

Academic Appeals & Complaints

Guidance for Staff and Students

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Please Note:

- The flowchart that accompanies this guidance note will not cover all possible eventualities, but is intended to provide an easy to follow process that will be applicable for the majority of Academic Appeals and Academic Complaints. This focus on standard processes was chosen in order to avoid unhelpfully complex diagrams.
- The guidance note and accompanying flowchart is not formally part of the partner institution and University Regulations but are designed to assist you in your reading of the regulations covering Academic Appeals and Academic Complaints and in understanding how the Regulations will be applied in practice.
- If you have detailed queries regarding any aspect of the Academic Appeals and Academic Complaints Regulations please do contact your institution in the first instance.
- Numerical references in the guidance below refer to the relevant section of the Academic Appeals & Academic Complaints Regulations.

Which Route to use Appeals or Complaints?

- Appeals allow students to challenge academic decisions and should be submitted when seeking to change an academic outcome (for example the classification of a degree).
- Complaints are concerned with aspects of a student's academic experience other than academic decisions (for example a complaint about the learning environment) or where a student is not seeking to change an academic decision but is nonetheless dissatisfied.
- Academic Appeals can lead to different academic outcomes for students, Academic Complaints, even when upheld, cannot change academic decisions.

Are students required to follow the Informal Stage?

- It is recognised that there may be occasions where it would not be appropriate for a student to attempt an informal resolution of their concerns before moving to the formal part of the process. However, there may be occasions where a matter could be very simply resolved to the student's satisfaction. In such circumstances the institution may follow 5.2 in requiring that the informal procedures be applied to resolve the student's concerns.
- Students are encouraged to use the informal process since many concerns can be addressed without the need for a formal appeal or complaint process. This is often a swifter route to resolution and does not remove the student's right to proceed to the formal process if they remain dissatisfied.
- The Regulations do allow the institution to act within the limits of their authority to resolve an appeal or complaint even after a formal Stage One has been submitted. This is not intended to undermine the rights of students, but to ensure that wherever possible, issues are resolved to the student's satisfaction without waiting for the formal process to run its course.

Can an appeal be submitted that does not relate to the list of appeal topics in the regulations?

- Any Academic Appeal must be submitted in relation to the list of issues given at 4.1 in the Regulations.
- The list at 4.1 covers all academic decisions that can be appealed and where a student has concerns about an issue not listed at 4.1 the appropriate route for them to follow would be the Academic Complaints process.

What information will the Appeal/Complaint Reviewer use to make their decision?

- The Appeal/Complaint Reviewer will consider all the documentation provided by the student along with other materials that are relevant to the issue under consideration. The exact detail of the documentation considered will vary from case to case.
- It is important that students include all the evidence that they wish to be considered at the point of submitting the Stage One form since the Stage Two process does not allow a case to be upheld on the grounds of new information, except where there are very strong supporting reasons to justify why this information was not made available at Stage One.
- If a student is awaiting evidence to support the Stage One case, or has good reason for not supplying it with their Stage One submission, this should be noted on the Stage One form. For example, if a student is waiting for confirmation of medical issues concerning a relative, they should provide details of the medical issues on the Stage One form and then forward the evidence on as soon as it is received.
- When preparing cases for consideration by the Appeal/Complaint Reviewer, staff may request additional information from a student, staff, or others as appropriate within the institution to assist the presentation of clear and complete cases to the Appeal/Complaint Reviewer.

What are the deadlines for dealing with Academic Appeals and Complaints?

Students must submit Stage One Academic Appeal forms no later than 10 working days after:

- The date on which they were formally notified of the academic decision against which they are appealing;
OR
- If they have tried to resolve the matter through the informal process, the date on which the student was notified that the informal process had been concluded.
- Students must submit Stage One Academic Complaint forms no later than 10 working days after the date on which the student was notified that the informal process had been concluded.
- Students will be advised of the outcome of their case within 10 working days of the date of receipt. If the complexity of the case prevents this deadline from being met, students will be advised of the likely delay in writing.

- Students must submit Stage Two Academic Appeal or Complaint forms no later than 15 working days after the date on which the student was formally advised of the Stage One outcome.
- Students will be advised of the outcome of their Stage Two case within 20 working days of its receipt by Academic Partnerships at UEA. If the complexity of the case prevents this deadline from being met, students will be advised of the likely delay in writing.
- If a student believes there is good reason for not meeting the deadline for submission of their form they should provide details of this on their form. Consideration will be given as to whether the reason provided is acceptable and the student will be advised in writing whether their case will be considered or will be treated as out of time.
- If a student is advised that their reason for late submission is not acceptable there is no right of appeal within the institution or University against that decision. However, the student will retain their right to submit a complaint to the Office of the Independent Adjudicator (OIA) if s/he believes that the institution or University should not have rejected the submission as being late without sufficient reason.
- Students should note that late submission of additional material is not an allowable basis for the submission of a Stage Two Appeal or Complaint.

When can a student submit a Stage Two Academic Appeal or Complaint?

- Students can submit a Stage Two Academic Appeal or Academic Complaint if they believe that any of the following apply:
 - The correct procedure was not followed in the conduct of the Stage One Appeal or Complaint and this is sufficient to undermine the validity of the decision
 - That there was prejudice and/or bias or the appearance of prejudice and/or bias on the part of the Appeal/Complaint Reviewer and/or any person helping the Appeal/ Complaint Reviewer to investigate. There will be an appearance of prejudice or bias if a fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility of the Reviewer or any person helping the Reviewer being biased against the student.
 - That evidence (including any mitigation) put forward at Stage One was not fully considered
- At Stage One it is the substance of the student's case that is considered, while at Stage Two it is the manner in which that consideration was carried out that is being examined.

- This is why at Stage Two the focus is on whether correct procedures were followed at Stage One and not on simply reconsidering the substance of the original appeal or complaint.
- It is important to note that when an Appeal/Complaint Reviewer upholds an appeal or complaint a student may still proceed to Stage Two if s/he believes that the proposed remedy (how the panel suggests the student's position is put right) has arisen from a procedural irregularity (for example, that the remedy is only partial and does not address all of the factors upheld).
- It is important to note that students cannot submit a Stage Two Academic Appeal or Complaint on the basis that the student wishes to submit information that was not provided at Stage One. The Stage Two process is designed to ensure the correct working of the Stage One process and not to facilitate late submission of evidence to the Stage One process. There are processes described above that students should follow if they believe there is a legitimate basis for non-submission of evidence or delayed submission of evidence at Stage One.

What sort of things might be covered by the term Procedural Irregularity?

- A formal definition of the term is provided at Appendix B to the Regulations. It is important to note that the Appeal/Complaint Reviewer at Stage One has an obligation to comply with both the principles and the processes which govern the Academic Appeals and Academic Complaints Regulations.
- The principles themselves are detailed at 1.3 and if a student believes that s/he can demonstrate that the Appeal/Complaint Reviewer has not followed or acted in accordance with those principles s/he may choose to submit a Stage Two Academic Appeal or Complaint.
- It is important that students understand that following correct procedures does not just require that deadlines are met but that it also requires that the manner in which cases are considered accords with the core principles detailed at 1.3.

When can a student complain to the Office of the Independent Adjudicator (OIA)?

- A student can complain to the OIA about the outcome of an Academic Appeal or Academic Complaint, once they have received what is known as 'a completion of procedures letter' from the University.
- In almost all cases this letter will be sent at the conclusion of any Stage Two process. All students who pursue a Stage Two Academic Appeal or Complaint will receive a

letter detailing the final outcome of their case and advising them that if they remain dissatisfied they can submit a complaint to the OIA.

- The right to complain to the OIA is not restricted to students whose case has been rejected. Students whose case is upheld, but who are unhappy with the proposed remedy may also complain to the OIA on receipt of a completion of procedures letter.

Appendix One

Partner Institution Academic Appeals and Complaints Regulations Flowchart

