

# The Courtauld

## The Courtauld Institute of Art

### Procedure for Appeals Against Decisions of Boards of Examiners for Taught Degrees

#### Contents

<b>1.1</b>	<b>Introduction</b>
<b>1.2</b>	<b>Scope and Purpose</b>
<b>1.3</b>	<b>Duty to make Reasonable Adjustments</b>
<b>1.4</b>	<b>Collaborative Provision</b>
<b>2.1</b>	<b>Stage 1: Representation to the Chair of the Board of Examiners</b>
<b>3.1</b>	<b>Stage 2: Appeal Panel</b>
<b>4.1</b>	<b>The Office for the Independent Adjudicator for Higher Education (OIA)</b>
<b>5.1</b>	<b>Procedure for Appeals Against Decisions of Boards of Examiners for Taught Degrees Timeline</b>

## 1.1 Introduction

This policy applies to the results of examinations. The appeals process cannot be used to challenge academic judgement and appeals made against the results of examinations on academic grounds will not be considered. For example, disagreement with an assessment mark or classification decision is not grounds for appeal. Academic judgement refers to the determination of a matter where the opinion of an academic expert is essential.

## 1.2 Scope and Purpose

This procedure is applicable in respect of examinations for first degrees, postgraduate taught degrees and diplomas offered by The Courtauld.

A student may appeal on one or more of the following grounds:

1. Where there is evidence that assessments have been adversely affected by mitigating circumstances which the student was unable, or for valid reasons unwilling, to make known before the original decision was made.
2. Where there is evidence of prejudice or of bias or of inadequate assessment on the part of one or more of the examiners such that the result of the examination should not be allowed to stand.
3. Where there is clear evidence that assessments may have been adversely affected by a significant administrative error on the part of The Courtauld or where there is concern that the examination may not have been conducted in accordance with the relevant Instructions and/or Regulations.

Group appeals are permitted. In the first instance a group should raise any issues with the Academic Registrar via their student representative or a nominated member of the group. If the matter is not resolved, the nominated student will then submit the appeal and communicate with The Courtauld on behalf of the group. Any outcome of an appeal will apply to all members of the group.

## 1.3 Duty to Make Reasonable Adjustments

In accordance with the Equality Act 2010 The Courtauld will consider any reasonable adjustment to these regulations to take into account the needs of individual students.

## 1.4 Collaborative Provision

Where a student from another institution takes an intercollegiate module with The Courtauld as the host institution, The Courtauld will manage the appeal process under these regulations.

## 2.1 Stage One: Representation to the Chair of the Board of Examiners

Any representation must be made within **one month** of the decision of the Board of Examiners to which it relates, unless, having regard to the circumstances of a particular case, the Academic Registrar determines that a representation made outside this period be allowed.

Representations must be made in writing using the Academic Appeal Form and sent to the Academic Registrar and shall state the grounds on which the representation is made and provide evidence to support it. If the Academic Registrar determines that there is sufficient evidence to form the basis of an appeal the representation will be referred in the first instance to the Chair of the relevant Board of Examiners.

An appeal may be rejected before forwarding to the Chair of the Board of Examiners for consideration in the following circumstances:

1. Where the appeal is not made on the correct form or the form is incomplete.
2. Where the appeal has been submitted late.
3. Where, if appealing on grounds of reasonable adjustment there is no independent third-party evidence of the mitigating circumstances; or the evidence provided is not a certified translation.
4. Where the appeal contains no evidence that either of the grounds for review has been met.
5. Where the appeal is frivolous or vexatious.
6. Where the appeal does not fall within the scope of this regulation and may be considered under an alternative regulation.

The Academic Registrar will present the facts of the case to the Chair of the Board on behalf of the Board of Examiners, who may, at their discretion, where there is clear evidence produced by the candidate or any other person of administrative error or that the examination was not conducted in accordance with the Instructions and/or Regulations, determine that there are grounds for the decision to be reconsidered and refer an appeal to the Board of Examiners for a fresh decision.

The Chair of the Board of Examiners will inform the Academic Registrar of their decision, which the Academic Registrar will give to the student in writing within 10 working days of receipt of the representation.

Students are permitted to appeal within 10 working days of the date of the written notification of the decision of the Chair of the Board of Examiners. Students may appeal by completing the Appeals Form and submitting it to the Academic Registrar. Students may appeal on the following grounds:

1. That there is new evidence that could not have been, or for good reason was not, made available at the time of the Stage One submission and that sufficient evidence remains that the appeal warrants further consideration.
2. That evidence can be produced of significant procedural error on the part of The Courtauld in considering the appeal, and that sufficient evidence remains that the appeal warrants further consideration.

3. Giving due consideration to the evidence and representations previously provided, the decision of the Chair of the Board of Examiners was unreasonable.

Appeals made after 10 working days or without relevant supporting evidence will not normally be accepted.

The Academic Registrar will determine whether an appeal has been made on valid grounds and can be accepted for consideration. If the appeal is not accepted the student will be informed in writing by the Academic Registrar within 10 working days of receipt of the appeal together with a Completion of Procedures (COP) letter. If the appeal is accepted it will be considered at the next meeting of the Appeal Panel.

### **3.1 Stage Two: Appeal Panel**

The Appeal Panel will meet to consider the outcomes of cases where an appeal has been accepted for further consideration. The Panel will consist of a Chair being an academic appointed externally on an annual basis, a senior internal member of staff drawn from a pool of approved staff and a representative from the Students' Union. No member of the Panel will have any prior knowledge of the student or personal involvement in the case. The Secretary of the Panel will be a member of the Professional Services nominated by the Academic Registrar.

The student will be informed of the date of the meeting of the Appeal Panel not less than 10 working days in advance. The student may choose to appear before the Panel but the Panel may also hear a case, by mutual agreement, in the absence of the student. The student should be informed that they have the right to bring a family member or friend for support or a Students' Union representative to the meeting. Disabled students may also be accompanied by a support worker e.g. sign language interpreter or mental health worker/disability adviser as appropriate to their needs. Any reasonable adjustments should also be considered. Proxies for students shall not normally be allowed.

The Panel will invite relevant members of The Courtauld to comment. The Panel may also consider written comment from the Chair of the Board of Examiners. Documentation in support of the request for review shall be circulated to the Appeal Panel and to the student not less than 5 working days before the meeting. Such documentation will normally comprise the documentation and papers relevant to the earlier consideration of the case and the reasons for referring the case to the Panel. New evidence that has not already been submitted as part of the appeal will not normally be considered by the Appeal Panel. Should either party wish to submit new evidence this must be done at least 5 working days before the Appeal Panel date. The Chair of the Appeal Panel may accept or reject new evidence, and their decision will be final.

The meeting will commence with private discussions within the Appeals Panel to clarify matters of process and to consider the documentary evidence. The student, and any accompanying person, will be called to appear before the Panel to give a statement and to answer questions that the Panel may have. Then the Chair of the Board of Examiners (or their nominee) will be asked to give evidence. The Panel may call other persons connected with the proceedings from which the appeal arises to address the Panel.

The Appeal Panel will then meet privately to reach its decision. Having considered the evidence, the Panel may uphold or reject the appeal, such a decision being final and exhausting The Courtauld's Procedure for Appeals Against Decisions of Boards of Examiners for Taught Degrees.

The absence of the student or the Chair of the Board of Examiners will not prevent the Appeal Panel from taking place nor invalidate the proceedings. In the event that the student has indicated they will attend but then cannot do so for good reason, an adjournment would generally be considered.

The Appeal Panel will minute its deliberations and decisions. The Appeal Panel may reject or uphold the appeal. If the appeal is upheld the Panel may set aside an attempt at elements of assessment or module and permit the student to be re-assessed in any specific module, not limited to those listed by the student in their appeal. The Appeal Panel has the discretion to consider other decisions, but these must comply with The Courtauld regulations and the relevant programme requirements.

The Appeal Panel is not a Board of Examiners and cannot amend marks for elements of assessment or the overall result for a module, amend marks from fail to pass, raise degree classifications or make awards. If a successful appeal is regarding an award or classification the student's appeal will be referred back to the Board of Examiners for reconsideration.

The student will be informed of the outcome in writing by the Chair and the letter will provide clear reasoning for the outcome within 5 working days of the meeting of the Appeals Panel together with a Completion of Procedures (COP) letter. Supply of a COP letter is a requirement of our membership of the Office for the Independent Adjudicator for Higher Education (OIA). The decision of the Appeals Panel is final and will conclude The Courtauld's consideration of the matter.

Students have no automatic right to continue with their studies or to progress to the next stage of their programme pending the outcome of an appeal. The Courtauld may exercise its discretion to allow this attendance, if applicable and permitted by the programme regulations.

#### **4.1 The Office of the Independent Adjudicator for Higher Education (OIA)**

If the student has exhausted all the internal process at The Courtauld regarding the appeal and is still dissatisfied with the outcome, the student can contact the Office for the Independent Adjudicator for Higher Education (OIA).

The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. The Courtauld Institute of Art is a member of this scheme. If the student is unhappy with the outcome the student may be able to ask the OIA to review the case. Further information can be found here: <https://www.oiahe.org.uk/students>.

Normally the final stage of the procedure must be completed before a complaint can be made to the OIA. When there are no further steps that can be taken internally The Courtauld will issue a student with a Completion of Procedures Letter automatically. More information about

Completion of Procedures Letters and when a student should expect to receive one are here: <https://www.oiahe.org.uk/providers/completion-of-procedures-letters>.

## 5.1 Policy for Academic Appeals Timeline

Ref	Stage	Action	Working Days
2.1	Representation to the Chair of the Board of Examiners	Representations made in writing to the Academic Registrar, stating the grounds on which the representation is made and providing evidence to support it.	1 month from the date of the decision by the Board of Examiners.
2.1	Decision	The Chair of the Board of Examiners to consider representation and inform the Academic Registrar of their decision, which the Academic Registrar shall give to the student in writing.	10
2.1	Appeal not accepted	If the appeal is not accepted the student will be informed by the Academic Registrar. The student will also receive a Completion of Procedures letter.	10
3.1	Appeal Panel	An Appeal Panel will be convened to consider the outcomes of cases where an appeal has been accepted for further consideration. The Panel will review the case, make a decision and notify the student in writing of the outcome. The student will also receive a Completion of Procedures Letter.	15
4.1	Referral to Office for the Independent Adjudicator for Higher Education (OIA)	If the student does not accept the outcome of the Appeal Panel, referral may be made to the OIA.	(12 months from receipt of Completion of Procedures Letter)

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