of each case.

The procedure applies to all enrolled students of the University including any staff who are also enrolled as students. The procedure meets the 'General principles applying to all Birmingham City University student procedures' and is in keeping with the 'Good Practice Framework for Handling Complaints and Academic Appeals' published by the Office of the Independent Adjudicator (OIA).

What is an academic query or appeal?

We believe it is important that you can check and ask for extra information about decisions relating to your assessment, progression and award. As in any organisation, we sometimes make mistakes or do not provide clear enough information. We need to know when things go wrong so that we can put things right.

If you think we have got a decision wrong, there are three stages you should follow.

- First, you should raise a **query**, which we can often deal with quickly and effectively at a local level. You should do this as soon as the query arises.
- If we cannot resolve your query, and if there are relevant grounds for taking the matter further, you can submit an **academic appeal**, which we will deal with formally. You must submit your academic appeal within 20 working days of the decision that you are questioning being published or received.
- If you are still not happy with our response to your academic appeal, you can ask for a **review**.

This procedure sets out the steps involved in all three stages.

What academic queries and appeals are covered by this procedure?

For the purposes of this procedure, and in line with the UK Quality Code, an academic query or appeal is defined as:

'a request for a review of a decision on student assessment, progress and awards.'

An academic query or appeal relates to the mark or grade you are given for an assessment, or a decision about your progression. You can only raise a query or submit an academic appeal if:

- we have not followed our procedures properly and this has clearly affected the outcome (this is called a procedural irregularity); or
- there were circumstances beyond your control which meant you did not perform as well as you expected in your coursework or exams and which, for good reason, you

did not tell us about before we made our original decision but which have significant relevance to your assessment. These are known as 'extenuating circumstances'.

The following are **not** legitimate grounds for an academic query or appeal.

- If you are questioning academic judgment, that is, the decision made by academic staff on the quality of the work itself or the criteria being applied to mark the work (rather than the marking process).
- If you disagree with the way we considered extenuating circumstances, unless you have clear evidence that we did not follow the correct procedures or that the examination board did not consider the recommendations properly.

It may be more appropriate to consider some issues under processes other than this Academic Queries and Appeals Procedure. Some situations can involve a combination of issues, where some are academic queries and appeals and others are not, and we will assess each case individually. You must raise, at the time, any concerns you have about the support you receive to prepare for your assessment using the Concerns and Complaints Procedure, as these cannot be considered later as grounds for an academic query or appeal.

Who can raise a query or make an academic appeal?

The procedure is only for enrolled students of the University. In this procedure, we refer to the student making a query or submitting an academic appeal as 'you'.

We will only accept academic queries or appeals from you and not from someone else on your behalf.

If there are valid reasons why you are unable to take part in the process, and you can provide evidence of the reasons, we may, in exceptional circumstances, agree to accept academic queries or appeals from a third party if they are acting as your representative and you have given them permission to act for you under the requirements of the Data Protection Act (1998). This means that you must give clear written authority at each stage of the process for the third party to act on your behalf. All communication we have concerning the issue will then be with your representative not with you. The same timescales will apply as with other cases.

If the issues raised affect a number of people, you can submit a group academic query or appeal. In these circumstances, so that we can manage the academic query or appeal, the group should nominate one person to act as group representative.

Academic queries and appeals involving more than one issue

Students sometimes raise issues which do not fall neatly into the category of this or other procedures such as concerns and complaints. If this applies to you, we will tell you which issues we will consider under which procedure and will direct you to the other appropriate procedure (for example, the Concerns and Complaints Procedure) for the other issues. We will tell you about the effects, if any, of following two procedures at once, particularly where one procedure may be suspended until the other is completed.

Where there is significant overlap, we may decide to consider matters together, as long as you agree to this in writing. For example, if an academic appeal covers issues that could also be dealt with under other procedures such as the Concerns and Complaints Procedure,

we can carry out a joint investigation. We will tell you where responsibility for the overall investigation lies and who will issue the final decision.

Academic queries or appeals involving more than one faculty

If your academic query or appeal relates to the actions of two or more faculties, the faculties will agree between them who will take the lead and you will be given the lead person's contact details. This lead person will then co-ordinate the different faculties to make sure that the academic query or appeal is fully dealt with in a single response.

Partner institutions

If we are working with one or more partners to provide learning opportunities, the Student Handbook will make it clear which partner's procedures apply and how students can access these procedures. This includes making it clear to students where they should send any academic queries or appeals, and how far each partner will be involved in considering these.

In line with the QAA Quality Code, if you are a student studying with a partner institution on a programme leading to a Birmingham City University award, you have the right to make an academic appeal to us.

In the case of a joint degree which we offer with another awarding body, the Student Handbook will make it clear which institution is responsible for the final review and which national body (if relevant) is responsible for the external review.

If a programme is assessed by an external organisation, for example by a professional, statutory or regulatory body, the Student Handbook will make it clear which body will deal with specific issues.

Time limits

You should raise any academic queries with us as soon as they arise to allow us to investigate and deal with them as soon as possible. Although individual faculties may respond to queries raised at a local level some time after the event, the formal academic appeal stage is only available if we receive the academic appeal form within 20 working days of the results being published if the appeal relates to procedural irregularity, or within 20 working days of you getting our decision if it relates to extenuating circumstances. This period of 20 working days will include the time needed for a query to be raised first. If we receive your academic appeal form more than 20 working days after either event, we will only be able to take it to the formal academic appeal stage if there is a good reason for the delay. When deciding whether there is a good reason for a delay, we will consider things such as our obligations under the Equality Act or whether you need a reasonable adjustment to the procedure being used. Our Disability Support team will give advice where appropriate.

The Director of Student Services (or someone they nominate to act on their behalf) will consider cases and, if they feel the delay is justified, will allow us to deal with the academic appeal under the formal academic appeal stage. Within 10 working days of receiving your academic appeal, the Complaints and Appeals Office will write to you with their decision to either accept or dismiss the late academic appeal. If we accept your academic appeal, the normal timescales will apply starting from the date of our decision to accept it.

We aim to process a formal academic appeal and any associated review within 90 calendar days. This is in line with OIA guidance. Under the 90-day timeframe you must meet any deadlines we set for providing further information or documents and attending meetings. There will occasionally be circumstances when we need to extend the timeframe for different stages. (We will only do this if there is a good reason, for example if we need to wait for a key person to be available to speak to us.) If this is the case, we will tell you and will explain the reasons for the delay and tell you the new timescales. We will provide regular updates on progress where appropriate.

Academic queries and appeals process

This Academic Queries and Appeals Procedure is intended to provide a quick and simple process with a strong focus on early resolution by well-trained staff who have the power to take necessary action. The Academic Queries and Appeals Procedure has three stages.

Query and early resolution: at this stage, straightforward queries dealt with quickly and locally, for example by the relevant course team or school. This can help you understand why you were given a particular assessment mark or grade, or help you understand why an extenuating circumstances request was not successful. This might include, for example, face-to-face discussions with you to explain the assessment result, your options for making academic progress or the reasoning behind the decision. This will also help you decide whether it is appropriate to submit a formal academic appeal.

This stage should be completed within 10 working days of the query being raised.

Formal academic appeal: if you are not satisfied with the response to the query and if there are relevant grounds for taking the matter further, it can move to the formal academic appeal stage. The formal academic appeal stage will usually be dealt with by staff who were not involved directly at the query and early resolution stage.

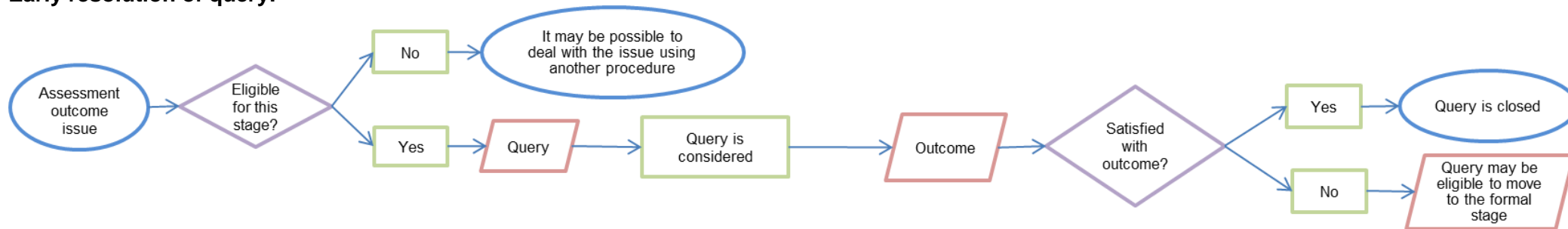
This stage should be completed within 20 working days of us receiving the academic appeal and we will give you our decision in writing.

Review: you can ask us to review the way we have handled a formal academic appeal to make sure that we followed the appropriate procedures and that our decision was reasonable. At this stage we will not normally reconsider the issues raised, but will consider significant new evidence that you were unable to provide at an earlier stage for valid reasons.

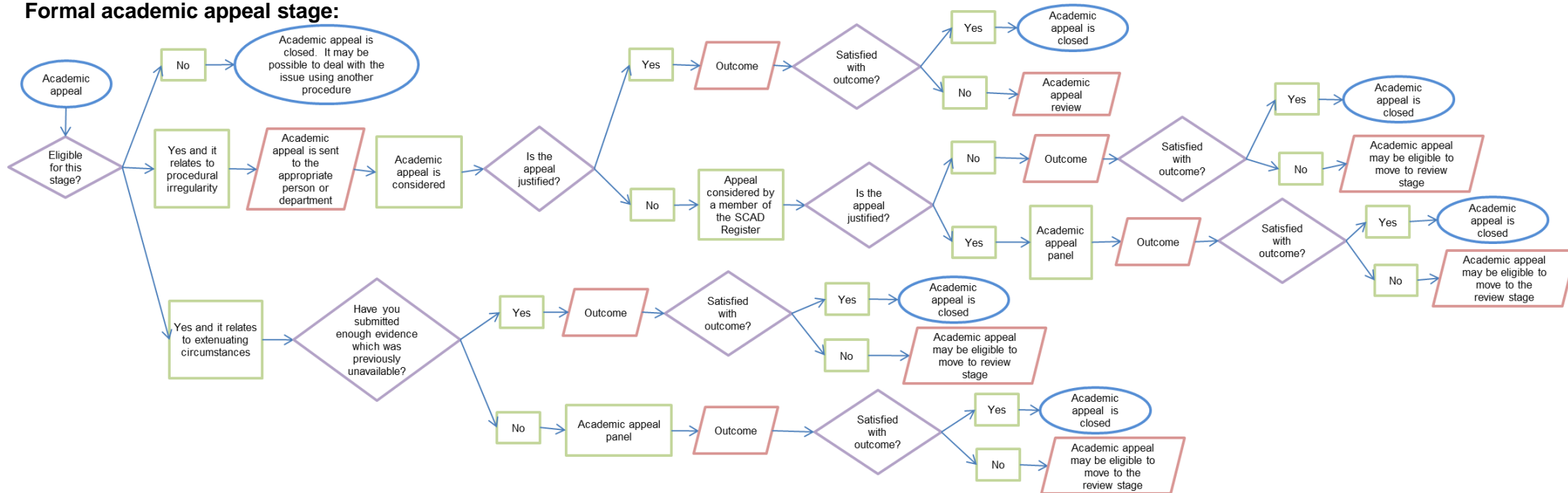
If you have already made an academic appeal to a partner institution and you are not satisfied with the way it has been dealt with under their own academic appeals procedure, you may be able to refer the academic appeal to us and we will consider it under this stage. This will include a review of the way in which the partner institution handled the matter. Your Student Handbook will explain if this applies to your course.

This stage should be completed within 20 working days of us receiving the request for a review and we will give you our decision in writing.

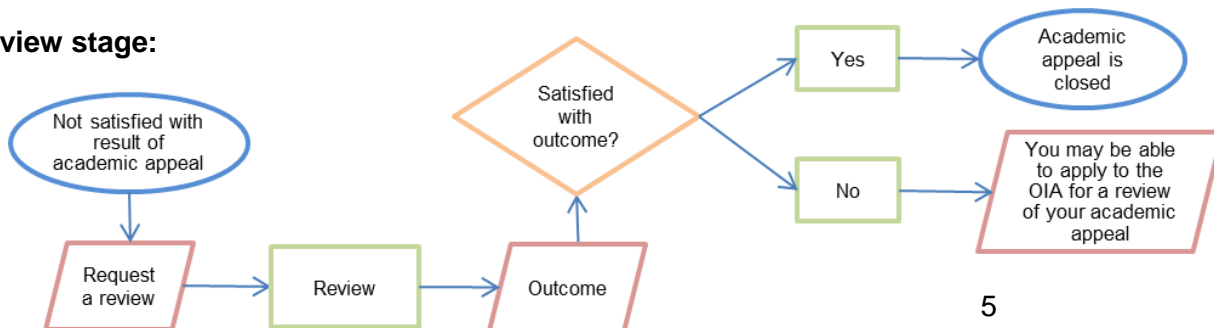
Early resolution of query:



Formal academic appeal stage:



Review stage:



Mediation

Mediation is a voluntary process where someone who is impartial and independent helps settle issues confidentially. Using mediation can help both you and us to understand the reason for the academic query or appeal, and may help to reach a conclusion that you and we are satisfied with, as soon as possible.

If both we and you agree to mediation, we will agree revised timescales with you in writing. If mediation is used in the formal academic appeal or review stages, we will make it clear how the arrangement fits with more formal procedures, the details of the mediation and whether you and we must agree beforehand whether to accept the solution offered or the findings reached. The formal process may need to be restarted if an agreement cannot be reached using mediation.

Student representation

You have the right to take someone with you to meetings. This person is not there to act in a legal capacity. They are there to provide advice and support to you, not to act on your behalf.

Stages of the process *(refer to flowchart)*

Query and early resolution – to be completed within 10 working days of receiving your query

If your query relates to procedural irregularity, where you think we have not followed the procedures properly and this has clearly affected the outcome, the purpose of the query and early resolution stage is to help you understand the reasons for the assessment, progression or award decision, or for you to tell us about a possible error in the process, such as marks not being recorded correctly. You should raise your query with your course team or school as soon as possible after becoming aware of it.

If your query relates to extenuating circumstances, the purpose of the query and early resolution stage is to help you understand why your application was not successful. You should raise your query with the Complaints and Appeals Office as soon as possible after becoming aware of it.

You can raise a query at this stage face-to-face, by phone, in writing or by email.

We can deal with most queries at this stage and your Student Handbook will explain the process that you should follow. This may include, for example, 'results clinics' following publication of results, meetings with the course leader or meetings with your personal tutor. If the person you raise the query with needs to pass responsibility for dealing with it to another member of staff, they will give you that member of staff's details and, if possible, introduce you to them or give you an appointment to meet them.

It is important that you have an opportunity to raise your queries and feel that we have listened to you. We can often deal with a query by explaining things to you and talking through your options. If we do find that we made a mistake, we will try to understand how this happened, apologise to you and try to make sure you are not disadvantaged because of this. We will also explain what we will do to prevent a similar situation from happening again.

Closing the query at the early resolution stage

We will tell you the outcome of the early resolution stage either face-to-face, by phone, in writing or by email. We will look at all areas of the query and explain the reasons for the agreed actions. We will add details of the query, the actions we have taken to consider and deal with it, and what we told you to our academic queries and appeals system. This will help us to learn and improve and also provides an important record if the query goes forward to the formal academic appeal stage

Formal academic appeal – to be completed within 20 working days of receiving the formal academic appeal

We will only consider a formal academic appeal for investigation when the query and early resolution stage has been attempted first. You must make a formal academic appeal within 20 working days of the results being published if the appeal relates to procedural irregularity, or within 20 working days of you receiving the decision if it relates to extenuating circumstances.

We will give special attention to identifying academic appeals that may require particularly quick action. These may include the following.

- Cases where the effects of the issues raised may have harmed a person's mental health or led to significant distress
- Cases where external time limits apply for example in meeting regulatory requirements for completing professional courses

You must submit a formal academic appeal to the Complaints and Appeals Office electronically, by email or through our website, using our formal academic appeal form. You must set out your concerns clearly and briefly and provide evidence, where possible, of the issues raised. Only evidence that is clearly referenced in the academic appeal will be considered.

When we receive your formal academic appeal we will consider some key questions, including the following.

- Has the academic appeal already been through the query and early resolution stage? If not, we will refer it back to the query and early resolution stage.
- Have you set out clearly what the academic appeal is about and which area (or areas) of the University is involved?
- Have you provided evidence to support the academic appeal and is there a clear reference to this in the academic appeal?
- For extenuating circumstances, have you provided new evidence and explained clearly why this was not available when you made your first application?
- What outcome are you hoping for and can it be achieved?
- Is the academic appeal suitable for mediation?
- Is the academic appeal covered by the Academic Queries and Appeals Procedure or should we refer you to another procedure?
- What help or support can we provide to you?

When we receive an academic appeal, we must decide whether it meets the conditions to be considered under this Academic Queries and Appeals Procedure. If not, we will tell you our decision and the reasons for this, and give you details of the correct procedure to use, if appropriate.

If your academic appeal is eligible to be considered under the Academic Queries and Appeals Procedure, we will send you a dated acknowledgement of receipt within five working days of receiving the formal academic appeal form and will record the date we received the appeal in our academic queries and appeals system.

Our Complaints and Appeals Office will tell the chair and secretary of the relevant Examination Board that you have made an academic appeal and that it is being investigated. If you have received an examination board decision of 'cannot proceed' or 'fail withdraw', you will be allowed to attend classes until we decide on the outcome of your academic appeal.

If the formal academic appeal is eligible to be considered under this procedure and relates to a procedural irregularity in the assessment process where 'we have not followed our procedures properly and this has clearly affected the outcome', the following will apply.

We will pass the academic appeal to a suitably trained case officer in the relevant faculty to investigate. This person will have had no previous involvement in the matter. The purpose of the investigation is to find out all the facts that are relevant to the points made in the academic appeal and to provide a full, fair and proportionate response that sets out our position clearly.

We will tell you the name and contact details of the case officer. It is important to be clear from the start of the investigation stage exactly what is being investigated, and to make sure that both you and the case officer understand the scope of the investigation. The case officer will discuss the matter with you, usually face-to-face or by phone, and will consider the following three questions.

- What specifically is the academic appeal about?
- What do you want to achieve by appealing?
- Do your expectations appear to be reasonable and achievable?

If you are expecting more than we can reasonably provide, we will tell you this as soon as possible to manage expectations about possible outcomes.

The case officer will consider the academic appeal and may talk to relevant staff and consider documents and other evidence. We expect you to provide all evidence that it is reasonable for you to have gathered. This may include, for example, module guides, assignment briefs and examination board letters. The case officer will consult with the relevant associate dean to agree, where appropriate, any action that should be taken and will produce a report based on their investigations which will outline the process they have followed, the information they have gathered, their conclusions and their recommendations. To help make sure we are consistent and fair when considering academic appeals, the case officer will send the report to the Complaints and Appeals Office.

The report will state either that:

- the academic appeal is partly or fully justified (and suggest actions to put the matter right); or
- the academic appeal is not justified and should be rejected.

If the report states that your academic appeal is not justified, the Complaints and Appeals Office will ask a member of staff who is not a member of your school or college to consider your appeal and the response. This member of staff will be on the SCAD Register, a list of

staff approved by the Student Complaints, Appeals and Discipline Committee to investigate and hear student disciplinary cases, student complaints, claims of material error and appeals within the University. If they agree that the academic appeal is not justified and should be rejected, we will confirm the decision.

If they decide that the academic appeal should be considered further, the Complaints and Appeals Office will bring together a panel to consider the academic appeal. The panel will be held in line with the University's standard procedures for such panels and will consist of three members of staff from the SCAD Register who have no previous knowledge of you or this case, and who are not from the same school or college as you. The panel will decide whether the academic appeal is justified, and whether any action is required.

If the formal academic appeal is eligible to be considered under this procedure and relates to 'circumstances beyond your control which meant you did not perform as well as you expected in your coursework or exams and which, for good reason, you did not tell us about before we made our original decision but which have significant relevance to your assessment' (extenuating circumstances), the following will apply.

If the Assistant Director Student Services (Complaints and Appeals), or someone they nominate to act on their behalf, is satisfied that you have provided enough further evidence that you could not have provided when you made your original application for us to consider extenuating circumstances, they can decide that the academic appeal is justified.

Acceptable further evidence includes an original medical note or doctor's letter confirming that you were unable to work or study on the dates of the assessments concerned.

In any other circumstances, an academic appeals panel will consider the academic appeal. The panel will consist of three members of staff from the SCAD Register who have no previous knowledge of you or this case, and who are not from the same school or college as you. The panel will not normally need to meet you or representatives of your school or college, but may ask for a meeting if they feel this would be useful. The panel will decide whether the academic appeal is justified, and whether any action is required.

At all stages, the Complaints and Appeals Office will also consider whether the academic appeal is suitable for mediation.

Everyone involved will receive copies of the information considered and a copy of the investigation report and panel report where appropriate. We will provide a full response to the academic appeal within 20 working days of receiving the academic appeal form (except in cases where a panel is used, in which case it will be 30 working days).

Extending the time limit

If there are clear and justifiable reasons for extending the time limits the case officer will set new time limits. The maximum extension will be 10 working days (that is, not more than 30 working days in total from the date we receive the academic appeal form).

Closing the academic appeal at the formal academic appeal stage

We will give you a clear explanation of the outcome of your formal academic appeal in writing, setting out the reasons for each decision in simple, straightforward language. If we find that your academic appeal is partly or fully justified, we will explain how and when we

will put in place actions to put the issue right, and apologise where appropriate. We will record the outcome on our academic queries and appeals system.

We will tell you about:

- your right to take the academic appeal to the review stage;
- the grounds on which you can do this (see below);
- the time limit for moving to the review stage (20 working days of receiving the outcome of the academic appeal);
- the appropriate procedure to follow; and
- where and how to access advice and support, for example the Students' Union or Student Services.

If you do not take the academic appeal to the review stage within the time limit for doing so, we will close the matter.

The Complaints and Appeals Office will also inform the chair and secretary of the relevant examination board of the decision.

Review – to be completed within 20 working days of receiving the request for a review

If you are not satisfied with the outcome of the formal academic appeal stage, you have 20 working days to ask for a review. There are limited grounds for asking for a review which are as follows.

- There is new evidence which you were unable, for valid reasons, to provide earlier in the process that would have had a significant effect on the outcome of the formal academic appeal stage.
- The correct procedure was not followed during the formal academic appeal stage and this has had a significant effect on the outcome.
- The outcome was unreasonable given all the circumstances and the evidence considered.

The purpose of a review is to consider whether we followed the correct procedure during the formal academic appeal stage and whether the outcome was reasonable. At the review stage, we will not usually consider the issues again or investigate the matter further. An academic appeal must have been considered at the formal academic appeal stage before it can move to the review stage. If your expectations appear to be beyond what can be achieved at the review stage, we will tell you this as soon as possible in writing to manage your expectations about possible outcomes.

You must submit a request for review electronically, by email or through our website by filling in the appropriate form. You must set out your concerns clearly and briefly and provide evidence, where possible, of the issues raised. Only evidence that is clearly referenced in the form will be considered. We will acknowledge the request for a review within five working days.

The Complaints and Appeals Office will assess the request for a review and the Director of Student Services, or someone they nominate to act on their behalf, will use this assessment to decide between the following two possible outcomes.

- There are no grounds for taking the matter further. If this is the case, the Complaints and Appeals Office will tell you in writing and also let you know about any right you may have to ask the OIA to review your appeal.
- There are grounds for reconsidering the case.

If there are grounds for reconsidering the case and further investigation, the Complaints and Appeals Office will provide a report to the Director of Student Services, or someone they nominate to act on their behalf, which considers the following.

- Were the relevant procedures followed during the formal academic appeal stage?
- Was the outcome reasonable in all the circumstances?
- Have you received clear reasons why we rejected the academic appeal at the formal academic appeal stage?
- If you have provided new evidence, have you provided valid reasons for not providing it earlier?
- If there were valid reasons for not providing this evidence earlier, would it have had a significant effect on the outcome?

The Director of Student Services, or someone they nominate to act on their behalf, will decide between the following two options.

- The academic appeal will be referred back to the formal academic appeal stage together with a recommendation.
- The issues are complicated and so it would be better to deal with them through a review panel.

A review panel will be held in line with our standard procedures for such panels and will consist of a member of the Vice-Chancellor's Office as chair and two members of staff drawn from the SCAD Register who have no previous knowledge of you or this case, and who are not from the same school or college as you.

Extending the time limits

If there are clear and justifiable reasons for extending the time limits, the Assistant Director Student Services (Complaints and Appeals), or someone they nominate to act on their behalf, will set new time limits. The maximum extension will be 10 working days (that is, not more than 30 working days in total from the date we receive your request for a review).

Closing the academic appeal at the review stage

We will give you a clear explanation of the outcome of the review in writing, setting out the reasons for each decision in simple, straightforward language. If the review finds that an academic appeal is partly or fully justified, we will explain how and when we will put in place actions to put the issue right, and apologise where appropriate. We will record the outcome on our academic queries and appeals system. We will also let you know about any right you may have to ask the OIA to review your appeal.

