

HENLEY MANAGEMENT COLLEGE

COLLEGE REGULATIONS

REGULATION N° AR6

APPEALS AGAINST DECISIONS

RELATING TO ASSESSMENT

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AR6.1 General Considerations

AR6.1.1 *Scope*

- (a) This Regulation shall apply to the submission and consideration of any appeal made by a candidate against a decision of a Board of Examiners relating to any assessment, in respect of which the marks or grade gained contribute towards an academic award of the College or are taken into account when determining the progression of candidates.
- (b) This Regulation shall cover all forms of assessment specified in the Programme Specification for the programme concerned including:
 - (i) written work, such as essays, reports and projects;
 - (ii) dissertations;
 - (iii) examinations, including examinations *viva voce*;
 - (iv) practical work and individual or group presentations.

AR6.1.2 *Distance Learning or e-Learning*

The procedures relating to the submission and consideration of an appeal against any decision(s) of a Board of Examiners may be modified to take account of the nature of the communications between a candidate in a programme of study delivered through distance learning or e-Learning and the College.

AR6.1.3 *Grounds for an Appeal*

- (a) An appeal shall only be considered on the following grounds:
 - (i) that a candidate's performance was adversely affected by undue stress, personal circumstances (such as bereavement) or medical conditions which were unknown to the Board of Examiners when it reached its decision(s) and which it was not reasonably practicable for the candidate to have made known to the Board of Examiners before it reached its decision(s); or
 - (ii) that there were procedural or administrative irregularities in the conduct of the examinations and/or assessment procedures, or the proceedings of the Board of Examiners, of

- such a nature as to create a reasonable possibility that the result might have been different had they not occurred; or
- (iii) that mitigating circumstances which had been made known to the Board of Examiners in accordance with the Regulations were not taken fully into account by the Board when reaching its decision(s); or
 - (iv) that there is evidence of prejudice, bias or inadequate assessment on the part of one or more of the examiners.
- (b) No appeal shall be considered or allowed on the grounds that a Board of Examiners is alleged to have erred in its academic judgement of the performance or standards attained by a candidate.
 - (c) No appeal shall be considered or allowed against a decision of a Board of Examiners to refer a case involving cheating, plagiarism or alleged attempt to gain some other form of unfair advantage for action under the Disciplinary Procedures.
 - (d) Appeals judged by the College Secretary and/or the Principal to be vexatious or frivolous shall be rejected at the earliest possible opportunity and the reasons for rejection shall be explained in writing.
 - (e) Candidates who lodge an appeal in good faith will not be disadvantaged as a consequence of their decision to appeal.

AR6.1.4 *Documentary Evidence*

- (a) No appeal on the grounds of undue stress, personal circumstances (such as bereavement) or medical conditions shall be entertained unless supported by documentary evidence including, as appropriate:
 - (i) a medical certificate from a qualified, recognised medical practitioner, stating the nature and duration of any illness or other medical condition and its likely effect upon the candidate's performance;
 - (ii) a death certificate (in the event of bereavement).
- (b) Any supporting documentary evidence shall normally be contemporaneous with the occurrence of the condition or circumstances constituting the grounds for an appeal against the decision(s) of a Board of Examiners. Retrospective documentary evidence shall only be admitted in exceptional circumstances and only when the candidate, for good cause, was unable to provide contemporaneous evidence.

AR6.1.5 A degree, diploma or certificate award which is the subject of an appeal will not be submitted to the Board of Examiners for approval until the appeals procedure has been completed.

AR6.2 **Submission of an Appeal**

AR6.2.1 *Informal Appeal*

Any grievance concerning assessment must be raised, within 21 days of the notification of the assessment decision, with the Manager of the Assessment Office, who will refer the matter to the tutor, supervisor, Director of Studies or other relevant member of College staff for consideration. If this fails to produce an outcome acceptable to the student the matter may be raised with the Director of Graduate Qualifications Programmes. Any reversal of/amendment to an assessment decision which has already been confirmed by the Board of Examiners must be approved by the Chairman of the Board of Examiners. The Appeals Committee may decline to consider an appeal against assessment which has not been given preliminary consideration by one or more of the relevant members of College staff indicated above and which was not submitted within the required 21 day period.

AR6.2.2 *Submission of a Formal Appeal*

- (a) A candidate wishing to submit a formal appeal must do so within 14 days of notification of the outcome of an informal appeal. The appeal shall be submitted in writing to the College Secretary and it must
 - (i) specify the grounds on which the appeal is based;
 - (ii) include the required supporting documentary evidence;
 - (iii) provide any additional information and/or evidence which the appellant wishes to be taken into account;
 - (iv) state the desired outcome of the appeal;
 - (v) state the address to which correspondence should be sent.

A form for this purpose will be provided by the College Secretary's Office.

- (b) The College Secretary shall submit the appeal to any two members of the Academic Board, other than the Chairman or the Principal, not being members of the Appeals Panel, provided that such members shall have had no involvement with either the delivery or the assessment of the programme of study concerned. The College Secretary shall inform the Principal of the action taken.

AR6.3 **Initial Consideration**

AR6.3.1 *Establishment of a Prima Facie Case*

- (a) The two members of the Academic Board shall consider the full written submission of the candidate and the supporting documentary evidence in order to determine whether a *prima facie* case has been established for upholding the appeal, based on the following criteria:

- (i) that the grounds on which the appeal is being made are acceptable under the Regulations;
 - (ii) that the case being made is substantial and convincing;
 - (iii) that the supporting documentary evidence is appropriate and valid.
- (b) If it is decided that no *prima facie* case has been established, the two members of the Academic Board shall submit a written report on their findings to the College Secretary within 14 working days of receiving the candidate's written submission. The College Secretary shall notify the candidate of the outcome in writing, giving the reasons, as soon as practicable. The candidate shall have no further right of appeal unless s/he is able to produce material and significant new evidence within 21 days of notification of the result of the initial consideration.

AR6.3.2 *Board of Examiners*

- (a) If the two members of the Academic Board decide that a *prima facie* case has been established and if they consider that the subject of the appeal is such that it can be resolved by action of the Chairman of the Board of Examiners, they shall refer the appeal to the Chairman within 14 days indicating the action which they propose s/he should take on behalf of the Board. If the Chairman of the Board of Examiners declines to act in accordance with their recommendation, the two members of the Academic Board shall refer the appeal to an Appeals Committee. Whatever the outcome, it shall be reported to the College Secretary who will inform the candidate and, if required, will take action to convene an Appeals Committee (AR6.4 and AR6.5 refer). If the candidate does not accept the decision of the Chairman of the Board of Examiners s/he must notify the College Secretary in writing within 14 days of receiving the Chairman's decision. An Appeals Committee hearing will then follow.
- (b) If the two members of the Academic Board decide that a *prima facie* case has been established but that it should proceed direct to a formal hearing by an Appeals Committee they should refer the matter to the College Secretary within 14 days for action as under AR6.4 and AR6.5.

AR6.4 **Appeals Panel and Appeals Committee**

AR6.4.1 *Appeals Panel*

- (a) Every 3 years, the Academic Board shall appoint an Appeals Panel of no fewer than three, and not more than six members of Faculty, excluding the Principal and the Chairman of the Academic Board, to form an Appeals Panel for the next three academic sessions.

- (b) When a casual vacancy arises in the membership of the Appeals Panel, the Chairman of the Academic Board shall appoint another member of Faculty to serve in his or her place.

AR6.4.2 *Appeals Committee*

- (a) The membership of each Appeals Committee shall be:
 - (i) the Principal's nominee (as Chairman);
 - (ii) two members of the Appeals Panel not involved in any way with the assessment or examination of the candidate submitting the appeal to be considered or in advising the appellant about the appeal.
- (b) Where for any reason two disinterested members of the Appeals Panel are not available, the Chairman of the Academic Board shall appoint such number of other disinterested members of Faculty as appropriate to serve as substitutes on the Appeals Committee.
- (c) The College Secretary (or his or her nominee) shall act as the Secretary to each Appeals Committee.

AR6.5 **Consideration by an Appeals Committee**

AR6.5.1 *Initial Preparations*

- (a) When a candidate (hereinafter the "appellant") decides not to accept the outcome of the Chairman of the Board of Examiners' consideration of the *prima facie* case, or when the two Academic Board members decide that an appeal should proceed directly to a formal hearing, the College Secretary shall establish an Appeals Committee to consider the appeal.
- (b) The College Secretary shall inform the Chairman of the Board of Examiners, who shall submit a written statement giving the reasons for his/her decision to disallow the appeal and/or not to change the Board's decision, as the case may be.
- (c) The following documents shall be made available to the Appeals Committee 7 days before the date of the hearing:
 - (i) the appellant's written statement/completed proforma;
 - (ii) the supporting documentary evidence;
 - (iii) the written statement from the Chairman of the Board of Examiners.

Additional documentation presented on the day of the hearing may only be admitted with the permission of the Chairman of the Appeals Committee.

AR6.5.2 *Convening a Hearing*

- (a) The Secretary to the Appeals Committee shall arrange a hearing, giving at least 10, but no longer than 20, working days written notice to the appellant of the date of the hearing.
- (b) The appellant shall be advised of his or her right to:
 - (i) attend the hearing and be accompanied by a friend or a member of Faculty who shall have had no involvement in making any decision(s) which is (are) the subject of the appeal (the appellant may not be accompanied by a legal practitioner)
 - (ii) to ask the accompanying person to present his/her case
 - (iii) call other persons as witnesses at the hearing.
- (c) The appellant will normally be expected to attend the hearing. Where an appellant, by reason of distance or other good cause, cannot attend the hearing, it may proceed but the absence of the appellant shall in no way prejudice the consideration of the appeal.
- (d) The appellant shall be required to inform the Secretary to the Appeals Committee, in writing:
 - (i) whether he or she will attend the hearing as arranged and, if so, state whether he or she will be accompanied by a friend or a member of Faculty providing the name and address of any such friend/Faculty member
 - (ii) whether he or she will be calling any witness(es), providing the name(s) and address(es) and indicating the nature of the evidence any such witness(es) is to give.
- (e) The Secretary to the Appeals Committee shall send copies of the relevant documentation to the friend/member of Faculty who will accompany the appellant at the hearing.
- (f) The Chairman of the Board of Examiners (or his or her representative) shall be given the opportunity to attend and give evidence at a hearing of an Appeals Committee and shall be sent a copy of the appeal by the Secretary to the Appeals Committee.

AR6.5.3 *Proceedings*

- (a) If an appellant fails, without notice, to attend the hearing of the Appeals Committee and the Chairman is satisfied that due and proper notice of the hearing has been given to the appellant, the meeting may proceed.
- (b) The Chairman shall ascertain that each member of the Appeals Committee satisfies the requirements for membership as prescribed in this Regulation. Any member not satisfying those requirements

shall withdraw from the hearing and shall have no further involvement with the appeal.

- (c) The appellant shall have the right to give evidence at a hearing, to call and/or question any witness(es) and to make a concluding statement. The appellant shall have the right to make a final statement at the end of the hearing.
- (d) Subject to the agreement of the Appeals Committee, any person attending a hearing may remain throughout the proceedings but, with the exception of the Secretary to the Committee, shall be required to withdraw when the Committee begins to determine its findings.

AR6.5.4 *Decisions*

- (a) An Appeals Committee may:
 - (i) uphold the appeal and refer the matter to the Board of Examiners, requiring it to reconsider at the earliest opportunity its original decision(s), taking full account of the findings of the Appeals Committee; or
 - (ii) recommend to the Academic Board the annulment of the whole or any part of the assessment or examination concerned; or
 - (iii) reject the appeal and determine that no further action be taken.
- (b) The appellant shall be informed, by the Secretary of the Appeals Committee, in writing of the decision of the Appeals Committee within 7 days of the hearing.
- (c) If it is decided that the appeal should be rejected and that the original decision of the Board of Examiners should be upheld, the appellant shall be given the reasons for the decision.
- (d) In each case, whatever the outcome, the decisions of an Appeals Committee shall be communicated in writing to the Chairman of the Board of Examiners and the person having overall responsibility for the programme in question.
- (e) If an appeal is successful, the College will meet any reasonable expenses incurred by the appellant in submitting his/her appeal.

AR6.5.5 *Records*

- (a) The person appointed as Secretary to the Appeals Committee shall maintain full and accurate records of the Committee's proceedings and decisions and of the reasons for those decisions.
- (b) The written statements of the appellant, the Chairman of the Board of Examiners concerned and of any witness(es) shall, with the record of the Committee's proceedings and deliberations, be retained for such period as the Academic Board may determine.

AR6.6 **Referral to the Academic Board**

AR6.6.1 *Reports*

- (a) A written report of the Appeals Committee shall be submitted to the Academic Board at the next meeting of the Board following the meeting of the Committee. The report shall include the nature of the appeal, how the matter was dealt with and the time taken for each stage, the outcome of the appeal and any other data required under the Equal Opportunities Policy for monitoring purposes (e.g. ethnic origin, gender).
- (b) In the event of there being any discussion at the meeting of the Academic Board to which the report is submitted, no person involved in the appeal, whether as the Chairman or as a member of the Appeals Committee, or in some other capacity, shall chair the meeting of the Academic Board during such discussion.
- (c) Where a Board of Examiners refuses to amend its original decision(s) in the light of an Appeals Committee's findings, the Academic Board shall adjudicate in the matter and its decision shall be final.

AR6.7 **Further Assessment**

AR6.7.1 In the event of an appellant being permitted to be re-assessed following the decision(s) of an Appeals Committee, the person shall either be permitted to re-sit/resubmit at the earliest opportunity or shall be required to take a special examination.

AR6.8 **External Review**

AR6.8.1 The College Secretary shall be responsible to the Academic Board for internal review of the operation of the academic appeals process.

AR6.8.2 The College Secretary shall be responsible to the Academic Board for any external review mechanisms established by the Academic Board and/or Court of Governors. Appellants who have exhausted the College's internal appeals procedures may apply for external review of their case by the College Adjudicator or other external person appointed for the purpose by the Chairman of the Court of Governors. Applications for external review must

be made within 21 days of notification of the decision of the Appeals Committee.

Notes

1. *As indicated in AR6.1.1 (a) this Regulation applies to candidates registered for academic awards of Henley Management College. Candidates registered for awards of Brunel University are subject to University Ordinances relating to academic appeals i.e. Senate Ordinance No 13.*
2. *Whenever a word meaning the masculine gender is used (e.g. Chairman) it shall include the feminine.*