

## UK Graduate College

### Non-Academic Appeals Policy and Procedure

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<b>Related Policies</b>	<ul style="list-style-type: none"> <li>• Academic Misconduct Policy</li> <li>• Student Conduct Policy and Procedure</li> <li>• Fitness to Study Policy</li> <li>• Extenuating Circumstances Policy</li> <li>• Student Engagement Policy</li> </ul>
<b>External Reference Points</b>	<ul style="list-style-type: none"> <li>• OfS Condition C1</li> <li>• Office of the Independent Adjudicator for Higher Education's (OIAHE) Good Practice Framework for Handling Complaints and Academic Appeals</li> <li>• UK Quality Code for Higher Education 2024 - Principle 12 – Operating Concerns, Complaints and Appeals Processes</li> </ul>

#### Who does this policy apply to?

<b>If you are...</b>	<b>Then..</b>
On a programme leading to an award from ATHE, City and Guilds or Pearson	All parts of this policy apply

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## 1. Introduction

- 1.1 This document aims to clearly set out the procedures for resolving issues relating to the conduct or decisions of the College or persons therein. Whilst the College is committed to treating all of its students and staff in an open and fair manner it acknowledges that there is always potential for error and offence and therefore pledged to provide access to appropriate procedures that will lead to the quick resolution of any issue raised.

## 2. Purpose and Scope

- 2.1 The purpose of the policy and procedure is to support students and staff to appropriately deal with a non-academic appeal effectively. A student shall have the right to appeal the outcome of decisions made by the College about them. The policy also sets out to ensure that non-academic appeals are considered in an equitable, open and expedient manner and that they are resolved as early in the procedure as

possible. All parties are required to act with impartiality and identify any actual or potential conflict of interest.

2.2 This policy and procedures set out within it are applicable to all UKGC Higher Education and Pathway students. A student is considered to be anyone who has signed a Student Declaration (a written statement outlining the terms of an agreement) with UK Graduate, and all students at any of the College's study Colleges are covered by this Non-Academic Appeals Procedure and Policy (full-time, part-time and those attending short courses or online learning).

2.3 This policy is the general UKGC Higher Education and Pathways Division policy on non-academic appeals, noting that any university-specific policies will be followed as per the contractual arrangements.

### **3. Aims and Objectives**

3.1 This policy aims to operate an effective, fair and evidence-based approach to dealing with non-academic appeals with the following main objectives:

- To ensure that students are fully informed throughout their studies that they have the right to appeal against a decision made about them in relation to non-academic processes including academic misconduct hearings, fitness to study hearings, rejection of an extenuating circumstance application, suspension or withdrawal from the College, outcome of a formal investigation of a complaint.
- To treat non-academic appeals seriously and make sure no student is disadvantaged or faces recrimination as a result of making an appeal in good faith.
- To outline the procedure the College follows to deal with non-academic appeals.

### **4. Commitment**

4.1 The College is committed to a policy of treating all its students and staff with respect and in an open and transparent manner. This document seeks to establish a policy which:

- Provides an expectation on the College to achieve the highest standards of professionalism in its dealings with students.

- Sets a duty on the College to follow all procedures required by awarding bodies or organisations with which the College is contracted.
- Expects all students to treat their colleagues and staff with courtesy.
- Expects all staff to treat their colleagues and students with courtesy.
- Recognises that the highest standards of behaviour are expected of all staff and students.
- Provides a mechanism for resolving problems that occur.
- Prevents the escalation of issues by dealing with problems promptly and professionally.
- Develop and maintain an organisational culture which is self-critical, honest and transparent.
- Ensure that appellants will not suffer any disadvantage or recrimination because of making the appeal in good faith.

4.2 The College will endeavour to maintain a policy which is supportive of those held by its awarding body organisations and other professional partners, however in the event of differences in policy, those held by such partners take precedence.

## **5. Definition of a Non-Academic Appeal**

5.1 Should an appellant believe that an administrative or other decision *which does not have bearing on the academic progress or outcomes of student activity*, has been made in error or that it does not consider extenuating factors they have the right to appeal such a decision. Before considering whether there are grounds for appeal, it is essential that the appellant consults with the Academic Manager to see if any informal resolution of the matter can be achieved.

5.2 Students have the right to appeal against a decision made about them in relation to non-academic processes including academic misconduct hearings, fitness to study hearings, rejection of an extenuating circumstance application, suspension or withdrawal from the College, outcome of a formal investigation of a complaint.

## **6. Grounds for a Non-Academic Appeal**

6.1 A student may only make an appeal against a decision made about themselves by the College on the following grounds:

- That the relevant procedure was not followed properly such that the legitimacy of the decision or decisions reached is called into question;
- That the outcome is not permitted under the relevant procedure;
- That the student has new material evidence that they were unable, for valid reasons, to provide earlier in the process.

## **7. Who can appeal?**

7.1 The procedure may be used by anyone who is, or was recently, an enrolled student at the College. Section 8 below of this procedure outlines specific timescales within which appeals should be lodged by students.

7.2 The College will only accept appeals from the student and not from someone else on the student's behalf.

7.3 At any stage of the procedure, students have the right to be accompanied, supported or advised by another member of the College community, which is a person who is a currently enrolled student at UKGC, or an UKGC member of staff.

## **8. Process**

### **Stage One**

8.1 If the appellant feels that they should proceed with the appeal, they should submit an Appeals Form (Appendix A) clearly stating their grounds for the appeal, why they are dissatisfied with the outcome and include evidence to support their application. Forms should be submitted within 10 working days of receiving the decision that has been made about them.

8.2 Once an appeal application has been received, the HE Academic Quality Manager or nominee will consider whether the appeal falls within scope or whether the appeal is vexatious, frivolous or without substance or merit. Where it is determined the appeal is out of scope or vexatious, frivolous or without substance or merit, the HE Academic

Quality Manager or nominee shall have the authority to reject it summarily and inform the appellant of the decision in writing within 10 working days.

8.3 If the appeal submission is held to be admissible, it will be scrutinised by the HE Academic Quality Manager or nominee, together with the supporting documentation, and an investigation undertaken if necessary. The HE Academic Quality Manager or nominee, will then determine whether to:

- a) Uphold the appeal, in which case the student will be informed of the decision within 10 working days of receipt. Where the student does not accept the Stage One decision, they will be informed of the next steps to submit a Stage Two appeal;
- b) Reject the appeal, in which case the student will be notified within 10 working days that the appeal submission has not demonstrated that there are sufficient grounds to uphold the appeal, and are advised of the options available to them;
- c) Refer the appeal. Where the HE Academic Quality Manager or nominee believes the appeal is complex; raises a new point and/or requires a determination on policy, they will have the discretion to refer the appeal to an Appeals Panel. This will be held within 10 working days after the HE Academic Quality Manager has made the decision to refer the appeal. Details of the Appeals Panel can be found in Stage Two below.

## **Stage Two**

8.4 Where a student does not accept the Stage One decision, or the HE Academic Quality Manager or nominee has referred the appeal, the matter will proceed to consideration by the Appeals Panel. Where an appeal is referred by the HE Academic Quality Manager or nominee, no further action will be required from the student.

8.5 Where the student is seeking a Stage Two review, they should submit a Stage Two Appeal Form (Appendix B) within 10 working days of the date of notification of the decision at Stage One. The grounds on which a request for review of a Stage One may be granted are as follows:

- a) There is new evidence that could not be provided earlier in the procedure; or
- b) There is evidence that the correct process was not followed at Stage One of the process; or,
- c) The outcome at Stage One is not reasonable given the evidence.

8.6 Dissatisfaction with the outcome of Stage One alone is not grounds for a Stage Two review.

8.7 The HE Academic Quality Manager will arrange for an Appeal Hearing to take place, usually within 10 working days. The Appeals Panel will be provided with the Stage One decision, the evidence submitted by the student at Stage One and at Stage Two; and any further evidence used or collected by the HE Academic Quality nominee at Stage One. Decisions will be made based on the evidence submitted and students will have no right to attend the Panel meeting or to give oral evidence.

8.8 The Appeals Panels will comprise at least two senior members of College staff with no prior involvement in the case, and the members will be identified to the appellant before the Panel considers the appeal so that the appellant may object to a Panel member, for example on the grounds of bias. If an objection is made, a HE Academic Quality Manager or nominee will consider whether the student's objection is valid. If the objection is found to be valid, that member of the Panel will be substituted and the new member identified to the appellant.

8.9 Following the hearing, the appellant will be forwarded the Appeal Hearing decision in writing; within 5 working days. This decision will be final. Following consideration by the Panel, they may either:

- a) Reject the appeal and advise the student accordingly that their appeal is not upheld;
- b) Overturn the decision and substitute their own decision for that of the original decision-maker;
- c) Refer the decision by requesting the original decision-maker consider the new evidence or a new decision-maker review all the evidence and make a new determination (For the avoidance of doubt, where a matter is referred the subsequent decision can be appealed under the appeals process).

8.10 If the appeal refers to matters within the remit of an awarding organisation or an organisation with which the College acts as a sub-contractor, they may continue the appeals process using the procedures of those awarding bodies or organisations. The next steps will be outlined to the student on the letter provided to them.

## **9. Use of Appeal Data**

9.1 The College will ensure that it respects the confidentiality of any person(s) who choose to proceed with an appeal. It may however be obligated to divulge details in the case of criminal proceedings. The College also reserves the right to utilise the process and outcomes of all such cases to inform and improve its own quality management processes; in such cases anonymity will always be preserved.



## 10. Appendix A - Non-Academic Appeals Form – Stage One

This form should be submitted within 10 working days of receiving the outcome from the process they are appealing against.

### Section 1:

<b>Name</b>	
<b>Student ID</b>	
<b>Email address</b>	
<b>Programme of study</b>	
<b>Cohort</b>	
<b>Date of application</b>	

### Section 2:

**What are you appealing against? Please tick the relevant box below**

- Outcome of an academic misconduct hearing ☐
- Outcome of a fitness to study hearing ☐
- Rejection of an extenuating circumstance application ☐
- Suspension or withdrawal from the College (College-led) ☐
- Outcome of a formal investigation of a complaint ☐

### Section 3:

Please explain in the box below your reason(s) for appealing this decision?

### Section 4:

Please list below the evidence included to support your appeal application. This evidence will remain confidential and will only be used by the Quality team.

Examples of evidence include scans of official letters from e.g. medical professionals, legal professionals.

Student Signature \_\_\_\_\_ Date: \_\_\_\_\_

### **What happens next?**

Once you have submitted your request, the Non-Academic Appeals form and any evidence, your application will be considered by the HE Academic Quality Manager. The outcomes available to them are to:

- a) Uphold the appeal, in which case the student will be informed of the decision within 10 working days of receipt. Where the student does not accept the Stage One decision, they will be informed of the next steps to submit a Stage Two appeal;
- b) Reject the appeal, in which case the student will be notified within 10 working days that the appeal submission has not demonstrated that there are sufficient grounds to uphold the appeal, and are advised of the options available to them;
- c) Refer the appeal. Where the HE Academic Quality Manager or nominee believes the appeal is complex; raises a new point and/or requires a determination on policy, they will have the discretion to refer the appeal to an Appeals Panel.

If your appeal request is not accepted, then a reason will be given. You will be notified of the decision made by the HE Academic Quality Manager via a letter.

Any **accepted** appeal requests will be communicated to you and the resolution will be explained clearly within the letter.

## 11. Appendix B - Non-Academic Appeals Form – Stage Two

This form should be submitted within 10 working days of receiving the outcome from the Stage One process.

### Section 1:

<b>Name</b>	
<b>Student ID</b>	
<b>Email address</b>	
<b>Programme of study</b>	
<b>Cohort</b>	
<b>Date of application</b>	

### Section 2:

**What are the grounds for the Stage Two appeal? Please tick the relevant box below**

- a) There is new evidence that could not be provided earlier in the procedure; ☐
- b) There is evidence that the correct process was not followed at Stage One of the process; ☐
- c) The outcome at Stage One is not reasonable given the evidence. ☐

*\*Dissatisfaction with the outcome of Stage One alone is not grounds for a Stage Two review.*

### Section 3:

Please explain in the box below your reason(s) for appealing this decision?

**Section 4:**

Please list below the evidence included to support your appeal application. This evidence will remain confidential and will only be used by the Quality team and the Stage Two appeals panel. Examples of evidence include scans of official letters from e.g. medical professionals, legal professionals.

Student Signature \_\_\_\_\_

Date: \_\_\_\_\_

**What happens next?**

Once you have submitted your request, the Non-Academic Appeals form and any evidence, your application will be considered by the Appeals Panel. The outcomes available to them are to:

- a) Reject the appeal and advise the student accordingly that their appeal is not upheld;
- b) Overturn the decision and substitute their own decision for that of the original decision-maker;
- c) Refer the decision by requesting the original decision-maker consider the new evidence or a new decision-maker review all the evidence and make a new determination (For the avoidance of doubt, where a matter is referred the subsequent decision can be appealed under the appeals process).

If your appeal request is not accepted, then a reason will be given. You will be notified of the decision made by the HE Academic Quality Manager via a letter.

Any **accepted** appeal requests will be communicated to you and the resolution will be explained clearly within the letter.