



LTC11D091

Title: *Proposed Regulations regarding Academic Appeals & Complaints*
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Issue

A proposed set of regulations regarding the handling of Academic Appeals & Complaints

Recommendation

Members are asked to endorse the proposed regulations

Resource Implications

N/A

Risk Implications

N/A

Equality and Diversity

The implications for students contained within the proposed regulations are believed to impact equally on all students and do not create any new circumstances that disproportionately affect any defined category of student.

Timing of decisions

If approved these regulations would take effect from the commencement of the 2012-13 academic year.

Further Information

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Background

The enclosed briefing paper details the background that led to the establishment of the Review of Appeals and Complaints Group and the rationale for its proposals.

Review of Academic Appeals and Complaints 2011/12

Introduction

During 2010/11 LTC decided to undertake a review of the policy and procedures relating to academic appeals and complaints. This was driven by a number of concerns relating to procedural aspects of the existing policy, such as the use of extenuating circumstances, the administrative resources available, and a perceived need to use a revised policy to influence positive changes in student behaviour – e.g. the prompt reporting of ECs.

In considering a revised academic appeals and complaints policy it has also been necessary to consider the handling of extenuating circumstances in relation to course work submission, examinations and course tests and those which may have been present over a period of time for which no study support could be provided, but which fell short of circumstances requiring intercalation.

In presenting draft regulations to LTC it would seem sensible to draft accompanying revisions to regulations to govern the treatment of ECs in general and Good Cause in particular.

The Review Panel has sought to ensure that the following principles are reflected in the proposed Policy and Procedures: Natural Justice, Ease of Use, Realistic Time Frames, Transparency, Consistency, Regard for Adult Status of Students, Recognition of Professional Body Requirements

Problems and weaknesses in our current policy and procedures

There are a number of weaknesses within the University's existing policies and procedures. These might be summarised as follows:

- Too many staff are involved at Stage 1 of the process. This leads to inconsistent practices and judgements and inconsistent outcomes for students.
- It allows speculative compensating of students rather than giving students a chance to show what they are capable of.
- It is time-consuming for all involved, which leads to delays and frustrations
- It ties-up considerable amounts of the HoS's time
- There are very wide grounds for appeal at Stage 1
- The emphasis is placed on decisions being made by individuals rather than by groups, which creates exposure to claims of bias or prejudice.
- At Stage 2 the DUS/ADTP can only uphold an appeal and recommend a suitable remedy. Normally an Exam Board has to be re-convened to determine whether the student's position will actually be affected.
- Appeal panels have very limited powers. They cannot revoke Exam Board decisions
- Whilst the Students' Union does not believe that the level of appeals and complaints is rising unduly, or that the current process is flawed, it has argued that there can be a daunting 'power imbalance' between the institution and the individual student

Key Features of the Proposed Academics and Complaints Procedure

Panel Based Approach At Stage One – The best balance between efficiency and fairness/consistency will be achieved by having 4 separate Faculty Appeals & Complaints Panel (one for each Faculty), each chaired by a senior, well-trained member of academic

staff who will be titled the Faculty Appeals and Complaints Officer. 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 secretary/advisor. The Head of LTS will advise on procedural matters in relation to particularly complex cases. The four Faculty panels would not be a perfect 'fit' to the LTS Hubs supporting them, as the Hubs' areas of business are not configured on Faculty lines. It is unlikely that the new procedure would lead to a significant increase in overall workload within LTS. Stage Two appeals (which should be greatly reduced) will continue to be considered by the DUS and ADTP who will possess the same powers to instruct Examination Boards or amend academic outcomes as those held by Faculty Appeal Panels.

Number of Stages – The appeal and complaints process will retain an initial informal stage and so will consist of 3 stages. However, with one exception, the grounds for a second stage appeal or complaint would be restricted to procedural irregularity. The use of panels obviates the risk of prejudice and/ or bias or the insufficient consideration of evidence submitted. There will be provision for late submission of EC evidence at the initial appeal stage for exceptional situations detailed below, but the Stage One appeal submission would be the final opportunity for any late evidence of ECs. The exception to this single ground will be the continuing facility for students to appeal against the finding of plagiarism (rather than the penalty arising from the finding) under the Stage Two Appeal process.

Object of Appeal/ Complaint – Students may appeal any of the following:

- A degree result
- Confirmed marks
- Failure to be transferred to a PhD from an MPhil or to an EdD from an MEd
- Required withdrawal from a course
- A verdict of plagiarism and/or collusion (under Stage Two procedure)
- A penalty applied in respect of plagiarism and/or collusion
- A refusal to permit the late submission of work for assessment or to approve a delayed first sit
- A rejection of the extenuating circumstances presented in support of a request for an extension to a course work submission deadline.

Only those decisions/ judgements/ outcomes detailed above can be cited as the object of an academic appeal

Academic complaints may address any aspect of a student's academic experience about which they are dissatisfied with the exception those academic outcomes which can be dealt with through the appeals process

Grounds for Upholding Appeal at Stage 1 – Faculty Appeal Panels will uphold appeals where any of the following are found:

- Correct procedure was not followed which undermined the validity of the academic result.
 - Prejudice and/or bias affected the academic result.
 - Significant changes were made to a course without being properly communicated and/or were not properly taken into account.
 - The teaching, supervision or research training provided was insufficient.
 - Extenuating circumstances were not fully and properly considered
 - Natural Justice dictates that the appeal be upheld
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- A poor supervisory experience.

- The learning support provided was inadequate.

Grounds for Upholding Complaint at Stage 1 - Faculty Complaints Panels will uphold appeals where any of the following are found:

- Correct procedures were not followed
- The student experienced prejudice and/or bias
- Significant changes were made to a course without being properly communicated and/or were not properly taken into account.
- The teaching, supervision or research training provided was insufficient.
- Natural Justice dictates that the complaint be upheld
- The learning support provided was inadequate.

Grounds for Upholding Appeal or Complaint at Stage 2 – The appeal or complaint will only be upheld where there is evidence of procedural irregularity at Stage One and will be remedied by correcting the procedural error.

Outcomes of an Upheld Appeal/ Complaint – The possible remedies to an upheld complaint will, by the nature of complaints, be too individual to summarise here. Upheld Appeals will result in one of the following actions depending on the grounds on which the appeal has been upheld:

- Reconvene Examination Board to reconsider the classification
- Instruct the Examination Board to award a revised classification
- Correction of procedural irregularity
- Retrospective approval of extension for late submitted work
- Retrospective granting of Good Cause
- Recommendation of a concessional remedy to be approved by ADTP or ADRP

Reconvened Examination Boards - There was general consensus (though it can be difficult with small Schools and partner institutions) that if the consideration of a student appeal requires the establishment of a reconvened Exam Board, that the latter should have different members to first Board. Experience shows that the same group of people are likely to come to the same decision resulting in a poor use of resource.

Consideration of Extenuating Circumstances

There is a significant interaction between the Appeals process in particular that the University chooses to adopt and the most appropriate approach to take with regard to extenuating circumstances. The Review of Appeals and Complaints Group has begun to consider the appropriate treatment of Extenuating Circumstances. The following detail outlines a possible model for the treatment of Extenuating Circumstances, but will be subject to significant development and amendment before any formal proposal is made to LTC.

Extenuating circumstances may be relevant in relation to a number of different circumstances. Primarily for the purposes of appeals and complaints these will be: Requests for coursework extensions, Good Cause applications regarding examinations or course tests, circumstances that impacted the performance but were not addressed by either an extension or a delayed first sit.

Extenuating circumstances submitted in support of requests for extensions to submission deadlines and/ or delayed first sits (Good Cause) shall be considered in accordance with

current procedures: Simple cases are processed by an appropriate member of LTS staff, while more complex cases will be referred to the designated member of academic staff within the School of Study or to the ADTP for a final decision. In the event that the decision is appealed (see above) the Faculty Appeals Panel shall consider the case as a standard Stage One Appeal. Extenuating circumstances that do not relate to a request for an extension or Good Cause shall be considered by the Faculty Appeals Panel (see below).

Defining Extenuating Circumstances

Extenuating Circumstances will be defined as follows:

- 1) An acute factor (or acute events arising from ongoing chronic conditions) that can be evidenced, that is outside the student's control and which affects performance and/or engagement in assessment and learning in a manner that impacts on the assessment outcomes.
- 2) Something that normally affects the student within three weeks of course test or exam.
- 3) An ongoing set of circumstances that fall short of requiring intercalation as a remedy, but which nonetheless have an impact on the student's performance and which have not been mitigated through available support measures (eg additional time in examinations)

Reporting Extenuating Circumstances

- 1) When submitting a circumstances affecting study form in support of a extension request or Good Cause application the student is responsible for indicating whether the EC's referenced are also believed to have impacted on items of assessment in addition to the specific item about which the request has been submitted. Where such an indication is made, the EC evidence will be forwarded to the Faculty EC Panel with a note that some compensation has already been given and the extent of that compensation (eg extension of n days length).
- 2) This requirement will need to be made clear to students through the student handbook. Some students may have ECs that require an extension or delayed first sit in respect of one assessment item, but will impact to a lesser degree on other items. If we allow students to indicate that they wish an EC to be considered by the Faculty EC Panel we avoid the problem of this being missed and serving as the basis for a later appeal.
- 3) In almost all circumstances students will need to submit new evidence for each item where they believe they require an extension or a delayed first sit. The exceptions to this are:
 - Submission or test/ exam dates for the multiple items are all covered by the dates on the medical note or other acceptable confirmation letter (see below) and the student has indicated all the items for which they need an extension/ delayed sit
 - For extensions **only**: The student has an ongoing condition for which the need for extensions is an established possibility indicated by appropriate medical evidence and acceptable confirmation letter (see below). Students in such circumstances may self certify when requesting an extension with the University retaining the right to request additional evidence (for example if it suspects mis-use by the student)

- For Good Cause: The student has an established ongoing condition confirmed by appropriate medical evidence, which may have acute expressions that would prevent the student from sitting exams/ tests. Students in such circumstances may not be required to provide a medical certificate to support a request for Good Cause, but would need an acceptable confirmation letter (see below) to support their request for a delayed sit
- 4) Students should report Extenuating Circumstances through a Circumstances Affecting Study Form to their Hub at the time they occur and impact on their work/engagement. It is the responsibility of the student to indicate whether they are logging the EC for future consideration or whether it is in support of a request for a delayed first sit or an extension to a submission deadline
 - 5) The acceptable time period elapsed between ECs and the assessments affected should normally be a maximum of 3 weeks. In other words, there should be a close chronological alignment between the ECs reported and the assessments impacted. Students will be expected to demonstrate this 'alignment' in their reporting of ECs.
 - 6) LTS will log, monitor and report on ECs (when required by Faculty EC Committees) in a consistent fashion across the Hubs. Repeat ECs (students reporting same ECs on multiple occasions) will be 'flagged' for Faculty EC Panels. ECs that have led to an extension or delayed first sit should also be flagged so that the Panel is aware of compensation already given.
 - 7) The process for submitting ECs will be clearly laid out in the Student Handbook. This will be backed up by info on Student Union website, Campus Flat screens, posters, flyers, Union-led induction sessions etc.
 - 8) If students have ECs they should normally provide details in writing (with appropriate evidence) to the HUB within 10 working days of submission. Some circumstances are so serious and impactful (e.g. death certificate of a parent) that requiring submission of evidence within 10 working days would be both inappropriate and insensitive. Evidence, in all cases must be submitted within 3 months of event, OR before the final board, whichever is sooner.
 - 9) There shall be a published deadline, which will be the last date at which any ECs can be submitted in relation to that academic year. EC submissions will only be accepted after that date if they meet the conditions detailed under Late Reporting of ECs below. The deadline will need to be set so as to allow any new EC submissions to be included at the final meeting of the Faculty EC Panel for that year.
 - 10) If a student submits extenuating circumstances for more than 2 assessed elements in a semester, then this will trigger a meeting with their Advisor to discuss the possible need to intercalate or implement other support mechanisms.
 - 11) Sensitive or confidential events/conditions should be treated in strict confidence and on a 'need to know' basis. Students submitting highly sensitive ECs should be reassured that only those who 'must' know will be made party to the information and in extreme cases a student may report their ECs to DoS who will then submit a brief summary of the severity of the ECs and an indication of its likely impact – only

the latter will be considered by the Exam Board or Appeal Panel where relevant in such cases.

Faculty Extenuating Circumstances Panel

Each Faculty should appoint a Faculty Extenuating Circumstances Panel. This shall comprise a Chair, and three other members of academic staff from the Faculty, plus a senior member of LTS staff as a secretary/advisor, and a member of DoS staff to ensure a high level of guidance relating to SpLD and mental health issues, and to assist the Panel to judge the level of 'impact' of the ECs presented.

Storing, Monitoring and Reporting of ECs to Faculty Extenuating Circumstances Panels (FECPs)

- A matrix spreadsheet is to be produced by LTS Hubs which records all reported ECs flagged to show where compensation through a delayed first sit or extension has already been granted for those students who have submitted ECs for consideration by the Faculty EC Panel in addition to receiving such compensation
- LTS will produce a report to support the deliberations of Faculty EC Panels.
- ECs will be recorded on SITS as soon as possible so as to facilitate fast and effective reporting.
- Data needed for 'context' will also be provided to the panel
- E-vision records should be amended so that advisers can see approved extensions relating to their advisees.

Acting on Extenuating Circumstances

Remedies will need to include both 'adjustment of classification' and 'further opportunity for reassessment'. The Panel agreed the following recommendations:

- For coursework, the appropriate 'adjustment' to reflect the ECs would almost always be by the approval of an extension.
- Students who pass do not get a 'delayed sit' opportunity. Their ECs are to be reported for consideration at Final Classification and may result in 'adjustment of classification'.
- Students who fail should be considered for a 'delayed sit'. For a Delayed Sit decision, the ECs will be considered at the time of the assessment.
- If ECs take a student up to 68% (e.g. within the 2% classification boundary), it is accepted they are in the 68.00-69.99% band and should be treated as any other student in this band.
- If an algorithm is used to award classifications, then it should apply to all students on the basis of their EC adjusted mark
- Faculty EC Panels will base their judgements on the severity and impact of ECs, and recommend remedies on the basis of guidance circulated to all panels by LTS.
- The 'impact categories' employed in the guidance will include 4 levels of impact: 1) Negligible, 2) Moderate, 3) Severe and 4) Critical. Detailed criteria for each, along with appropriate remedies will be 'mapped-out' for staff and students alike. 'Moderate' impact for instance would indicate that there had been "noticeable impact on the student's ability to perform". 'Critical' ECs would have been of "a very severe nature and had a very significant impact on the student's ability to perform". The maximum value of credit impacted by ECs of a 'critical' nature without invalidating the ability to reliably assign a classification to a student should be 60 credits. In the rare instance of more than 60 credits being so affected a case by case consideration should apply on the basis of natural justice.

- Each impact category shall result in a percentage adjustment to the mark(s) so affected in the calculation of the mean mark used to determine degree classification

To summarise, Extenuating Circumstances will be considered as follows:

Coursework extensions	By an LTS Hub Manager, with complex applications being referred to a named academic in the relevant school or ADTP
Good cause/voided sits	ADTP to make a judgement on advice of assessments officer
ECs affecting modules, for consideration for classification purposes.	Faculty EC Committee, with DOS professionals as members, to consider evidence of ECs and score/categorise the severity and impact on performance. Faculty EC Committees will instruct Exam Boards re a suitable remedy/adjustment. ECs will be considered for all students within 5% of a classification boundary

Integrating ECs into the concessionary process

- 1) Requests for Repeat of Year, Intercalations, etc should normally be considered via the concessionary route (i.e. via Assoc Dean, or ADTP).
- 2) However, where Professional Bodies (e.g. GMC) require students to 'Repeat a Year' if they fail a module, then Faculty EC Committees should have the power to confirm the concession of a 'Repeat of Year', where this is both in the students' interest, and merited by the nature of the ECs reported to the Faculty EC Committee.

Late reporting of extenuating circumstances

ECs accepted after the published deadline will only be accepted in exceptional circumstances. ECs reported after Panel meets can be accepted as the basis for a Stage One appeal only if there are exceptional reasons for late reporting.

The ADTP will make decision whether to accept the ECs. Although the Panel is anxious not to be too prescriptive in setting out allowable grounds for late reporting of ECs, the ADTP expects that in most cases these are likely to fall into the following categories. These are all predicated on the psychological or physical impairment of a student, resulting in them being unable or unfit to report their severe extenuating circumstances by the published deadline.

Example Allowable grounds for late reporting of ECs:

- 1) The existence of severe psychological episodes (e.g. extreme trauma resulting from a serious physical assault on the person) which affect a student's ability to recognise the importance of timely declaration of ECs by the published deadline and to report them to the Hub accordingly.
- 2) A severe mental health problem (e.g. recent diagnosis of clinical depression).
- 3) A serious, life-threatening medical condition.
- 4) Death of an immediate family member (parent or childhood guardian, sibling, spouse, child).

If the ADTP accepts the late-reported ECs, the Appeal will be considered on its merits by the Faculty Appeal Panel and an appropriate remedy will be put in place. This may include an adjustment of the student's degree classification.

Late-diagnosis of an SpLD and late-reference to the same as a basis for an Appeal

Each year the University receives appeals and complaints which revolve around the late diagnosis of SpLDs (e.g. dyslexia being the most common). These are difficult to remedy since the University is only able to make 'adjustments' if it is aware of an SpLD and it is very difficult to determine what the impact of an SpLD diagnosed in Year 3 might have been in Years 1 and 2.

It will be important to make it clear through the Student Handbook that students have a responsibility for their learning as adults and that if they suspect their learning outcomes are being affected by a recognised SPLD that it is their responsibility to take the necessary steps to ensure that this is confirmed and appropriate support systems are implemented. The MBBS programme has a useful form of words taken from the GMC Code of Conduct for its students that may provide a basis for a University statement on this matter.

The Panel recommends that:

- 1) SpLD support/considerations should only be available from the semester in which the diagnosis is confirmed (i.e. there will be no retrospective corrective action beyond this date).
- 2) An additional programme of training (combining DoS and CSED) should be rolled-out across Faculties over the next 2 years

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