

Appeals Policy and Procedure

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Person Responsible	Programme Manager
Linked policies	Complaints Policy Equality and Diversity Policy
Chapter in OU Operations Manual	13
Mapping to Quality Code	Chapter B9 (indicators 1-7)

13 Appeals Procedure (QC chapter B9)

13.1 Definitions

13.1.1 An **appeal** is a request to reconsider a decision made by an admissions panel, an academic misconduct panel or an exam board. Appeals are dealt with through this policy and procedures.

13.1.2 A **complaint** relates to an ongoing situation or incident, usually relating to teaching and learning or general activities within Ballet West. Complaints are dealt with using the Complaints policy and procedure.

13.2 Policy

13.2.1 Ballet West aims to provide a fair, equitable and academically rigorous learning environment and admissions process. It is recognised that sometimes there may be individuals who feel that decisions relating to admissions or assessment have not been taken in accordance with published procedures or that they have not been dealt with in a fair or equitable way. Ballet West requires procedures to deal with appeals to ensure the academic integrity of the programmes is maintained and to improve practices within the school.

13.2.2 We will ensure that the appeals procedures at Ballet West are

- Accessible to all
- Transparent in process
- Well publicised, with up to date information on our website and student handbooks
- Carried out with any risk of disadvantage to the appellant
- Carried out in a timely manner
- Effective and constructive in improving provision at Ballet West
- Monitored with reports of appeals made to the appropriate managing committees

13.2.3 We aim to seek resolution of candidates' or students' issues through open communication with staff, either through informal discussion or through student representation on the programme committees. However, it is recognised that informal mechanisms may not always resolve issues and a formal procedure is necessary.

13.3 Appeals against Admissions decisions - Procedure

13.3.1 Appeals against selection decisions will only be considered if

- there are mitigating circumstances for poor performance, for example illness or injury

or

- the candidate has evidence that they have not been treated in a fair and equitable way compared to other candidates.

Disagreement with the admissions decision made by the panel with no mitigating circumstances is not a reason for appeal.

13.3.2 Candidates wishing to make an appeal against an admissions decision should in the first instance contact the admissions department by calling 01866 822641 or by emailing admissions@balletwest.ac.uk within 10 days of receiving the result of their audition.

13.3.3 The admissions staff will request that the candidate submits an appeal in writing, usually by email with the following information

- Name of Candidate
- Audition date
- Grounds for appeal
- Attachments of any evidence of mitigating circumstances

13.3.4 Admissions staff will discuss the appeal with the admissions panel (programme manager, vice-principal and principal).

13.3.5 Appeals can either be rejected or candidates could be invited to re-audition. It is a matter of policy that candidates should always be given the benefit of doubt and if a candidate feels unfairly treated that he or she should be given a second chance. Only in circumstances where a candidate has appealed too late, can offer no mitigating circumstances or is plainly acting in a vexatious way, should appeals be rejected.

13.3.6 The decision on appeal will be issued in writing within one week of its submission.

13.3.7 If the appeal is upheld, the candidate will be invited to a second audition at a mutually convenient time. The audition fee will be waived for the second audition. Only in exceptional circumstances, where Ballet West has clearly been at fault, will any form of payment of out of pocket expenses be considered. This decision lies solely with the Principal

13.3.8 The admission staff will record details of the appeal and report to the academic board.

13.4 Appeals against Admissions decisions - Guidelines for Candidates

13.4.1 Ballet West aims to provide a fair, equitable admissions process. It is recognised that sometimes there may be individuals who feel that decisions relating to admissions have not been taken in accordance with our published procedures or that they have not been dealt with in a fair or equitable way. If you feel that the decision made by the admissions panel was wrong, you can appeal that decision.

13.4.2 Appeals against selection decisions will only be considered if

- there are mitigating circumstances for poor performance during the audition, for example illness or injury
- or
- you have evidence that you have not been treated in a fair and equitable way compared to other candidates.

Disagreement with the admissions decision made by the panel with no mitigating circumstances is not a reason for appeal.

13.4.3 If you wish to make an appeal against an admissions decision, you should contact the admissions department by calling 01866 822641 or by emailing admissions@balletwest.ac.uk within 10 days of receiving the result of your audition.

13.4.4 The admissions staff will request that you submit an appeal in writing, usually by email with the following information

- Your name
- The date of your audition
- The grounds for appeal
- You should attach any evidence of mitigating circumstances to the email

13.4.5 The admissions staff will discuss the appeal with the admissions panel (programme manager, vice-principal and principal).

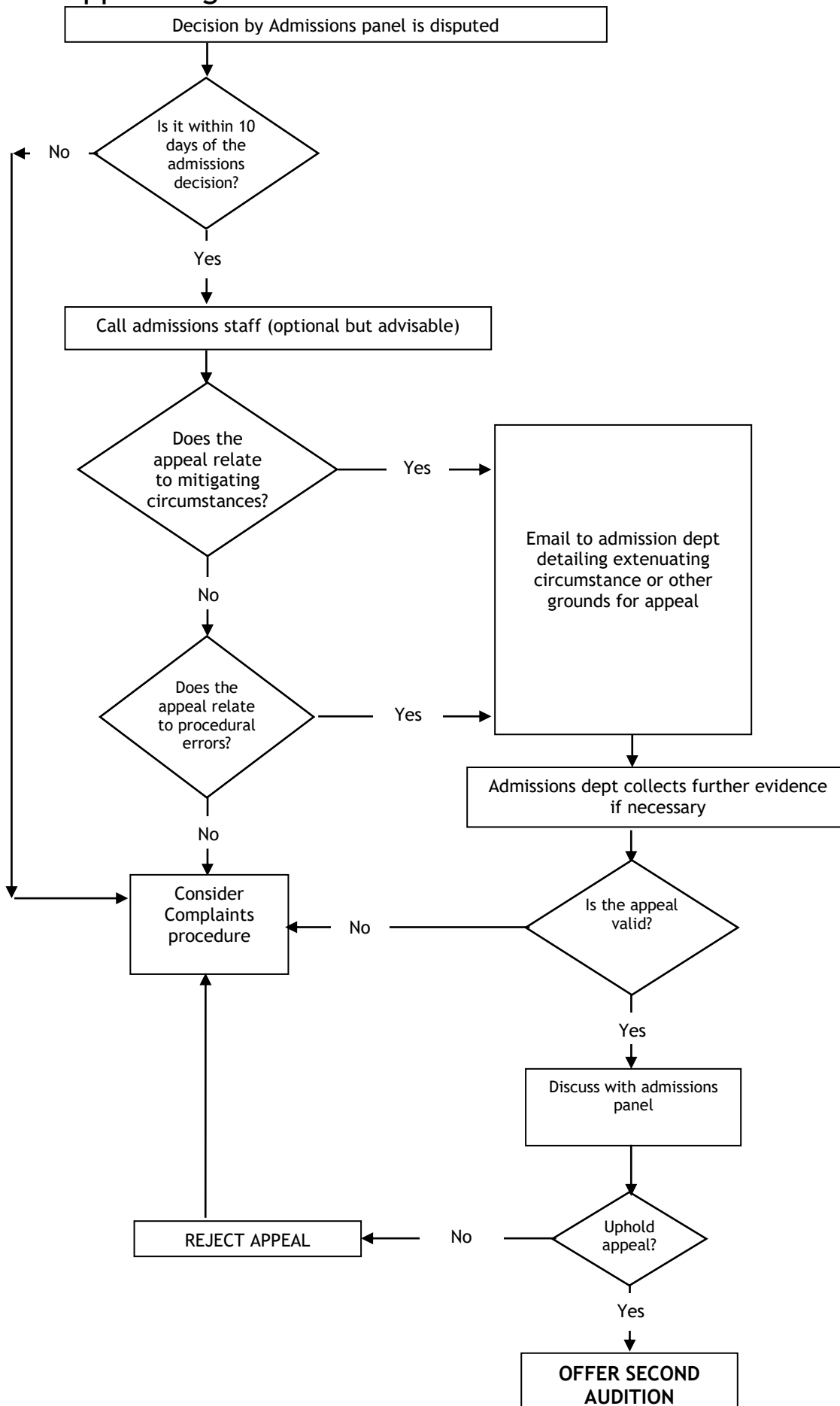
13.4.6 Our policy is that candidates should always be given the benefit of doubt and if you feel unfairly treated that you should be given a second chance. Only in circumstances where you have appealed too late, can offer no mitigating circumstances or you are plainly acting in a vexatious way, will we reject your appeal.

13.4.7 The decision on appeal will be issued in writing within one week of its submission.

13.4.8 If your appeal is upheld, you will be invited to a second audition at a mutually convenient time. The audition fee will be waived for the second audition. Only in exceptional circumstances, where Ballet West has clearly been at fault, will we consider any form of payment of out of pocket expenses. This decision lies solely with the Principal.

13.4.9 The admission staff will record details of the appeal and report to the academic board.

Appeals against Admissions Decision Flowchart



13.5 1st Stage Appeals against decisions made by the Board of Examiners - Procedure

13.5.1 An appeal may be lodged by an individual student or a group of students. In the latter case a common statement of the concerns and the redress sought should be produced and signed by all those concerned. It is helpful if a spokesperson for the group is identified and agreed by all.

13.5.2 The Grounds for appeal are detailed in the “regulations for validated awards of the Open University” section H, 31.

There shall be no appeal against an assessment result determined in accordance with paragraph 15.1 above, except on the grounds that the approved policy for moderation has not been followed.

A student may appeal against a decision of a Board of Examiners made under section G 27 and 28, only if one or more of the following grounds apply:

- (a) Where the student provides written evidence in support of a claim that performance in the assessment was adversely affected by extenuating circumstances which the student was unable or, for valid reasons, unwilling to divulge before the Board of Examiners reached its decision; or*
- (b) Where there is prima facie evidence, whether provided by the student or otherwise, that:
 - (i) there has been a material administrative error; or*
 - (ii) the examinations or other assessments were not conducted in accordance with the regulations for the programme and/or special arrangements formally agreed; or*
 - (iii) some other material irregularity relevant to the Board of Examiner’s decision has occurred.**

Disagreement with the academic judgement of a Board of Examiners cannot of itself constitute grounds for an appeal.

13.5.3 A written appeal must be made within 10 days of the results being released by the Examination board.

13.5.4 Prior to submitting a written appeal, a student should first discuss concerns with the programme manager who will advise him/her whether the proposed appeal meets the criteria for appeal or is more appropriately dealt with through the complaints procedure. The programme manager should

- Give the student a fair hearing but remain neutral and not prejudge any appeals outcome
- Ensure that the student is fully aware of the methods by which grades are calculated
- Fully explain the grounds on which an appeal can be made and discuss these with the student
- Explain the appeals procedure and the deadline for formal submission

- Supply an Appeals form (appendix 1), and PEC form if applicable, by email or in hard copy if the student is considering an appeal

13.5.5 If the appeal is under the criteria of undeclared Personal Extenuating Circumstances, the student will be required provide a completed PEC form and explain why these circumstances were not brought to the attention of the exam board prior to their decision.

13.5.6 On receipt of the appeal form, the Programme manager will consider the appeal and the evidence the student provides and may collect further evidence, such as details of academic record, previous correspondence with Ballet West, discussions with other staff etc.

13.5.7 The programme manager may reject the appeal on the following grounds -

- The appeal was not submitted within 10 days of the results being released by the exam board
- The appeal does not fulfil any of the criteria listed in the “regulations for validated awards of the Open University” section H, 31.
- There is no valid reason why a PEC claim was not made prior to the exam board

13.5.8 Where the appeal relates to undisclosed PEC and there is a valid reason why this was not declared before the exam board meeting, the appeal will be considered by the PEC panel (Programme Manager, Module Tutor and Vice Principal) in the same way as it would have been if the PEC claim had been made prior to the exam board. A recommendation will be proposed and the programme manager will write to the student to explain the outcome of the panel. The student will be required to respond within 10 days. If the student agrees with the recommendation it will be put before the exam board. If the student disagrees with the recommendation, the appeal will be considered by the appeals panel.

13.5.9 Where the appeal relates to a procedural or administrative error in the conduct of assessments and the Programme Manager decides that there is clear evidence of error, a recommendation will be proposed and the programme manager will write to the student to explain the recommendation. The student will be required to respond within 10 days. If the student agrees with the recommendation it will be put before the exam board. If the student disagrees with the recommendation, the appeal will be considered by the appeals panel.

13.5.10 In cases where the programme manager is unable to make a clear recommendation based on the evidence or where a student disagrees with the recommendation made by either the programme manager or the PEC panel, an Appeals Panel will be convened.

13.6 2nd Stage Appeals against decisions made by the Board of Examiners - Procedure

13.6.1 The Appeals Panel will meet within 14 days of the decision to convene the panel.

13.6.2 The student will be invited to attend the panel and provided with all

documentation that will be presented at the panel at least seven days in advance.
(standard letter Appendix 2)

- 13.6.3 The student will be instructed that a student can bring a friend to the panel. A “friend” is a member of the school community, a fellow student or member of staff. It does not include friends outwith the school, family members or legal representatives.
- 13.6.4 The student will also be informed of the composition of the Panel. If a student feels that there is good reason why there would be a conflict of interest or other good reason why any one of the Panel members would not be able to fairly judge a the case, a student should submit his/her argument in writing to the Programme Manager within two working days of receiving notice of the composition of the Panel. The student should fully explain the basis of their concerns and support this with evidence in so far as this is possible. The Programme Manager will consider the submission before making a judgement as to whether the proposed composition of the Panel should be changed. The judgement of the Programme Manager on this matter will be final. Papers will only be sent to Panel members after the composition of the Panel has been confirmed and at least five days before the Hearing.
- 13.6.5 The panel will comprise -
- A Ballet West Trustee (not the principal) will chair the meeting
 - A member of the academic staff independent of the assessment being appealed
 - The student member of the academic board not on the programme under discussion
- 13.6.6 A member of the administrative staff will act as secretary to the panel but will not be a formal part of the proceedings.
- 13.6.7 Failure by a student to appear before the Panel will not prevent the hearing proceeding based on the written evidence presented.
- 13.6.8 The panel may call witnesses, as appropriate, to discuss the appeal, and will not unreasonably refuse permission a student to call such witnesses as a student deem appropriate.
- 13.6.9 The panel will interview the student, staff, and witnesses as appropriate, consider the written evidence, and come to a decision on whether or not to uphold the appeal. The student and friend will withdraw while the panel deliberates.
- 13.6.10 The order of proceedings will be as follows:
- Welcome: The Chair of the panel will
 - i. identify all those present,
 - ii. confirm that everyone has had sight of the documentation prior to the Hearing, and understands the terminology used;
 - iii. confirm that the proceedings of the hearing are confidential

iv. explain the purpose and format of the Hearing;

v. Confirm that the burden of proof lies with the student and the standard of proof will be “balance of probabilities”.

- If either party seeks to introduce new information during the Hearing, the Chair of the Panel will make a judgement as to whether the new information is materially relevant and a valid reason has been provided for not supplying it earlier, and subsequently make a judgement as to whether:
 - a. the new evidence should be permitted in light of the above
 - b. the Panel should be rescheduled to allow the new information to be properly considered by the panel or the student
- The student will be asked to present his/her appeal, calling on witnesses and presenting evidence
- The student will be asked questions by the Panel
- The Programme Manager will present a case for not upholding the appeal or highlighting areas of uncertainty.
- A student and the panel will be given the opportunity to ask the programme manager questions.
- The Panel will adjourn to consider the case in private. Exceptionally the Panel may recall either party to ask further questions.
- The chair of the panel will inform the student whether or not the appeal has been upheld and the recommendation that will be sent to the Exam Board.

13.6.11 The student will receive a written statement from the chair of the panel within 5 days of the conclusion of the panel.

13.6.12 The chair of the panel will report to the Exam Board.

13.6.13 If the student has exhausted the Ballet West appeals procedure and is dissatisfied with the outcome, he/she may complain through the Open University complaints procedures by writing to The Director, Centre for Inclusion and Collaborative Partnerships, The Open University, Walton Hall, Milton Keynes, MK7 6AA

13.6.14 If the student is still dissatisfied with the outcome, then a student may contact a relevant body e.g. Office for the Independent Adjudicator for Higher Education (www.oiahe.org.uk).

13.7 1st Stage Appeals against decisions made by the Board of Examiners - Guidelines for Candidates

13.7.1 Ballet West aims to provide a fair, equitable and academically rigorous learning environment. It is recognised that sometimes there may be individuals who feel that decisions relating to assessment have not been taken in accordance with published procedures or that they have not been dealt with in a fair or equitable way. Ballet West requires procedures to deal with appeals to ensure the academic integrity of the programmes is maintained and to improve practices within the school.

13.7.2 We will ensure that the appeals procedures at Ballet West are

- Accessible to all
- Transparent in process
- Well publicised, with up to date information on our website and student handbooks
- Carried out with any risk of disadvantage to the appellant
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- Effective and constructive in improving provision at Ballet West
- Monitored with reports of appeals made to the appropriate managing committees

13.7.3 An appeal may be lodged by an individual student or a group of students. In the latter case a common statement of the concerns and the redress sought should be produced and signed by all those concerned. It is helpful if a spokesperson for the group is identified and agreed by all.

13.7.4 The Grounds for appeal are detailed in the “regulations for validated awards of the Open University” section H, 31.

There shall be no appeal against an assessment result determined in accordance with paragraph 15.1 above, except on the grounds that the approved policy for moderation has not been followed.

A student may appeal against a decision of a Board of Examiners made under section G 27 and 28, only if one or more of the following grounds apply:

- (c) *Where the student provides written evidence in support of a claim that performance in the assessment was adversely affected by extenuating circumstances which the student was unable or, for valid reasons, unwilling to divulge before the Board of Examiners reached its decision; or*
- (d) *Where there is prima facie evidence, whether provided by the student or otherwise, that:*
 - (iv) *there has been a material administrative error; or*
 - (v) *the examinations or other assessments were not conducted in accordance with the regulations for the programme and/or special arrangements formally agreed; or*
 - (vi) *some other material irregularity relevant to the Board of Examiner’s decision has occurred.*

Disagreement with the academic judgement of a Board of Examiners cannot of itself constitute grounds for an appeal.

- 13.7.5 A written appeal must be made within 10 days of the results being released by the Examination board.
- 13.7.6 Prior to submitting a written appeal (Form in Appendix 1), you should first discuss concerns with the programme manager who will advise you whether the proposed appeal meets the criteria for appeal or is more appropriately dealt with through the complaints procedure.
- 13.7.7 If your appeal is under the criteria of undeclared Personal Extenuating Circumstances, you will be required provide a completed PEC form and explain why these circumstances were not brought to the attention of the exam board prior to their decision.
- 13.7.8 The Programme manager will consider your appeal and the evidence you provide and may collect further evidence.
- 13.7.9 The programme manager may reject the appeal on the following grounds -
- The appeal was not submitted within 10 days of the results being released by the exam board
 - The appeal does not fulfil any of the criteria listed in the “regulations for validated awards of the Open University” section H, 31.
 - There is no valid reason why a PEC claim was not made prior to the exam board
- 13.7.10 Where the appeal relates to undisclosed PEC and there is a valid reason why this was not declared before the exam board meeting, the appeal will be considered by the PEC panel (Programme Manager, Module Tutor and Vice Principal) in the same way as it would have been if the PEC claim had been made prior to the exam board. A recommendation will be proposed and the programme manager will write to you to explain the outcome of the panel. You will be required to respond within 10 days. If you agree with the recommendation it will be put before the exam board. If you disagree with the recommendation, your appeal will be considered by the appeals panel.
- 13.7.11 Where the appeal relates to a procedural or administrative error in the conduct of assessments and the Programme Manager decides that there is clear evidence of error, a recommendation will be proposed and the programme manager will write to you to explain the recommendation. You will be required to respond within 10 days. If you agree with the recommendation it will be put before the exam board. If you disagree with the recommendation, your appeal will be considered by the appeals panel.
- 13.7.12 In cases where the programme manager is unable to make a clear recommendation based on the evidence or where you disagree with the recommendation made by either the programme manager or the PEC panel, an Appeals Panel will be convened.

13.8 2nd Stage Appeals against decisions made by the Board of Examiners - Guidelines for Candidates

13.8.1 The Appeals Panel will meet within 14 days of the decision to convene the panel.

13.8.2 You will be invited to attend the panel and provided with all documentation that will be presented at the panel at least seven days in advance.

13.8.3 You will be instructed that you can bring a friend to the panel. A “friend” is a member of the school community, a fellow student or member of staff. It does not include friends outwith the school, family members or legal representatives.

13.8.4 You will also be informed of the composition of the Panel. If you feel that there is good reason why there would be a conflict of interest or other good reason why any one of the Panel members would not be able to fairly judge your case, you should submit your argument in writing to the Programme Manager within two working days of receiving notice of the composition of the Panel. You should fully explain the basis of your concerns and support this with evidence in so far as this is possible. The Programme Manager will consider the submission before making a judgement as to whether the proposed composition of the Panel should be changed. The judgement of the Programme Manager on this matter will be final. Papers will only be sent to Panel members after the composition of the Panel has been confirmed and at least five days before the Hearing.

13.8.5 The panel will comprise -

- A Ballet West Trustee (not the principal) will chair the meeting
- A member of the academic staff independent of the assessment being appealed
- The student member of the academic board not on the programme under discussion

13.8.6 A member of the administrative staff will act as secretary to the panel

13.8.7 Failure by you to appear before the Panel will not prevent the hearing proceeding based on the written evidence presented.

13.8.8 The panel may call witnesses, as appropriate, to discuss the appeal, and will not unreasonably refuse permission you to call such witnesses as you deem appropriate.

13.8.9 The panel will interview you, staff, and witnesses as appropriate, consider the written evidence, and come to a decision on whether or not to uphold the appeal. You and your friend will withdraw while the panel deliberates.

13.8.10 The order of proceedings will be as follows:

- Welcome: The Chair of the panel will
 - i. identify all those present,
 - ii. confirm that everyone has had sight of the documentation prior to the Hearing, and understands the terminology used;

iii. confirm that the proceedings of the hearing are confidential

iv. explain the purpose and format of the Hearing;

v. Confirm that the burden of proof lies with the student and the standard of proof will be “balance of probabilities”.

- If either party seeks to introduce new information during the Hearing, the Chair of the Panel will make a judgement as to whether the new information is materially relevant and a valid reason has been provided for not supplying it earlier, and subsequently make a judgement as to whether:
 - a. the new evidence should be permitted in light of the above
 - b. the Panel should be rescheduled to allow the new information to be properly considered by you or the panel
- You will be asked to present your appeal, calling on witnesses and presenting evidence
- You will be asked questions from the Panel
- The Programme Manager will present a case for not upholding the appeal or highlighting areas of uncertainty.
- You and the panel will be given the opportunity to ask the programme manager questions.
- The Panel will adjourn to consider the case in private. Exceptionally the Panel may recall either party to ask further questions.
- The chair of the panel will inform you whether or not your appeal has been upheld and the recommendation that will be sent to the Exam Board.

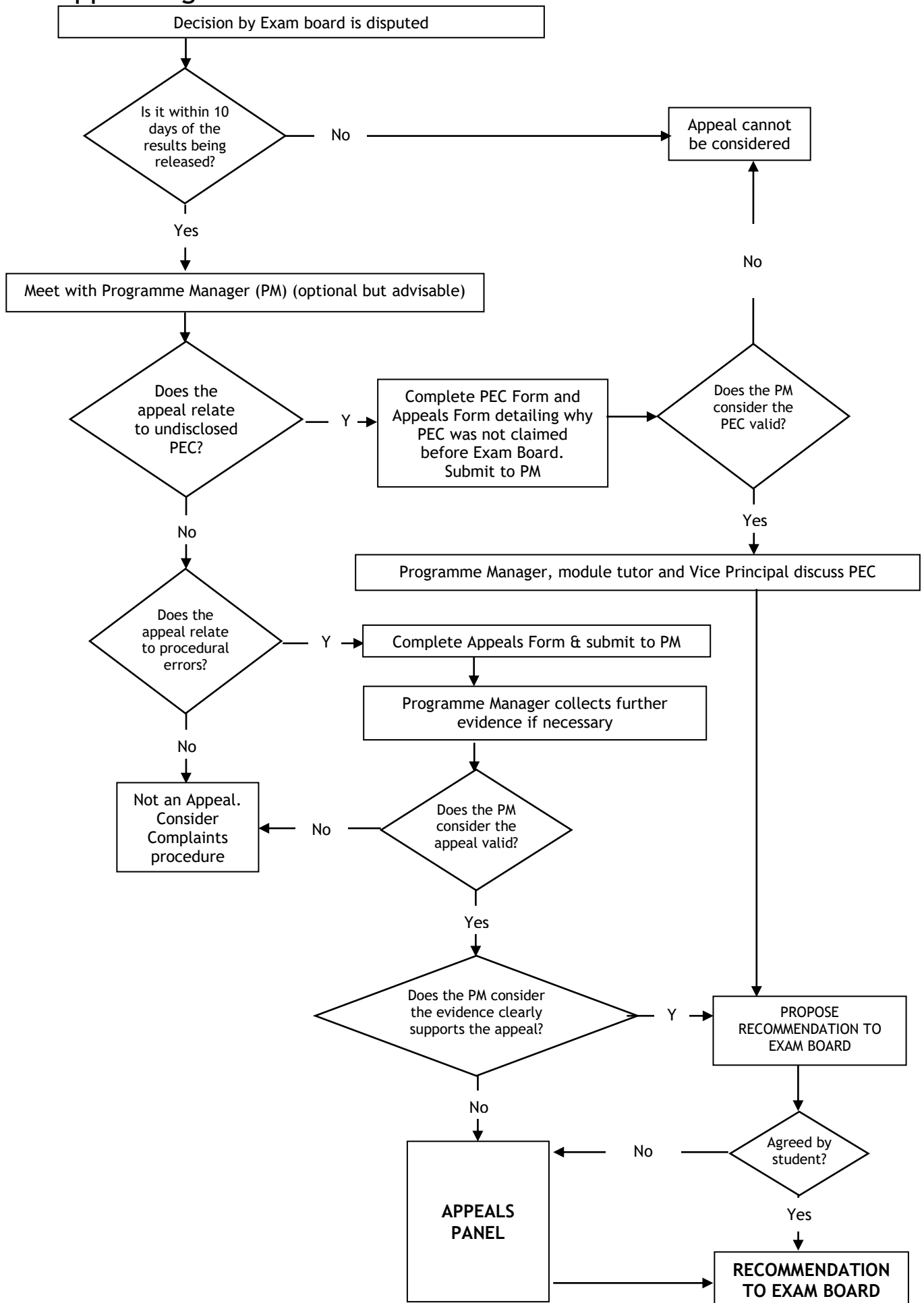
13.8.11 You will receive a written statement from the chair of the panel within 5 days of the conclusion of the panel.

13.8.12 The chair of the panel will report to the Exam Board.

13.8.13 If you have exhausted the Ballet West appeals procedure and are dissatisfied with the outcome, you may complain through the Open University complaints procedures by writing to The Director, Centre for Inclusion and Collaborative Partnerships, The Open University, Walton Hall, Milton Keynes, MK7 6AA

13.8.14 If you are still dissatisfied with the outcome, then you may contact a relevant body e.g. Office for the Independent Adjudicator for Higher Education (www.oiahe.org.uk).

Appeals against Exam Board Decision Flowchart



Decision by Exam board is disputed

Is it within 10 days of the results being released?

No

Appeal cannot be considered

Yes

Meet with Programme Manager (PM) optional but advisable

Does the appeal relate to undisclosed PEC?

Y

Complete PEC Form and Appeals Form detailing why PEC was not claimed before Exam Board. Submit to PM

Does the PM consider the PEC valid?

Yes

Programme Manager, module tutor and Vice Principal discuss PEC

Does the appeal relate to procedural errors?

Y

Complete Appeals Form & submit to PM

Programme Manager collects further evidence if necessary

Does the PM consider the appeal valid?

No

Not an Appeal. Consider Complaints procedure

Yes

Does the PM consider the evidence clearly supports the appeal?

Y

PROPOSE RECOMMENDATION TO EXAM BOARD

Agreed by student?

No

APPEALS PANEL

Yes

RECOMMENDATION TO EXAM BOARD

13.9 1st Stage Appeals against decisions made by an Academic Misconduct Panel - Procedure

13.9.1 The Grounds for appeal are

- that there was a procedural irregularity in the conduct of the Academic Misconduct Panel which has prejudiced the student's case
- additional relevant evidence has come to light since the Academic Misconduct panel which could not have been made available earlier.

13.9.2 A written appeal (appendix 3) must be made within 10 days of the Academic Misconduct panel.

13.9.3 Prior to submitting a written appeal, a student should first discuss concerns with the programme manager who will advise him/her whether the proposed appeal meets the criteria for appeal or is more appropriately dealt with through the complaints procedure. The programme manager should

- Give the student a fair hearing but remain neutral and not prejudge any appeals outcome
- Fully explain the grounds on which an appeal can be made and discuss these with the student
- Explain the appeals procedure and the deadline for formal submission
- Supply an AM Appeals form (appendix 4), by email or in hard copy if the student is considering an appeal

13.9.4 On receipt of the appeal form, the Programme manager will consider the appeal and the evidence the student provides and may collect further evidence, such as details of academic record, previous correspondence with Ballet West, discussions with other staff etc.

13.9.5 The programme manager may reject the appeal on the following grounds -

- The appeal was not submitted within 10 days of AM panel
- The appeal does not fulfil any of the criteria listed above

13.9.6 If the appeal is valid an Appeals Panel will be convened.

13.10 2nd Stage Appeals against Academic Misconduct Decision-Procedure

13.10.1 The Appeals Panel will meet within 14 days of the decision to convene the panel.

13.10.2 The student will be invited to attend the panel and provided with all documentation that will be presented at the panel at least seven days in advance. (standard letter Appendix 2)

13.10.3 The student will be instructed that a student can bring a friend to the panel. A "friend" is a member of the school community, a fellow student or

member of staff. It does not include friends outwith the school, family members or legal representatives.

13.10.4 The student will also be informed of the composition of the Panel. If a student feels that there is good reason why there would be a conflict of interest or other good reason why any one of the Panel members would not be able to fairly judge a the case, a student should submit his/her argument in writing to the Programme Manager within two working days of receiving notice of the composition of the Panel. The student should fully explain the basis of their concerns and support this with evidence in so far as this is possible. The Programme Manager will consider the submission before making a judgement as to whether the proposed composition of the Panel should be changed. The judgement of the Programme Manager on this matter will be final. Papers will only be sent to Panel members after the composition of the Panel has been confirmed and at least five days before the Hearing.

13.10.5 The panel will comprise -

- A Ballet West Trustee (not the principal or involved in teaching or the AM panel) will chair the meeting
- A member of the academic staff independent of the assessment being appealed and not on AM panel
- The student member of the academic board not on the programme under discussion

13.10.6 A member of the administrative staff will act as secretary to the panel but will not be a formal part of the proceedings.

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 - b. the Panel should be rescheduled to allow the new information to be properly considered by the panel or the student
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- The Programme Manager will present a case for not upholding the appeal or highlighting areas of uncertainty.
- A student and the panel will be given the opportunity to ask the programme manager questions.
- The Panel will adjourn to consider the case in private. Exceptionally the Panel may recall either party to ask further questions.
- The chair of the panel will inform the student whether or not the appeal has been upheld and the recommendation that will be sent to the Academic Misconduct Panel

13.10.11 The student will receive a written statement from the chair of the panel within 5 days of the conclusion of the panel.

13.10.12 The chair of the panel will report to the original Academic Misconduct Panel with minutes of the appeals panel and a recommendation.

13.10.13 Once the Academic Misconduct Panel have reconsidered the case, their decision will be final.

13.10.14 If the student has exhausted the Ballet West appeals procedure and is dissatisfied with the outcome, he/she may complain through the Open University complaints procedures by writing to The Director, Centre for Inclusion and Collaborative Partnerships, The Open University, Walton Hall, Milton Keynes, MK7 6AA

13.10.15 If the student is still dissatisfied with the outcome, then a student may contact a relevant body e.g. Office for the Independent Adjudicator for Higher Education (www.oiahe.org.uk).

13.11 1st Stage Appeals against decisions made by an Academic Misconduct Panel - Guidelines for Candidates

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- additional relevant evidence has come to light since the Academic Misconduct panel which could not have been made available earlier.

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- The appeal was not submitted within 10 days of the Academic Misconduct Panel
- The appeal does not fulfil any of the criteria listed above

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13.12 2nd Stage Appeals against decisions made by an Academic Misconduct Panel - Guidelines for Candidates

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- 13.12.2 You will be invited to attend the panel and provided with all documentation that will be presented at the panel at least seven days in advance.
- 13.12.3 You will be instructed that you can bring a friend to the panel. A “friend” is a member of the school community, a fellow student or member of staff. It does not include friends outwith the school, family members or legal representatives.
- 13.12.4 You will also be informed of the composition of the Panel. If you feel that there is good reason why there would be a conflict of interest or other good reason why any one of the Panel members would not be able to fairly judge your case, you should submit your argument in writing to the Programme Manager within two working days of receiving notice of the composition of the Panel. You should fully explain the basis of your concerns and support this with evidence in so far as this is possible. The Programme Manager will consider the submission before making a judgement as to whether the proposed composition of the Panel should be changed. The judgement of the Programme Manager on this matter will be final. Papers will only be sent to Panel members after the composition of the Panel has been confirmed and at least five days before the Hearing.
- 13.12.5 The panel will comprise -
- A Ballet West Trustee (not the principal or involved in teaching or the AM panel) will chair the meeting
 - A member of the academic staff independent of the assessment being appealed and not on AM panel
 - The student member of the academic board not on the programme under discussion
- 13.12.6 A member of the administrative staff will act as secretary to the panel
- 13.12.7 Failure by you to appear before the Panel will not prevent the hearing proceeding based on the written evidence presented.
- 13.12.8 The panel may call witnesses, as appropriate, to discuss the appeal, and will not unreasonably refuse permission you to call such witnesses as you deem appropriate.
- 13.12.9 The panel will interview you, staff, and witnesses as appropriate, consider the written evidence, and come to a decision on whether or not to uphold the appeal. You and your friend will withdraw while the panel deliberates.
- 13.12.10 The order of proceedings will be as follows:
- Welcome: The Chair of the panel will
 - i. identify all those present,

ii. confirm that everyone has had sight of the documentation prior to the Hearing, and understands the terminology used;

iii. confirm that the proceedings of the hearing are confidential

iv. explain the purpose and format of the Hearing;

v. Confirm that the burden of proof lies with the student and the standard of proof will be “balance of probabilities”.

- If either party seeks to introduce new information during the Hearing, the Chair of the Panel will make a judgement as to whether the new information is materially relevant and a valid reason has been provided for not supplying it earlier, and subsequently make a judgement as to whether:
 - a. the new evidence should be permitted in light of the above
 - b. the Panel should be rescheduled to allow the new information to be properly considered by you or the panel
- You will be asked to present your appeal, calling on witnesses and presenting evidence
- You will be asked questions from the Panel
- The Programme Manager will present a case for not upholding the appeal or highlighting areas of uncertainty.
- You and the panel will be given the opportunity to ask the programme manager questions.
- The Panel will adjourn to consider the case in private. Exceptionally the Panel may recall either party to ask further questions.
- The chair of the panel will inform you whether or not your appeal has been upheld and the recommendation that will be sent to the Academic Misconduct panel.

13.12.11 You will receive a written statement from the chair of the panel within 5 days of the conclusion of the panel.

13.12.12 The chair of the panel will report to the original Academic Misconduct Panel with minutes of the appeals panel and a recommendation.

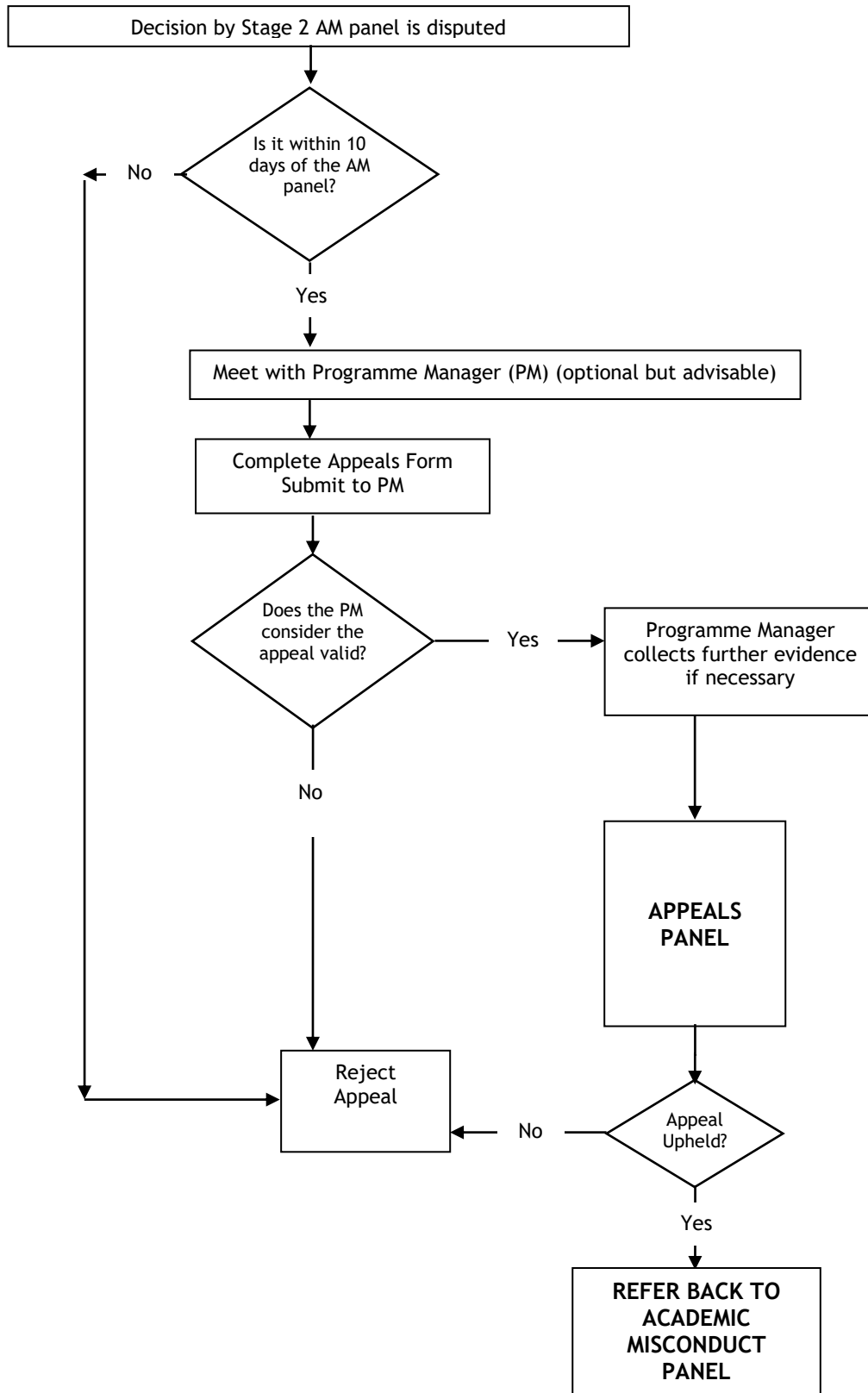
13.12.13 Once the Academic Misconduct Panel have reconsidered the case, their decision will be final.

13.12.14 If you have exhausted the Ballet West appeals procedure and are dissatisfied with the outcome, you may complain through the Open University complaints procedures by writing to The Director, Centre for Inclusion and Collaborative Partnerships, The Open University, Walton Hall, Milton Keynes, MK7 6AA

13.12.15 If you are still dissatisfied with the outcome, then you may contact a

relevant body e.g. Office for the Independent Adjudicator for Higher Education
(www.oiahe.org.uk).

Appeals against Stage 2 Academic Misconduct Decision Flowchart



Appendix 1 - Appeals form

This Form must be submitted no more than 10 days after the date of the Exam Board

A student may appeal against a decision of a Board of Examiners only if one or more of the following grounds apply:

- (e) Where the student provides written evidence in support of a claim that performance in the assessment was adversely affected by extenuating circumstances which the student was unable or, for valid reasons, unwilling to divulge before the Board of Examiners reached its decision; or
- (f) Where there is *prima facie* evidence, whether provided by the student or otherwise, that:
 - (vii) there has been a material administrative error; or
 - (viii) the examinations or other assessments were not conducted in accordance with the regulations for the programme and/or special arrangements formally agreed; or
 - (ix) some other material irregularity relevant to the Board of Examiner's decision has occurred.

Disagreement with the academic judgement of a Board of Examiners cannot of itself constitute grounds for an appeal.

For an appeal made by more than one student, the spokesperson should provide contact details and all other students should complete the list at the end of the form

YOUR CONTACT DETAILS

Name:	
Course name:	
Contact address:	
*Email address:	
Telephone number:	

*Please note that, where possible, email communication will be used to correspond with you during the appeals process.

1. Grounds for Appeal

Please indicate the grounds for your appeal

Extenuating circumstances not declared before the exam board - You need to complete a PEC form and attach it as evidence	
Procedural or administrative error	

2. Provide details of your appeal, including what you consider to be a satisfactory resolution:

If your appeal relates to a PEC claim, you must explain why this was not made prior to the exam board

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3. List any documentary evidence below to support your appeal and attach copies to the form. Keep any original documents safe and secure.

Is a PEC form attached YES / NO

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Signed:		Date:	
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Formal appeals should be sent to the Ballet West programme manager, either by post or email.

Group Appeal

We, the undersigned, are submitting this appeal and agree that

_____ is our nominated spokesperson.

NAME	SIGNATURE

Appendix 2: Standard text advising student of an Appeals Panel

Dear *[student name]*

Appeal against a decision of the Exam Board

I am writing to ask you to attend an Appeal Panel to consider your appeal made on *[date]* and relating to *[module title/code]*.

The role of the Panel is to determine whether to uphold your appeal.

Membership of the Panel will comprise *[list panel members/roles]*.

If you feel that there is good reason why there would be a conflict of interest or other good reason why any one of the Panel members would not be able to fairly judge your case, you should submit your argument in writing to the Programme Manager within two working days of receiving this notice. You should fully explain the basis of your concerns and support this with evidence in so far as this is possible. The Programme Manager will consider the submission before making a judgement as to whether the proposed composition of the Panel should be changed. The judgement of the Programme Manager on this matter will be final.

The Panel meeting has been arranged for *[date/time/venue]*. You have the right to appear before the Panel, accompanied by a friend of your choice, A "friend" is a member of the school community, a fellow student or member of staff. It does not include friends outwith the school, family members or legal representatives.

You may also bring witnesses to the panel, who can support your appeal. Please advise the Programme Manager of their name(s).

If you do not attend the meeting, it will still go ahead in your absence.

You will be informed of the Panel's decision at the end of the meeting. You should receive written confirmation of the decision within 5 working days of the meeting.

Copies of the following are enclosed for your information. Please note that this documentation will also be made available to the Panel *[bullet point list of evidence provide]*

Please complete and return the enclosed reply slip (by post or email) to confirm receipt of this letter and to indicate if you intend to:

- attend the Panel meeting
- submit any further evidence
- bring a Friend with you, and who this will be.

If you have any queries relating to this procedure, please contact me *[tel/email]*.

Yours sincerely

Programme Manager

Ballet West			
Appeals Panel Meeting <i>[add date/time]</i>			
Student name	<i>[add student name]</i>	Student ID	<i>[add student ID]</i>

I confirm that I will / will not¹ be attending the Panel meeting

I confirm that I will / will not¹ be submitting further evidence for consideration by the Panel (please attach)

I intend to bring the following witnesses to the panel

I confirm that I will / will not¹ bring a Friend to the Panel meeting

Name of Friend, if applicable	
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Signature ²		Date	
------------------------	--	------	--

¹ *delete as appropriate*

² *type name if by email*

Please return to:

[*add name/address/email*]

Appendix 3 - Academic Misconduct Appeals form

This Form must be submitted no more than 10 days after the date of the Academic Misconduct Panel

The Grounds for appeal against a decision of an Academic Misconduct Panel are

- that there was a procedural irregularity in the conduct of the Academic Misconduct Panel which has prejudiced the student's case
- additional relevant evidence has come to light since the Academic Misconduct panel which could not have been made available earlier.

YOUR CONTACT DETAILS

Name:	
Course name:	
Contact address:	
*Email address:	
Telephone number:	

*Please note that, where possible, email communication will be used to correspond with you during the appeals process.

1. Grounds for Appeal

Please indicate the grounds for your appeal

additional relevant evidence has come to light since the Academic Misconduct panel	
Procedural or administrative error	

2. Provide details of your appeal, including what you consider to be a satisfactory resolution:

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3. List any documentary evidence below to support your appeal and attach copies to the form. Keep any original documents safe and secure.

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Signed:		Date:	
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Formal appeals should be sent to the Ballet West programme manager, either by post or email.