



UNIVERSITY COLLEGE
OF ESTATE MANAGEMENT

Student Appeals

Procedure

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Coronavirus (COVID-19) Update

Update made 25 March 2020

Due to the coronavirus (COVID-19) pandemic we can temporarily not accept appeals sent in hard copy to our offices. Please do **not** send any correspondence regarding appeals to the postal addresses outlined in the procedure as they will not be received.

If you wish to submit a Stage 1 appeal, please follow the steps outlined in section 6.1 and contact Student Central.

If you wish to submit a Stage 2 or 3 appeal, please follow the steps outlined in section 6.2 and 6.3 or 6.6 and submit your request via email to appeals@ucem.ac.uk.

In addition, Stage 2 appeal meetings can temporarily not be conducted in person. Students will still be invited to attend via teleconference.

For more information about UCEM's response to Coronavirus (COVID-19) visit the [Coronavirus section on the VLE Help page](#).

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1. Introduction

This document outlines the procedure that students can use to raise appeals.

This document must be read in conjunction with:

- [UCEM Code of Practice: Student Appeals and Complaints \(opens new window\)](#);
- [UCEM Academic and General Regulations for Students \(opens new window\)](#); and
- [UCEM Assessment, Progression and Award Regulations \(opens new window\)](#) for your programme.

This document applies to all students on UCEM programmes.

2. What is an appeal?

- 2.1. An appeal is “a request for a review of a decision made by an individual or body (i.e. one of the UCEM committees) charged with determining applications for admission and making decisions about student progression, assessment and awards”.
- 2.2. UCEM often has to take decisions that affect you personally. If you think that your case has not been properly considered or that a decision is unfair, you have the right to appeal against it. This document explains how to make an appeal against:
 - decisions of the Board of Examiners (i.e. a Module/Unit Board; a Progression and Awards Board, or a Resubmission Progression and Award Board)
 - decisions of the Mitigating Circumstances Panel;
 - decisions of the Academic Misconduct Panel;
 - disciplinary decisions;
 - decisions on the provision of reasonable adjustments;
 - admission or registration decisions; or
 - decisions of the Fitness to Study Panel.
- 2.3. Appeals are different to complaints. If you wish to make a complaint, including complaints about teaching or academic services, you must use the [Student Complaints Procedure \(opens new window\)](#). 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 you are unsure whether your case is an appeal or complaint, you can contact UCEM’s Appeals Officer on appeals@ucem.ac.uk for advice.

3. Reasons for appealing

- 3.1. If you are unsure whether you want to appeal, read [Section 9 “Should I appeal?”](#) for further guidance.
- 3.2. You may appeal against a decision for one or more of the following reasons, or “grounds”, but only if they have not previously been notified to the [decision-making body](#):
 - Ground 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 decision-making body at the time the decision was made.

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- Ground ii) There has been an administrative error or other irregularity.
- Ground iii) UCEM did not follow its own rules and procedures under the academic regulations, or reached a decision that no reasonable impartial body, properly directed and taking into account all relevant factors, could have arrived at.

3.3. You may not appeal a decision made by academic staff on the quality of any work itself or the criteria being applied to mark any work. This is called a “challenge to academic judgement” and you cannot appeal using solely this reason.

4. How do I make an appeal?

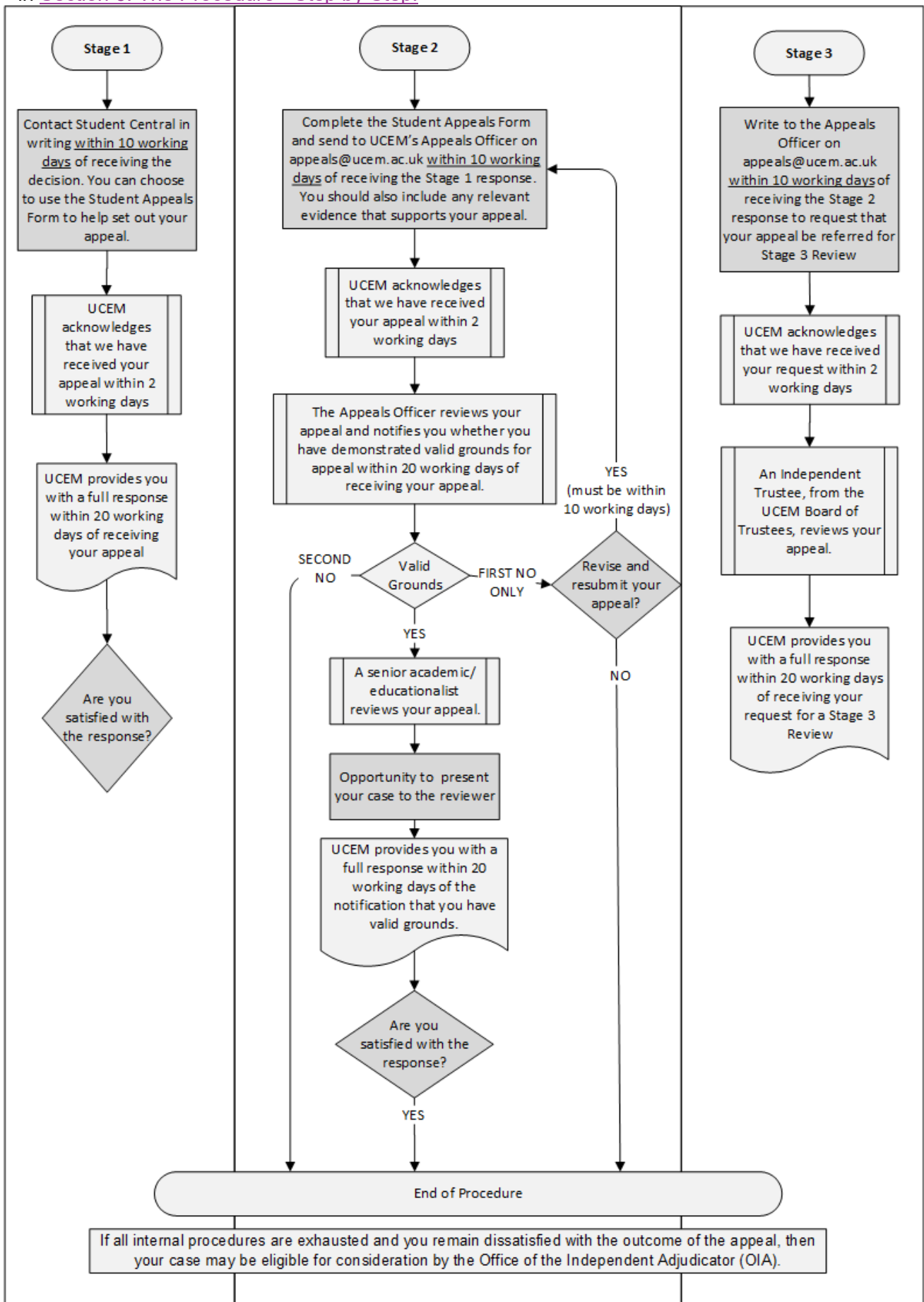
4.1. The appeals procedure has 3 stages:

- [Stage 1: Informal Appeal](#)
- [Stage 2: Formal Appeal](#)
- [Stage 3: Review](#)

4.2. You must start at Stage 1, with the exception of appeals against disciplinary decisions or decisions of the Fitness to Study Panel which must start at Stage 2. The [flow diagram](#) below shows the process and each stage is described in detail in [Section 6: The Procedure – Step by Step](#).

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This diagram outlines the key steps in each stage of making an appeal. More detail can be found in [Section 6: The Procedure - Step by Step](#).



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Notes:

- If you are an applicant who does not have access to Student Central, you can raise your [Stage 1 Appeal](#) by contacting admissions@ucem.ac.uk
- If you are appealing against a disciplinary decision or decisions of the Fitness to Study Panel, you should begin at [Stage 2](#) because Stage 1 does not apply to these decisions.

5. What are the possible outcomes of an appeal?

- 5.1. Having considered your appeal, the reviewer will find that your appeal is either:
 - justified;
 - partly justified; or
 - not justified.
- 5.2. If your appeal is found to be justified, or partly justified, the original decision-making body (or Academic Board at Stage 3) will be asked to reconsider the original decision, with a recommendation from the reviewer to either reverse or alter the original decision. The decision made following this reconsideration will be confirmed in the appeal outcome provided to you.
- 5.3. If your appeal is found to be not justified, the original decision is confirmed.
- 5.4. All outcomes will include clarification on the decision-making process.

6. The Procedure – Step by step

If you are unsure whether you want to appeal, read [Section 9 “Should I appeal?”](#) for further guidance.

If you need help or support at any point in the procedure, you can contact the Appeals Officer on appeals@ucem.ac.uk. You can also seek support from the Lead Student Representative throughout the appeals process. If you are an apprenticeship student, your Apprenticeship Coordinator can also provide advice and guidance.

6.1. Stage 1: Informal Appeal

6.2. Raising a Stage 1: Informal Appeal about a Board of Examiners decision (i.e. your results)

- 6.2.1. You will receive moderated marks for each individual assessment first. These are still provisional and you cannot appeal them yet.
- 6.2.2. They are then confirmed, along with your overall module mark, by the Module Board and are released to you on the “Module Results Release” date. You can now appeal. (It is at this point that you will know if you have failed and must enter the resubmission period.) If you wish to raise an appeal, contact [Student Central \(opens new window\)](#) in writing as soon as possible. **The appeal window for module results remains open until 10 working days after the “Progression and Award Results Release” date (see 6.2.3).**

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- 6.2.3. After your module results are released, the Progression and Award Board meets to determine your progression (if you are a continuing student), your award and classification (if you are at the end of your studies), or whether your studies will be terminated (if you have failed a module at the final attempt). This information is then released on the “Progression and Award Results Release” date. You can also appeal these decisions by contacting [Student Central \(opens new window\)](#) in writing within **10 working days** of the “Progression and Award Results Release” date.
- 6.2.4. If you want to raise an appeal about any resubmission results you must do so **within 10 working days** of the “Resubmission Results Release” by contacting [Student Central \(opens new window\)](#) in writing.
- 6.2.5. If you raise an appeal, UCEM will acknowledge receipt of your appeal within 2 working days.
- 6.2.6. UCEM will review your appeal and provide a full response within 20 working days.
- 6.2.7. UCEM will make every effort to resolve your appeal at Stage 1. If you are satisfied with the response, this is where the procedure ends. If you are not satisfied with the response, you have the right to begin [Stage 2: Formal Appeal](#).

6.3. Raising a Stage 1: Informal Appeal about any other decision

- 6.3.1. Please note that this stage does not apply to appeals against disciplinary decisions or the Fitness to Study Panel. To appeal a disciplinary decision or decisions of the Fitness to Study Panel, you should begin with Stage 2: Formal Appeal.
- 6.3.2. If you wish to raise an appeal, contact [Student Central \(opens new window\)](#) in writing as soon as possible, but within **10 working days**, after receiving the decision that you are appealing against. You may find the [Student Appeal Form \(opens new window\)](#) useful to set out your appeal. If you are an applicant and do not have access to Student Central please send your query to admissions@ucem.ac.uk.
- 6.3.3. UCEM will acknowledge receipt of your appeal within 2 working days.
- 6.3.4. UCEM will review your appeal and provide a full response within 20 working days.
- 6.3.5. UCEM will make every effort to resolve your appeal at Stage 1. If you are satisfied with the response, this is where the procedure ends. If you are not satisfied with the response, you have the right to begin [Stage 2: Formal Appeal](#).

6.4. Stage 2: Formal Appeal

6.5. Raising a Stage 2 formal appeal

- 6.5.1. An appeal can only be raised at Stage 2 after Stage 1 of the appeals procedure has been completed (except for appeals against disciplinary decisions or decisions of the Fitness to Study Panel which should be raised at Stage 2 in the first instance).
- 6.5.2. Stage 2 can take up to 40 working days (excluding resubmission opportunity) to complete. 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.
- 6.5.3. Appeals made by third parties on your behalf will not normally be accepted. However, if you have a disability or other impairment which makes you unable to represent yourself please contact the Appeals Officer on appeals@ucem.ac.uk for details on how to appoint a representative.

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- 6.5.4. To raise a Stage 2 Formal Appeal, complete and sign the Student Appeals Form, attaching any relevant evidence, and submit it to UCEM's Appeals Officer on appeals@ucem.ac.uk within 10 working days of receiving the Stage 1 response. (For appeals against disciplinary decisions or decisions of the Fitness to Study Panel, you must submit the form within 10 working days of the written confirmation of the disciplinary decision.)
- 6.5.5. You must include any relevant documentary evidence supporting the appeal that you wish to be considered. Please note, this evidence may not be returned. Examples of evidence you may wish to include are:
- independent medical evidence
 - reports by professionals
 - financial information
 - witness statements
 - copies of communication you reference in your appeal
- 6.5.6. UCEM will acknowledge receipt of your appeal within 2 working days.

6.6. Demonstrating valid grounds for appeal at Stage 2

- 6.6.1. The Appeals Officer will review your appeal form and decide whether it demonstrates that your appeal falls under one or more of [the allowed grounds](#). This is called "demonstrating valid grounds for appeal". This will be determined solely on whether or not your appeal comes within the grounds specified in [Section 3: Reasons for appealing](#) and does not imply a judgement on the merit of an appeal.
- 6.6.2. You will be notified of the Appeals Officer's decision within 20 working days of UCEM's receipt of your Stage 2 appeal form.
- 6.6.3. If the Appeals Officer determines you have demonstrated valid grounds for appeal, your appeal will be allocated to a Reviewer. If this is the case, please skip to [Section 6.5: Stage 2 Review](#) for the next steps.
- 6.6.4. If the Appeals Officer determines you have not demonstrated valid grounds for appeal, they will provide you an explanation. If you wish, you will have one further opportunity to revise your appeal and resubmit it to appeals@ucem.ac.uk for reconsideration, within 10 working days.
- 6.6.5. Any resubmission will be reviewed by the Appeals Officer. The Appeals Officer may also confer with a Senior Academic, Educationalist or member of Professional Services staff, including sharing any and all documentation related to the appeal, in order to reach a decision on the validity of the appeal. You will be notified of the decision within 10 working days.
- 6.6.6. If, following this reconsideration, the Appeals Officer determines you have now demonstrated valid grounds for appeal, your appeal will be allocated to a Reviewer. If this is the case, please skip to [Section 6.5: Stage 2 Review](#) for the next steps.
- 6.6.7. If you choose not to revise and resubmit your appeal or if, following your resubmission, the Appeals Officer determines you have not demonstrated valid grounds for appeal then there is no further opportunity to appeal. You will be provided a 'Completion of Procedures' letter detailing UCEM's final response to the appeal within 28 days. The Completion of Procedures letter is a requirement of the [Office of the Independent Adjudicator \(OIA\) \(See Section 9\)](#) and confirms that the appeal has reached the end of the UCEM appeals procedure.

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6.6.8. The Appeals Officer, in consultation with the Chair of Academic Board (or nominee), reserves the right to allow an appeal to proceed based on a significant reason not covered by the grounds in [Section 3: Reasons for appealing](#), but which is felt to have had a significant detrimental effect on the student.

6.7. Stage 2 Review

6.7.1. Following the decision that you have demonstrated valid grounds for appeal, the Appeals Officer will allocate a Stage 2 Reviewer to consider your appeal.

6.7.2. The Stage 2 Reviewer will be a Senior Academic, Educationalist or member of Professional Services staff with no previous involvement in the case.

6.7.3. The Reviewer will normally provide you a response within 20 working days.

6.7.4. The Reviewer will be given a copy of:

- your appeal submission;
- any documentation relating to the original decision (e.g. minutes of the Board of Examiners);
- a copy of your Stage 1 query and UCEM's response; and
- full particulars of your academic record (and academic misconduct and/or disciplinary record if applicable) in so far as it relates to the programme which is the subject of your appeal.

6.7.5. The Reviewer may request any further information they feel is needed to undertake deliberations fairly and impartially, such as copies of previous correspondence. The Reviewer may also choose to consult with key members of staff.

6.7.6. You will be invited to present your case, in person or via teleconference, to the Reviewer. You may be accompanied by a family member, friend, or colleague who can act as a companion but not a legal representative for you. The Reviewer may also use this as an opportunity to ask questions relating to your appeal and your preferred outcome. The Appeals Officer (or nominee) will attend the meeting to take notes and a copy of these will be provided to you 5 working days after the meeting. If you disagree with the notes of the meeting, you can suggest amendments within 5 working days and these will be recorded.

6.7.7. You will be given adequate notice of this meeting and every effort will be made to facilitate your attendance. However, if, after reasonable efforts, you fail to attend, the Reviewer will consider your appeal based on the documentary evidence only. Any delays in attending this meeting may impact the timescale for response.

6.7.8. Prior to the meeting you will be provided with a copy of any documentation the Reviewer will take into account in their decision, [as outlined in 6.5.4](#), unless this is restricted by [UCEM's Data Protection and Privacy Policy \(opens new window\)](#), the Data Protection Act 2018 or the General Data Protection Regulations 2016 (GDPR). If, following the meeting, the reviewer obtains any further documentation not previously shared with you, this will be shared with you immediately.

6.7.9. The Reviewer may also confer with a member of the Senior Leadership Team, including sharing any and all documentation related to the appeal, in order to reach a fair and impartial decision.

6.7.10. The Stage 2 Reviewer will not enter into correspondence with you following delivery of their decision. If you are satisfied with the response, this is where the procedure ends. If you are not satisfied with the response, you have the right to begin [Stage 3: Review](#).

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6.8. Stage 3: Review

- 6.1. An appeal can only be raised at Stage 3 after [Stage 2](#) of the appeals procedure has been completed.
- 6.2. To raise a Stage 3 Appeal, contact UCEM's Appeals Officer on appeals@ucem.ac.uk within **10 working days** of receiving the Stage 2 response and request that your case is referred for Stage 3 Review.
- 6.3. UCEM will acknowledge receipt of your request within 2 working days.
- 6.4. The Appeals Officer will allocate a Stage 3 Reviewer to consider your appeal.
- 6.5. The Reviewer will normally provide a response within 20 working days.
- 6.6. The Stage 3 Reviewer will normally be an Independent Trustee from the Board of Trustees, who sits outside of UCEM's management structure.
- 6.7. The Stage 3 Review is confined to:
 - i. A review of whether the appropriate procedures were followed at Stage 2 of the appeal;
 - ii. A consideration of whether the decision was reasonable in all the circumstances;
 - iii. A review of any new material evidence which the student was unable, for valid reasons (to be decided by the Reviewer), to provide earlier in the procedure.
- 6.8. This is the final stage of the appeals procedure. For all outcomes you will be issued with a 'Completion of Procedures' letter detailing UCEM's final response to the appeal within 28 days of the Stage 3 outcome. The Completion of Procedures letter is a requirement of the [Office of the Independent Adjudicator \(OIA\) \(Section 8: Office of the Independent Adjudicator \(OIA\)\)](#) and confirms that the appeal has reached the end of the UCEM appeals procedure.
- 6.9. If you are not satisfied with the response at stage 3 and are part of a higher education programme, your appeal may be eligible for consideration by the Office of the Independent Adjudicator. ([How to complain to the Office of the Independent Adjudicator \(OIA\) \(opens new window\)](#)).

7. Late appeals

- 7.1. [Section 6: The Procedure - Step by Step](#) outlines the deadlines for submitting your appeal. Any appeals submitted outside of these deadlines will be rejected unless they are accompanied by acceptable evidence of mitigating or other circumstances which impacted the student's ability to submit the appeal within the required timescale. This could include issues related to mental health.
- 7.2. If you are submitting a late appeal, alongside your appeal you should submit your reasons, supported by evidence, for making a late appeal. The reasons provided will be discussed with the UCEM Disability and Wellbeing Adviser, to ensure you are treated fairly, according to the Equality Act 2010. The final decision on whether to proceed with a late appeal rests with the responsible party at each stage.
- 7.3. If you submit a late appeal and UCEM makes the decision not to allow the appeal to proceed, you will be provided a 'Completion of Procedures' letter detailing UCEM's final response to the appeal within 28 days. The Completion of Procedures letter is a requirement of the Office of the Independent Adjudicator (OIA) and confirms that the appeal has reached the end of the UCEM appeals procedure.

8. The Office of the Independent Adjudicator

- 8.1. If all internal procedures are exhausted and you remain dissatisfied with the outcome of the appeal, then your case may be eligible for consideration by the Office of the Independent Adjudicator (OIA). The deadline for referring your case to the OIA is within twelve months of the date of the Completion of Procedures letter issued by UCEM.
- 8.2. [Details on how to make a complaint to the OIA can be found by clicking here.](#) Please note that that level 3 FE programmes do not fall within the remit of the OIA; therefore, the final stage of the appeals process for students studying on a level 3 programme is Stage 3: Review.

9. Should I appeal?

You have the right to appeal any decision made by UCEM as outlined in [Section 2: What is an Appeal](#). The following notes may be helpful to you in deciding whether or not you want to appeal.

9.1 Board of Examiners

- 9.1.1 It is possible that you may perform badly in an assessment 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 instructions.
- 9.1.2 To ensure consistency of assessment, the assessment process includes moderation (i.e. second marking) of a sample of scripts to ensure consistency in marks and feedback. It also 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 the UCEM staff. A sample of assessments are made available to the External Examiners, and particular attention is paid to borderline cases to ensure that no injustice has occurred.
- UCEM also has processes in place to ensure results are free from arithmetical or administrative errors.

- 9.1.3 Appeals that are based on any of the following will not be considered:
- heavy workload in the workplace as part of normal employment commitments;
 - the effect of the result on your employment;
 - any difficulty you may envisage due to a later than anticipated programme completion date; or
 - any effect on your family life.

9.2 Mitigating Circumstances Panel

- 9.2.1 The Mitigating Circumstances Panel will consider your circumstances and the submitted evidence, as outlined in the UCEM Policy on Submission and Approval of Mitigating Circumstances. Any appeals which are based on the late submission of mitigating circumstances which could have been provided within the specified time frame will not be considered.

9.3 Academic Misconduct Panel

- 9.3.1 When considering each case, the Academic Misconduct Panel 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 Panel will seek to assess whether there is an attempt to cheat the learning process.
- 9.3.2 Appeals that are based on any of the following will not be considered:
- heavy workload in the workplace as part of normal employment commitments;
 - the effect of the result on your employment;
 - any difficulty you may envisage due to a later than anticipated programme completion date; or
 - any effect on your family life.

9.4 Disciplinary Decision

- 9.4.1 UCEM communicates its conduct expectations of students through its [Academic and General Regulations for Students \(opens new window\)](#), [Terms and Conditions of Contract \(opens new window\)](#) and the [Student Charter \(opens new window\)](#). You agree to abide by these expectations each time you (re)register.
- 9.4.2 [The UCEM Student Disciplinary Procedure \(opens new window\)](#) has three stages and the range of potential sanctions/ outcomes are outlined in the procedure. Before determining an appropriate sanction, UCEM will have already considered whether the offence was intentional, the degree of remorse you have shown, any efforts you have made to resolve and remedy the situation as well as the impact and harm on others. Appeals that are based on the fact a colleague/friend received a different sanction for what you think are similar circumstances will not be considered. Appeals based on any difficulty you envisage due to an applied sanction will not be considered.
- 9.4.3 Where offences are criminal, it is UCEM's policy that we report these to the relevant authorities.

9.5 Decision on the Provision of Reasonable Adjustments

- 9.5.1 Provision of reasonable adjustments can only be made if verified, identifiable evidence is provided. Reasonable adjustments you may have had at a previous educational institution prior to you starting a programme of study at UCEM will not necessarily be adopted, unless they are supported by verified, identifiable evidence. Appeals that are based on the fact a colleague/friend received reasonable adjustments, but you did not, will not be considered.
- 9.5.2 If your evidence is not accepted for the reasonable adjustment(s) requested, the Disability and Wellbeing Team will provide you an explanation why. You can resubmit additional or new evidence in support of your request for reasonable adjustments and we would encourage you to speak to the team on disability@ucem.ac.uk to help you understand the requirements of any additional evidence required.

9.6 Admissions Decision

9.6.1 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 the UCEM Academic and General Regulations for Students. Decisions are based on the certified information provided and not on the word of an applicant. Appeals that are based on any of the following will not be considered:

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

9.6.2 Entry requirements for UCEM programmes are detailed in the prospectus and on the [UCEM Website \(opens new window\)](#). 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.

9.7 Fitness to Study Panel

9.7.1 The Fitness to Study Panel will have considered all the evidence available to them to consider whether you are able to fully engage and safely undertake your academic studies in accordance with the [Fitness to Study Procedure \(opens new window\)](#).

9.7.2 The health and wellbeing of you and your fellow students are of the paramount concern to the Panel.

9.7.3 As part of the Fitness to Study Procedure you will have already been given the opportunity to respond to the concerns raised, either in writing or by attending the panel hearing. You will also have received a letter explaining the decision of the panel.

10. How will my personal information be dealt with?

10.1. UCEM will treat students' personal information gathered during appeals confidentially, in line with the Data Protection Act 2018 and the General Data Protection Regulation 2016 (GDPR). Relevant case information will only be disclosed to UCEM staff dealing with the appeal.

10.2. Student information on appeals will be retained throughout your registration with UCEM and for a minimum of 6 years from the date of completion of the appeals process. Completion may occur at stage 1, 2, or 3, depending on whether you have decided to progress your appeal or not.

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- 10.3. In order to preserve the confidentiality of others, you are asked not to include unnecessary personal information about third parties such as family members when submitting an appeal. Under the Data Protection Act 2018 and the GDPR, UCEM is required to notify third parties if it is processing their information, so please think carefully before submitting personal information about yourselves or others. You may wish to seek advice from UCEM's Data Protection Officer on dataprotection@ucem.ac.uk.

11. Information for staff involved in Stage 1 appeals

- 11.1. You are encouraged to deal with issues raised by students in a timely and effective manner, in line with this procedure.
- 11.2. You are encouraged to expedite the response if you identify that swift action is required (for example if the issues raised are impacting the student's mental health, if the student displays significant distress, or if external time limits apply).
- 11.3. If you are responsible for providing a response to a student at Stage 1, you are encouraged to use a method of communication that is appropriate to resolving the appeal in a timely and effective manner, including the use of phone calls.
- 11.4. Any and all Stage 1 appeal responses you provide to students should be copied to UCEM's Appeals Officer on appeals@ucem.ac.uk. If you provide a Stage 1 appeal response verbally, or via a discussion forum or other media, a summary of the response, including the outcome, should still be provided via email to the Appeals Officer.
- 11.5. In line with guidance from the UK Quality Assurance Agency (QAA) and the Office of the Independent Adjudicator for Students in Higher Education (OIA), the Appeals Officer will record all Stage 1 appeals because monitoring appeals is an effective way of helping UCEM to ensure that procedures are fair and are working as intended.
- 11.6. Details of appeals, including outcome, will be reviewed on a quarterly basis by the UCEM Senior Leadership Team and Board of Trustees. The appeal log will be analysed for evidence of continuous improvement in processes and provision. An anonymised summary of appeals on record and how they have been managed will also be reported annually to the Academic Board.
- 11.7. If require any support implementing this procedure, please contact the Appeals Officer on appeals@ucem.ac.uk.