Futureworks

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Futureworks

Academic Appeals Policy & Procedure

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1. Scope and Purpose

1.1. The Office for the Independent Adjudicator (OIA) define an academic appeal as "a challenge to or request for reconsideration of a decision by an academic body that makes decisions on student progress, assessment and awards". This includes decisions about reasonable adjustments for teaching and assessment, progression rules, academic misconduct, assignment marks, module results, and the award and classification of qualifications.

1.2. Grounds for an academic appeal may include a procedural irregularity or administrative error; dissatisfaction with the Extenuating Circumstances or Academic Misconduct procedure in terms of how procedure was followed or the way in which evidence was considered; personal circumstances that have had an impact on your performance that you did not communicate to Futureworks prior to an assessment board's decision; and issues with the delivery of teaching and learning if a complaint has been upheld.

1.3. You may have to present a good reason for not asking for additional consideration of your circumstances before the assessment board made its original decision.

1.4. This policy applies to all academic appeals for Futureworks students, including academic misconduct appeals, but it does not apply to decisions on disciplinary or fitness to study outcomes, for which there are separate appeals procedures (see Regulations for the Conduct of Students). Former students wishing to make an academic appeal should do so within 90 calendar days of the end of their programme.

1.5. Futureworks operates a Student Complaints Procedure for dealing with student complaints about any service it provides, including academic-related services. If you have a concern about programme delivery or supervision, you should raise this at the time so that it can be resolved. We may re-classify an academic appeal as a complaint or vice versa if the submission falls properly within the remit of one procedure rather than the other. Where an appeal relates to a service provided by Futureworks this will normally be dealt with under the Student Complaints Procedure before the appeal is considered.

1.6. Futureworks has robust procedures to ensure fairness in the assessment process. The grounds for academic appeal do not, therefore, include bias or perception of bias. If you have evidence to support a claim of bias, this should be the subject of a complaint. If that complaint is upheld,

and any proven bias may have been material to the outcome of an assessment, this outcome will be considered as an academic appeal.

1.7. It is your responsibility as a student to ensure that applications for Extenuating Circumstances are communicated through the relevant procedure at the appropriate time. If evidence of Extenuating Circumstances is submitted more than 7 calendar days after the published Extenuating Circumstances deadline and there is no valid reason for not submitting it at the right time, then your academic appeal may not be successful.

2. Principles

2.1. An academic appeal cannot be made against the academic judgement of the assessors.

2.2. 'Academic judgement' means any decision about your assessment or progression that can only be made by an appropriate academic expert. An academic appeal may not be based on a questioning of the academic judgement of any properly appointed individual assessor and academic appeals on this basis will be ruled invalid.

2.3. Academic appeals submitted after the deadlines specified in paragraphs 9.1 and 10.1 (including formal appeals submitted at stage 2 without having first sought informal resolution at stage 1) will be ruled invalid unless, exceptionally, you can show good reason why the academic appeal could not have been submitted earlier and provide suitable supporting evidence.

2.4. If you declare a disability and request adjustments during this process, we will ensure that reasonable adjustments are made in line with our duties under the Equality Act 2010, to enable your full participation in the proceedings.

2.5. Academic appeal meetings and hearings will normally be conducted in person. Alternative arrangements will be made where there is good reason, including conducting a meeting/hearing via Microsoft Teams or by correspondence.

2.6. You will not be disadvantaged by submitting an academic appeal in good faith. Academic appeals which are judged to be vexatious, malicious or frivolous will not be considered and may lead to the application of Futureworks' Regulations for the Conduct of Students. This may arise where the evidence is found to be disingenuous, the academic appeal clearly does not have any

serious purpose, or where repeated academic appeals are unreasonable in all the circumstances.

2.7. We aim to resolve all academic appeals through our internal processes. If you initiate legal proceedings against Futureworks on the same or a related matter, any academic appeal will be paused until those proceedings are complete.

2.8. If the issue that is the subject of the academic appeal affects a group of students, a collective academic appeal may be raised. Futureworks will confirm with all named students that they have been personally affected by the issue and that they authorise Futureworks to correspond with a single named spokesperson.

2.9. All information submitted in relation to academic appeals will be dealt with confidentially and will only be disclosed to those persons involved in making a decision on the academic appeal, or as necessary to progress the academic appeal.

2.10. It is not within the remit of the Academic Appeals Procedure to adjust grades or classifications, unless there has been a calculation or administrative error. If an administrative error is identified, the case may be referred back to the appropriate assessment board to correct the error.

3. Representation & Support

3.1. If you think you have grounds for academic appeal, you are encouraged to seek procedural advice and pastoral support from Student Services by contacting them at student.services@futureworks.ac.uk or by visiting the Student Advice Centre on Floor 3.

3.2. Usually, we would expect that you make the academic appeal yourself; however, if you are unable or uncomfortable doing this you can have a third party submit the academic appeal on your behalf and represent you during this Procedure. Your representative is permitted to submit information, attend meetings, ask clarifying questions about the process and the decisions made, and speak on your behalf. In such cases Futureworks will contact you for your agreement prior to accepting the academic appeal.

3.3. If you are required to attend a meeting you may be accompanied. Any person accompanying you will be there in a supporting capacity. You should notify the Stage 2 Chair of this person's

details at least 24 hours before any meeting. The Academic Registry will provide you with contact details for the Stage 2 Chair.

3.4. The Academic Appeals Procedure does not have the same level of formality as a court process and in most cases it would not be necessary for you to have formal legal representation. In exceptional circumstances Futureworks will consider allowing you to use legal representation.

3.5. There are also a range of support services available from Student Services if these would be helpful to you at any stage in the process. These include wellbeing support, disability support and external counselling services. You can access these services by contacting Student Services at student.services@futureworks.ac.uk or by visiting the Student Advice Centre on Floor 3.

4. Grounds for Academic Appeal

4.1. A request for an academic appeal against an assessment board decision will be valid only if it is based on one or more of the grounds listed below, and must be supported by suitable written evidence:

4.1.1. where there is evidence that your extenuating circumstances were not considered;

4.1.2. that your academic performance has been adversely affected by extenuating circumstances which you were for good reason unable, for good reason, to report to Futureworks via the Extenuating Circumstances procedure;

4.1.3. that there has been a material administrative error at any stage of the assessment or decision-making process, or that some other material irregularities have occurred;

4.1.4. that the assessment procedure and/or examination(s) have not been conducted in accordance with the approved regulations or special arrangements formally agreed to;

4.1.5. that the moderation process has not been correctly followed.

4.2. A request for an academic appeal against the outcome of an academic misconduct or extenuating circumstances meeting/panel will only be valid if it is based on the following grounds:

4.2.1. that the original meeting/panel was not conducted fairly and/or in accordance with the published Academic Misconduct Procedure or Extenuating Circumstances Procedure;

4.2.2. that a procedural irregularity has occurred.

5. Confidentiality

5.1. Futureworks will ensure that information relevant to an academic appeal is shared only with those who need it for the purposes of investigating or responding to the academic appeal. You may request that some evidence (for example, a medical report) be kept confidential; however, please be aware that this might limit the effectiveness of the investigation and our ability to resolve your academic appeal to your satisfaction. It may be possible in such circumstances to limit the number of people involved in the investigation with whom your evidence is shared, or to summarise or anonymise it.C

6. Status of Students during Academic Appeals

6.1. It is acknowledged that waiting for the outcome of an academic appeal may be stressful, but if you have referred assessments or other work to complete, you should continue with that work pending the outcome of your academic appeal unless advised otherwise by your Programme Leader.

6.2. If you are appealing against a decision which prevents you from progressing from one year to the next or continuing on the programme, you will not normally be permitted to progress to the next stage of study while an academic appeal is pending, but this may be granted in exceptional circumstances if permitted by the Academic Regulations and considered academically appropriate by the Principal. This will be on the understanding that if your academic appeal is not successful, you will discontinue study immediately.

7. Procedure

7.1. If you are not sure whether an academic appeal is appropriate, you should discuss the matter with a relevant member of staff; for example, your Personal Tutor or Programme Leader, whose contact details you can find in your Programme Handbook. This will be an opportunity to seek clarification on your results and/or to discuss any concerns. You may seek such a meeting at any time without invoking the Academic Appeals Procedure. You can also seek guidance from Student Services by contacting them at student.services@futureworks.ac.uk or visiting them at the Student Advice Centre on Floor 3.

7.2. The procedure comprises three stages. Each stage must be completed before the next stage can be invoked.

7.3 The timeline for completion of the three stages is as follows:

Step	Timeframe
STAGE 1: EARLY RESOLUTION	
Stage 1 - academic appeal made by student	Within 14 days of notification of academic decision
Stage 1 academic appeal resolution provided to student by Futureworks	Within 14 days of Stage 1 academic appeal
STAGE 2: FORMAL	
Stage 2 academic appeal made by student	Within 14 days of Stage 1 resolution / Within 14 days of notification of academic decision if Stage 1 is skipped
Stage 2 academic appeal resolution (without Panel meeting) provided to student by Futureworks	Within 21 days of receiving Stage 2 academic appeal
Stage 2 academic appeal resolution (with Panel meeting) provided to student by Futureworks	Within 35 days of receiving Stage 2 academic appeal
STAGE 3: REVIEW	
Stage 3 review application made by student to The Open University	Within 21 days of Stage 2 resolution
Stage 3 resolution provided to student by The Open University	Within 28 days receiving Stage 3 academic appeal

8. Group Academic Appeals

8.1. It is standard practice for Futureworks to consider any circumstances that have had an impact on the performance of multiple students at or before the meeting of the relevant assessment board; however, students who have been affected by the same issues in a similar way may submit a group academic appeal. In this situation you should approach your Student Partner (or Lead Student Partner) to help co-ordinate the academic appeal. You can find the name and contact details of your Student Partners on your programme page of the MyFutureworks VLE or find a full list of Student Partners here in the Student Information section of the VLE. One Academic Appeal form, which names all students who wish to make an academic appeal, can then be submitted and a copy shared with all named students. The group will need to nominate a representative to submit the academic appeal form (this does not need to be a Student Partner).

8.2. The Academic Registry will then contact the named students to confirm that the issue has directly impacted them and that they are happy to be represented by the nominated spokesperson.

8.3. If Futureworks receives a number of individual academic appeals about the same issue we may decide to handle these as a group, but only if individual students give their explicit consent and if they have been affected in the same way. If a group approach is agreed students will be asked to nominate a representative from the group.

8.4. The representative will be required to:

- collect and submit information and evidence from the students in the group
- liaise with Student Services about the process to be followed and explain this to the group
- attend any meetings and make representations on behalf of the group
- present any resolution offered by Futureworks to the group
- formally accept or reject any solutions offered on behalf of the group

8.5. If the group is unable to nominate a representative a member of staff with no involvement in the issue or in the academic appeals process may act as a representative.

9. Stage 1 (Early Resolution)

9.1. The purpose of Stage 1 is to address straightforward concerns quickly without you needing to make a formal academic appeal. You can make a Stage 1 academic appeal informally to your Personal Tutor, Programme Leader, or to Student Services within 14 calendar days of the official notification of the academic decision you wish to appeal. The academic decision may be the assigning of an assessment grade by a Tutor, the outcome of an Academic Misconduct or Extenuating Circumstances case, or the confirmation of an assessment or module grade, progression or exit outcome, by an assessment board. You can expect an acknowledgement of your academic appeal if made in writing within 5 calendar days and a resolution within 14 calendar days.

9.2. Your Programme Leader or Student Services staff member may decide that:

9.2.1. the academic appeal is not eligible to proceed because it has been submitted outside the published timeframe and no good reason has been provided for this. You will be formally notified of this and how you can request a review of the decision that your academic appeal is 'out of time;'

9.2.2. the academic appeal does not demonstrate valid grounds, in which case you will be informed of the reasons;

9.2.3. the appeal should be referred to a different procedure, such as the Student Complaints Procedure if it refers to service delivery;

9.2.4. the academic appeal should be returned to you because the academic decision has not been ratified by an assessment board or Academic Misconduct Panel, with an explanation of when you can submit an academic appeal;

9.2.5. that the academic appeal requires swift action because there are exceptional circumstances, for example, regulatory requirements for the completion of professional courses.

9.3. Your Programme Leader will be able to provide a detailed explanation of the academic decision and suggest possible solutions. If your concern cannot be resolved immediately and some investigation is needed your Programme Leader will respond to you in writing within 14 calendar days of you raising your concern after consulting the relevant body responsible for the academic decision. They will also log your academic appeal to ensure a record is kept. If you are not satisfied with their response or they advise that you to make a formal academic appeal they will direct you to this Procedure.

10. Stage 2 (Formal) - Application

10.1. If you are not satisfied with the outcome of Stage 1 or you are advised to make a formal academic appeal, you will have the opportunity to request that your academic appeal is taken to Stage 2. You can do this by completing an Academic Appeal form, which can be found on the MyFutureworks VLE and on the Student Policy Hub, within 14 calendar days of receiving your Stage 1 outcome. The form will prompt you to provide a detailed explanation of your concern and to upload any evidence you wish Futureworks to consider. Should you wish to submit your academic appeal in a different format you can contact Student Services at student.services@futureworks.ac.uk or visit them in the Student Advice Centre on Floor 3. You can expect an acknowledgement of your academic appeal within 5 calendar days.

10.2. For your academic appeal to be taken forward to Stage 2 you must ensure that your application is made within the specified timeframe, that your academic appeal is valid in accordance with the grounds for academic appeal defined in section 4 above, and that the academic decision has been formally confirmed.

11. Stage 2 (Formal) - Assessment

11.1. The Academic Registry will assess your Stage 2 academic appeal application to determine whether it is eligible to proceed and may contact you and/or the School to request further information to assist with this decision. In order to be eligible your academic appeal must meet one or more of the following criteria:

- you have started the process at Stage 2 because you have good reason for not wanting to engage with Stage 1 early resolution

- Stage 1 early resolution was attempted, but you remain dissatisfied and have submitted a Stage 2 academic appeal within the published timeframe (see section 7.3)
- the issues raised are complex and will require detailed investigation; for example. If there are several grounds for academic appeal claimed
- Futureworks decides that your academic appeal should be considered at the Stage 2 formal stage without first trying Stage 1 early resolution; for example, because the complaint is brought by a former student and there is no ongoing relationship
- only a specific body; for example, an assessment board, can resolve the issue raised.

11.2. If your academic appeal is judged ineligible you may request a review of the initial assessment by responding to the decision in writing within 14 calendar days of receiving the initial assessment decision. A review of the initial assessment decision will be conducted and you will receive a response from the Principal within 7 calendar days of submitting your request for a review.

11.3. If the decision remains unchanged following the review stage you may choose to raise the issue as a complaint in accordance with the Student Complaints Policy & Procedure. At this stage you will be issued with a Completion of Internal Procedures Letter for the academic appeal. If you decide not to engage with the review stage you may still be issued with a Completion of Internal Procedures Letter on request, but the letter will explain that you have not completed Futureworks' internal processes.

12. Stage 2 (Formal) - Process

12.1. Where it is found that there are valid grounds for academic appeal, the Academic Registry will consult with the Vice Principal to determine whether the case can be resolved without the need to convene an Academic Appeal Panel. If a Panel meeting is judged unnecessary you will be notified by email of the outcome of your academic appeal, including the reasons for the decision, the proposed remedy and the procedure for escalation, within 21 calendar days of you submitting your Stage 2 academic appeal.

12.2. Where it is found that there are valid grounds for academic appeal and further investigation is required before a decision can be reached, you will be invited to an Academic Appeals Panel meeting. We recognise that you may need guidance on how to prepare for such a meeting, so

we encourage you to seek advice and support from Student Services. They can explain the format of the meeting, confirm what you need to prepare and guide you through how possible outcomes may impact you, as well as explaining your rights. Student Services can also provide pastoral support should you need it. You can contact them at student.services@futureworks.ac.uk or visit the Student Advice Centre on Floor 3. You can also find guidance on your rights in relation to academic appeals in the OIA Good Practice Framework

12.3. At the Panel meeting you may be accompanied by a person of your choosing and the right to call witnesses to support your case, provided that you inform the Stage 2 Chair of their identity at least 24 hours prior to the meeting. The Academic Registry will provide you with the Stage 2 Chair's contact details. Meetings may be recorded if requested as a reasonable adjustment; however, you should not make recordings without permission.

12.4. The Stage 2 Chair will ensure that you are invited to present your case at the meeting so that you have the opportunity to amplify the written case. The Panel will make enquiries that are appropriate and proportionate, will ask questions and consider evidence to enable a decision to be made about the academic appeal.

12.5. If the outcome that you are seeking as a result of your academic appeal cannot be reasonably delivered because, for example, it is not permitted by the Academic Regulations, the Stage 2 Chair will explain why this is the case and what might be a reasonable alternative outcome in the circumstances.

12.6. The Stage 2 Chair will normally inform you verbally (at the Panel meeting) and in writing of the outcome of the academic appeal which may be that:

- the academic appeal is upheld and referred back to the academic decision-making body for reconsideration;

12.6.1. the academic appeal is upheld and the Stage 2 Chair takes immediate action on behalf of the academic decision-making body. They will consult with the Chair of the academic decision-making body to ensure that any proposed outcome is compatible with the programme regulations;

- the academic appeal is not upheld.

12.7. The Stage 2 Chair will be responsible for preparing a report of the Stage 2 Academic Appeal Panel meeting, which will be sent to you with the outcome letter within 5 calendar days. The outcome letter will identify the evidence considered, the findings of fact, the regulations applied, the decision and associated reasons, any remedy that has been identified and instructions on the next steps, as where and how to access support.

12.8. In all cases, you will be informed of your right to submit a request for a Stage 3 review if you have grounds to request a review of the outcome of the Stage 2 academic appeal, with details of the procedure and the timescale.

12.9. If you decide not to engage with the review stage you may still be issued with a Completion of Internal Procedures Letter on request, but the letter will explain that you have not completed Futureworks' internal processes.

12.10. Futureworks aims to deal with Stage 2 academic appeals requiring a Panel meeting within 35 calendar days. If this is not possible for any reason, we will let you know why and when you might expect to receive a response. Futureworks recognises that there are some cases where an accelerated process is necessary; for example, where delay may cause significant difficulties regarding your visa status or be detrimental to your mental health. In such cases, Futureworks will make all reasonable efforts to ensure a swift resolution.

12.11. Once the stage 2 process is complete Futureworks will issue you with a Completion of Internal Procedures Letter, allowing you to escalate your case to Stage 3 – The Open University Review Stage.

13. Stage 2 (Formal) - Roles and Responsibilities

13.1. Stage 2 Academic Appeal Panel

13.1.1. If an Academic Appeal Panel is deemed necessary for a Stage 2 academic appeal it will comprise:

13.1.2. Chair: Vice Principal (or nominee), who has not previously been involved in the academic decision that is the subject of the academic appeal.

13.1.3. Members: Programme Leader from a different School to yours, who has not previously been involved in the academic decision that is the subject of the academic appeal.

13.1.4. Principal or Lead Student Partner

13.1.5. Secretary: Member of the Academic Registry

13.2. The Academic Appeal Panel will not include anyone who has had relevant prior involvement in the academic decision which is the subject of the appeal.

14. Stage 3 (Review)

14.1. Review by The Open University

14.1.1. If you are dissatisfied with the outcome of your case at Futureworks and have exhausted our internal procedures, you have the right to request a review of how your case was handled. This review process is designed to ensure that your concerns are heard and addressed appropriately.

14.1.2. You must submit a request for review within 21 calendar days of the date of the decision letter from your partner institution.

14.1.3. If you introduce new evidence or a new element of complaint or academic appeal at the review stage, you should provide a valid reason to explain why this could not have been provided earlier in the process, to be eligible for further consideration.

14.1.4. Following receipt of your request for review the Stage 3 process can then take up to 28 calendar days.

14.1.5. For complex cases additional time may be required to ensure a thorough review of a submission. The Open University will notify you in writing if an exception to the standard time limit is needed, and they will keep you informed of when you can expect to receive an outcome response.

14.1.6. If the request for review is not accepted, we will advise you of the reasons for that decision and issue you with a final Completion of Procedures Letter.

14.1.7. For how to submit a Stage 3 review and how The Open University deals with these requests see the OU Handbook for Validated Awards

15. Independent Review

15.1. Once the Futureworks and The Open University Review Stages has been completed, you will be provided with a Completion of Procedures Letter confirming your right to request a review of The Open University decision by the Office of the Independent Adjudicator for Higher Education (OIA). An OIA Complaint Form must be submitted to the OIA within 12 months of the date of Completion of Procedures Letter. Details may be found at: www.oiahe.org.uk.

16. Monitoring and Review

16.1. Futureworks and The Open University record and monitor the receipt and outcomes of all Stage 1 and Stage 2 academic appeals, as well as gathering feedback from procedure participants for the purposes of quality assurance and enhancement. An anonymised summary of academic appeals and stakeholder feedback is reported to the Academic Board annually and feeds into the annual review of this policy. Futureworks also provides an annual report to The Open University regarding how academic appeals have been addressed, including the nature and outcomes of these cases.