

1 Appeals Policy & Procedure (Disciplinary and Academic Misconduct) (QC chapter B2, B9)

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

1.1 Definitions

- 1.1.1 An **appeal** is a request to reconsider a decision made by an admissions panel, an academic misconduct panel, a student disciplinary panel or an exam board. Appeals are dealt with through this policy and procedures.
- 1.1.2 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.

1.2 Policy

- 1.2.1 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 Ballet West.
- 1.2.2 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
- 1.2.3 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.

1.3 1st Stage Appeals against decisions made by an Academic Misconduct / Disciplinary Hearing Panel - Procedure

1.3.1 The Grounds for appeal are

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

1.3.2 A written appeal (appendix 1) must be made within 10 days of the panel.

1.3.3 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 Appeals form (appendix 4), by email or in hard copy if the student is considering an appeal

1.3.4 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.

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

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

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

1.4 2nd Stage Appeals against Academic Misconduct / Disciplinary Hearing Decision- Procedure

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

1.4.2 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 1)

1.4.3 The student will be instructed that a student can bring a friend to the panel. A "friend" is a member of Ballet West community, a fellow student or member of staff. It does not include friends outwith Ballet West, family members or legal representatives.

- 1.4.4 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 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.
- 1.4.5 The panel will comprise -
- A Ballet West Trustee (not the principal or involved in teaching or the original panel) will chair the meeting
 - A member of the academic staff independent of the assessment being appealed and not on original panel
 - The student member of the academic board not on the programme under discussion
- 1.4.6 A member of the administrative staff will act as secretary to the panel but will not be a formal part of the proceedings.
- 1.4.7 Failure by a student to appear before the Panel will not prevent the hearing proceeding based on the written evidence presented.
- 1.4.8 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.
- 1.4.9 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.
- 1.4.10 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 Academic Misconduct Panel

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

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

1.4.13 Once the Panel have reconsidered the case, their decision will be final.

1.4.14 If the student has exhausted the Ballet West appeals procedure and is dissatisfied with the outcome, he/she may complain through the Awarding Body's complaints procedures.

1.4.15 If the student is still dissatisfied with the outcome, then a student may contact a relevant body

- Office for the Independent Adjudicator for Higher Education (www.oiahe.org.uk), for awarding bodies based in England.
- The Scottish Public Services Ombudsman (SPSO) for SQA provision.

1.5 1st Stage Appeals against decisions made by an AM / Disciplinary Panel - Guidelines for Candidates

- 1.5.1 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 Ballet West.
- 1.5.2 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
- 1.5.3 The Grounds for appeal are
- that there was a procedural irregularity in the conduct of the Panel which has prejudiced the student's case
 - additional relevant evidence has come to light since the panel which could not have been made available earlier.
- 1.5.4 A written appeal (Appendix 3) must be made within 10 days of the Panel.
- 1.5.5 Prior to submitting a written appeal, 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.
- 1.5.6 The Programme manager will consider your appeal and the evidence you provide and may collect further evidence.
- 1.5.7 The programme manager may reject the appeal on the following grounds -
- The appeal was not submitted within 10 days of the Panel
 - The appeal does not fulfil any of the criteria listed above
- 1.5.8 If the appeal is valid an Appeals Panel will be convened.

1.6 2nd Stage Appeals against decisions made by an AM / Disciplinary Panel - Guidelines for Candidates

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

- 1.6.2 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.
- 1.6.3 You will be instructed that you can bring a friend to the panel. A “friend” is a member of Ballet West community, a fellow student or member of staff. It does not include friends outwith Ballet West, family members or legal representatives.
- 1.6.4 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.
- 1.6.5 The panel will comprise -
- A Ballet West Trustee (not the principal or involved in teaching or the original panel) will chair the meeting
 - A member of the academic staff independent of the assessment being appealed and not on original panel
 - The student member of the academic board not on the programme under discussion
- 1.6.6 A member of the administrative staff will act as secretary to the panel
- 1.6.7 Failure by you to appear before the Panel will not prevent the hearing proceeding based on the written evidence presented.
- 1.6.8 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.
- 1.6.9 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.
- 1.6.10 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 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 original panel.

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

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

1.6.13 Once the original Panel have reconsidered the case, their decision will be final.

1.6.14 If you have exhausted the Ballet West appeals procedure and are dissatisfied with the outcome, you may complain through the Awarding Body’s complaints procedures.

1.6.15 If you are still dissatisfied with the outcome, then you may contact a relevant body

- Office for the Independent Adjudicator for Higher Education (www.oiahe.org.uk), for awarding bodies based in England.
- The Scottish Public Services Ombudsman (SPSO) for SQA provision.

Appeals against Stage 2 Academic Misconduct / Disciplinary Decision Flowchart



