

Student Appeals

Candidate Guidance Notes

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1. Introduction

UCEM is committed to providing a high quality learning experience through its academic offer and range of services.

UCEM often has to take decisions that affect you personally, perhaps to do with an admissions decision, a credit transfer claim, an academic misconduct offence, a module result, or an award. If you think that your case has not been properly considered or that a decision is unfair, you have the right to query and then to appeal against it.

This document explains the general procedure for querying and appealing against UCEM decisions:

- Related to Admission to UCEM Programmes
- The Academic Misconduct Committee
- The Mitigating Circumstances Committee
- The Board of Examiners

This document must be read in conjunction with the UCEM Code of Practice: Student Appeals and Complaints, the UCEM Academic and General Regulations for Students and the Assessment, Progression and Award Regulations for your programme.

Please ensure that you read this guide to familiarise yourself with the procedures.

- 1.1 An **appeal** is 'a request for a review of a decision taken by an individual or academic body charged with making decisions about students' progression, assessment, and awards'.¹
- 1.2 In common with standard practice in the HE sector, a fundamental tenet of the procedure is that there can be no appeal based solely on a challenge to the academic judgment of the examiner(s). Appeals submitted on such a basis will be ruled invalid.
- 1.3 The appeals procedure is approved and monitored by the Academic Board, which is positioned as the final arbiter within UCEM on decisions relating to individual cases. This power is delegated to the UCEM Independent Appeals Board (see below).
- 1.4 If there are legitimate grounds for an appeal on these terms, the matter will be referred to an Independent Appeals Board, the Chair of which will be appointed by the Academic Board.
- 1.5 Where an appeal is turned down by the Independent Appeals Board, the student has no further right of appeal other than to The Office of the Independent Adjudicator.
- 1.6 Appeals submitted outside of the published deadlines (i.e. within 28 days of receiving the decision of a regulatory committee) will be ruled invalid unless accompanied by evidence of mitigating or other circumstances. This could include issues related to mental health, where the reasons for submitting your appeal outside of the published deadline will be discussed with the UCEM Disability and Wellbeing Adviser, to ensure you are treated fairly according to the Equality Act 2010.
- 1.7 All appeals must be made in writing and accompanied by the relevant evidence and fee (See Section 5). Appeals made by third parties on behalf of a student will not normally be accepted.
- 1.8 The academic appeals procedure cannot be used to bring any complaint related to teaching or academic services. Any such complaint must be raised through the appropriate channels and at the time it occurs
- 1.9 A **complaint** is 'an expression of dissatisfaction by one or more students about UCEM's action or lack of action, or about the standard of service provided by, or on behalf of UCEM'. If your grievance meets the criteria for a complaint rather than an appeal, you should contact the UCEM Complaints Officer at complaints@UCEM.ac.uk. The Complaints Policy can be found on your VLE in Student Services, UCEM Policies.

¹ UCEM Academic and General Regulations for Students Version 2.01 August 2013 Section 7.2

2. Your decision whether to appeal – general guidance

The following notes may be helpful to you in deciding whether or not to appeal:

2.1 Admissions Decision

- 2.1.1 It is possible for you to feel that you should have been admitted onto a programme or given more exemptions. The Programme Leader considers the level of study previously undertaken, the content of the modules therein and experience when deciding on admittance to the programme, in accordance with the approved admissions requirements, and UCEM's Academic and General Regulations for Students. Decisions are based on the certified information provided and not on the word of an applicant.
- 2.1.2 Entry requirements for UCEM programmes are detailed in the prospectus and at www.UCEM.ac.uk Applicants who do not meet these criteria are considered by the Programme Leader. Where the Programme Leader is unable to grant admission to a programme, an alternative is normally recommended. Where this is not possible applicants will be given advice to upgrade their application.

2.2 Academic Misconduct Committee

- 2.2.1 When considering each case, the Academic Misconduct Committee will consider the intent to deceive, the extent of misconduct, your response to the right of reply, and the evidence gathered as well as any previous academic misdemeanours before deciding whether a penalty is appropriate. In short, the Committee will seek to assess whether there is an attempt to cheat the learning process.

2.3 Mitigating Circumstances Committee

- 2.3.1 The Mitigating Circumstances Committee will consider your circumstances and the submitted evidence as outlined in UCEM's Policy on Submission and Approval of Mitigating Circumstances.

2.4 Board of Examiners

- 2.4.1 It is possible that you may perform badly in an examination for a variety of reasons, but be unaware of it. The reasons include misreading a question, omitting key points in an answer, or simply misunderstanding the examination instructions. Because the time available and pressures experienced are quite different, it is not unusual for a candidate's examination performance to be in sharp contrast to that demonstrated in coursework. In the case of an examination, the examiner can only make a judgement upon the script submitted, and in doing so will seek evidence that you have sufficient grasp of the subject to enable a pass to be awarded in accordance with the marking scheme for the paper.
- 2.4.2 To ensure consistency of assessment, the examination process incorporates scrutiny by independent External Examiners who are specialists in the subjects examined and who are usually either experienced academics or practitioners. They are not members of UCEM's staff. All examination scripts and coursework records are made available to the External Examiners and particular attention is paid to borderline cases to ensure that no injustice has occurred. Additionally, the assessment, progression and award regulations make provision for results to be checked to ensure that no arithmetical or administrative error has occurred.

3. Matters which will normally be considered as legitimate grounds for appeal

- 3.1 The grounds upon which you base your appeal are for you to decide. There are some categories of circumstances where an appeal could legitimately arise, but only if they have not previously been notified to the relevant body:
- 3.2 You may appeal against the decision of a regulatory committee or an admission decision on the following grounds:
- i. There are mitigating or other circumstances potentially affecting you which were not known to, or could not, for good reason, be drawn to the attention of the regulatory committee at the time the decision was made; late mitigating circumstances will only be considered in exceptional circumstances, for example where hospitalisation prevented submission.

- ii. There has been an administrative error or other irregularity, e.g. in the conduct of an examination or processing of marks; or
- iii. UCEM did not follow its own rules and procedures under the academic regulations, or reached a decision that no reasonable body, properly directed and taking into account all relevant factors, could have arrived at.

4. Matters which will not be considered as legitimate grounds for appeal

It is not unusual for the perception of candidates to differ on the decision made. **No appeal will be considered to be legitimate solely because you are disappointed by or disagree with the decision.** Further, the Independent Appeals Board will not consider appeals which are based upon:

4.1 Admissions Decision

- 4.1.1 a colleague/friend has received an exemption but the applicant has not.
- 4.1.2 the length of the programme without exemptions.
- 4.1.3 the fact that exemption or admission is not granted based purely on experience (unless stated in prospectus).
- 4.1.4 the fees due based on lack of exemptions.

4.2 Academic Misconduct Committee, Mitigating Circumstances Committee, Board of Examiners

- 4.2.1 the pressure of work in your employment during the build-up to a submission or examination date;
- 4.2.2 the effect of the result on your employment;
- 4.2.3 any difficulty you may envisage due to a later than anticipated programme completion date;
- 4.2.4 any effect on your family life.
- 4.2.5 Late submission of mitigating circumstances which could have been provided within the specified time frame outlined in the UCEM Mitigating Circumstances Policy.

5. How to raise an appeal

5.1 STAGE ONE: (Informal) Query Decision

- 5.1.1 If you wish to raise an appeal you should initially raise your query in writing with the relevant contact point for the decision that you wish to be reviewed. The query must be raised in writing within 28 days of you receiving the decision from UCEM.
- 5.1.2 All UCEM staff are encouraged to deal with issues raised by students in a timely and effective manner in line with the College's appeals procedure. If no resolution can be reached at Stage 1, you have the right to raise the issue as an appeal so long as it falls within the criteria listed within the supporting documentation. **Every effort will be made to resolve appeals informally in the first instance.**

5.2 STAGE TWO: (Formal) Appeal

An appeal should be raised at Stage 2, only after Stage 1 of the appeals process has been completed.

Students on programmes validated by UCEM

Your appeal must:

- 5.2.1 be made in writing and be signed by you personally; 5.2.2 be addressed to the Secretary to UCEM's Independent Appeals Board (see section 6 for contact details);
- 5.2.3 clearly state the grounds upon which the appeal is based with reference to the criteria listed in Section 3;
- 5.2.4 include any relevant documentary evidence supporting the appeal; please note this evidence may not be returned;
- 5.2.5 be accompanied by the appropriate fee. The fee for lodging an appeal is £100, payable to UCEM.

5.2.6 If your appeal is successful, your appeal fee will normally be reimbursed in full. However, the Independent Appeals Board has the discretion to retain your fee if you had the opportunity to notify the relevant UCEM Board of your circumstances, but failed to do so. If your appeal is rejected by the Independent Appeals Board, your appeal fee will be forfeited.

The Independent Appeals Board normally meets twice a year. You should therefore consider the implication of awaiting a decision as, if your appeal is not successful, the delay may inhibit your progress on your programme.

Students on programmes validated by the University of Reading only

5.2.7 For decisions against the Board of Examiners and the Mitigating Circumstances Committee students should refer to the University of Reading's Senate Standing Committee on Examination Results (SSCER) at: http://www.reading.ac.uk/web/FILES/exams/SCER_2013-14.pdf. (b)

5.2.8 Students on University of Reading validated degrees wishing to appeal against the decision of UCEM in relation to academic misconduct can in the first instance contact, UCEM Secretary of AMC at amcadmin@UCEM.ac.uk. The case will then be forwarded to the Joint Faculties Office for a decision by the University of Reading Associate Dean Teaching and Learning (ADTL). Ultimately, students who then wish to appeal against the decision made by the ADTL will be referred to University of Reading's Standing Committee on Academic Misconduct.

5.2.9 Please note the University of Reading will reject any communication from a student unless the following information is provided:

- registered full name
- student registration number
- the name of the college
- name of the degree being studied
- name and code of the module/s in question.

5.3 Decision by Independent Appeals Board Convener

Students on programmes validated by UCEM

The Independent Appeals Board Convener will decide on whether there are valid grounds for appeal:

5.3.1 your case will be considered by the Independent Appeals Board Convener. A decision of the Independent Appeals Board Convener to refer the appeal to the Independent Appeals Board will be determined solely on whether or not it comes within the specified criteria and does not imply a judgement on the merit of an appeal

5.3.2 the Independent Appeals Board Convener will notify you whether your appeal comes within the specified criteria within 28 days of receipt of your written submission;

5.3.3 if the Independent Appeals Board Convener decides that your appeal does not come within the specified criteria, you will be notified in writing with reasons, and your appeal fee will be returned;

5.3.4 For all of the regulatory committees above, the Independent Appeals Board Convener, in consultation with the Chair of the Independent Appeals Board, reserves the right to allow an appeal to proceed based on a significant reason not listed above but which is felt to have had a detrimental effect on the student

5.4 Independent Appeals Board.

Students on programmes validated by UCEM

If the Independent Appeals Board Convener decides that your appeal comes within the specified criteria, your case will be considered at the next meeting of the Independent Appeals Board. You will be advised of the date, place and time of the meeting of the Independent Appeals Board and you will have the right to present your case in person and

to be accompanied by a family member, friend, or colleague who can act as a companion but not a legal representative for you.

Each member of the Independent Appeals Board will be given a copy of your appeal submission and full particulars of your academic record in so far as it relates to the programme which is the subject of your appeal. The Board will consider all or any of the following:

- 5.4.1 whether the assessment determined by the relevant regulatory committee would have been different had the circumstances which were described in the appeal been known during consideration by that committee;
- 5.4.2 whether in either case the decision reached by the regulatory committee was reasonable;
- 5.4.3 any other matter or matters the Board may deem relevant.

Having considered your case, the Independent Appeals Board will normally make one of the following three decisions:-

- 5.4.4 uphold your appeal and reverse the decision;
- 5.4.5 uphold your appeal and alter the decision; or
- 5.4.6 reject your appeal and confirm the decision of the relevant regulatory committee.

6. STAGE 3 – Review (For students on UCEM Validated awards only)

If you are not satisfied with the outcome of the Independent Appeals Board you may request for a review within 4 weeks of receipt of the outcome of the IAB.

- 6.1 You should write to the Independent Appeals Board Secretary, and request for the case to be referred for Review. The Review will be undertaken by an external reviewer.
- 6.2 The Reviewers role is to ensure the appropriate procedures were followed, and the decision made was reasonable, as well as consider any new evidence submitted. The Reviewer does not necessarily require a reconsideration of the issues raised.
- 6.3 You will receive a response within 4 weeks of receipt of the request for review.
- 6.4 This is the final stage of the appeals process for those students studying on a UCEM validated award. You will be issued with a completion of procedures letter detailing UCEM's final response to the appeal. The 'Completion of Procedures letter' is a requirement of The Office of the Independent Adjudicator, and confirms that the appeal has reached the end of UCEM's appeals procedure. If you are not satisfied with the response and action taken, the only right of recourse remaining is to refer the appeal to The Office of the Independent Adjudicator.

7. Next Steps– The Office of the Independent Adjudicator

If all internal procedures are exhausted and you remain dissatisfied with the outcome of the appeal, then the case may be eligible for consideration by The Office of Independent Adjudicator (OIA). The deadline for referral of cases to the OIA is within twelve months of the date of the Completion of Procedures letter issued by UCEM following Stage 3 (Review) or the outcome letter issued by the University of Reading. Details for the OIA are available at: <http://www.oiahe.org.uk/>

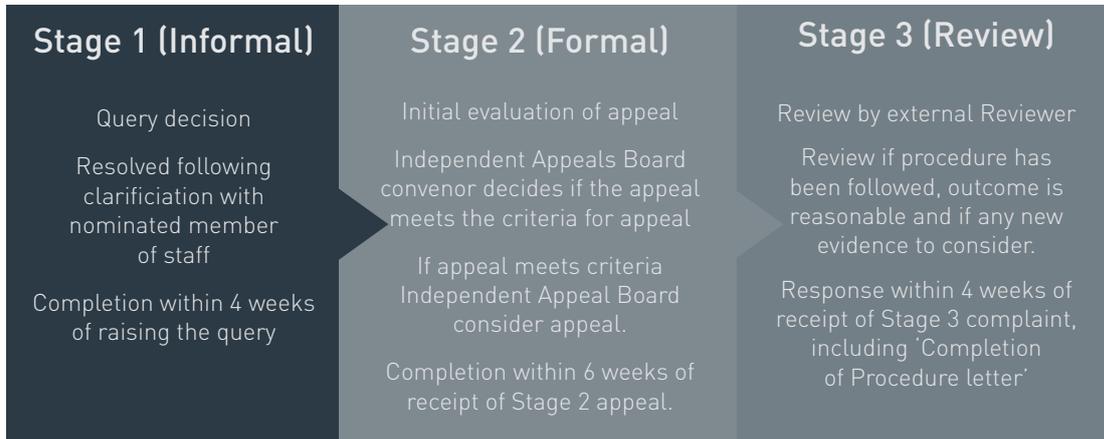
8. Appeal support

If you need help or support at any point in the procedures, you can contact:

Secretary to the Independent Appeals Board
Student Services
University College of Estate Management
Whiteknights
Reading
RG6 6AW

E-mail: appeals@UCEM.ac.uk

Overview of UCEM Appeals Process



At the end of Stage 3 if you are not satisfied with the response to your appeal and are on a programme validated by UCEM you should submit your appeal to the Office of the Independent Adjudicator within 12 months. For students on programmes validated by the University of Reading you should refer your appeal to the University of Reading when you have completed Stage 1 of UCEM's Appeals process.