

# Academic Appeal Policy

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## 1. Introduction

The purpose of the academic appeals policy is to provide clarity for all those involved to ensure the process for handling academic appeals is transparent and timely, and that decisions are impartial and consistent. If a student wishes to appeal it is helpful to them to initially seek advice from their Head of Year.

There is no appeal against academic judgment. Students may request a remark. Requests for a remark must be made in writing to the Vice-Principal.

### 1.1

Students have a right of appeal against academic decisions and recommendations made by Boards of Examiners that affect their academic progress. These procedures set out the grounds of appeal permitted and the mechanisms by which that right can be exercised. These procedures also set out the grounds on which an academic appeal is not permissible.

### 1.2

These procedures describe how students may submit an academic appeal to Malta ICOM Educational and the grounds under which they may do so. It is important for students to distinguish between those grounds when making their case and also between an appeal and a complaint (for which different procedures are in place).

Academic appeals come under the authority of the Vice-Principal. These procedures explain how appeals should be submitted, and who will consider academic appeals on behalf of the Vice-Principal.

### 1.3

Post holders named in these procedures may also delegate responsibility for managing the Academic Appeals procedure to other staff acting on their behalf.

### 1.4

Appeals will be treated with due diligence and confidentiality, but the student should understand that those considering an appeal will normally require access to the documentation presented in support of it in order to come to an informed decision.

### 1.5

The student will not be disadvantaged as a result of making an academic appeal. However, if it is later discovered that an appeal was frivolous, malicious or vexatious, Malta ICOM Educational may consider referring the student to its Disciplinary Procedure. This may include:

- (a) appeals which are obsessive, harassing, or repetitive
- (b) insistence on pursuing non-meritorious appeals and/or unrealistic, unreasonable outcomes
- (c) insistence on pursuing what may be non-meritorious appeals in an unreasonable manner
- (d) appeals which are designed to cause disruption or annoyance
- (e) demands for redress which lack any serious purpose or value

## 1.6

Malta ICOM Educational has a responsibility to protect itself against unacceptable behaviour and provide a working environment that is safe, respectful and tolerant. Consequently, it is expected that students, their representatives and staff members should act reasonably and fairly towards each other and treat the process with respect. Behaviour that is unreasonable, aggressive or abusive, verbal or written, will not be tolerated and may result in the student being denied access to the procedure or to staff connected with the student appeal being limited or withdrawn.

The decision to limit or withdraw access is not taken lightly. In the event that this decision is taken we will provide this in writing, including the reason(s) why this decision has been taken.

## 1.8

The student should send copies of all relevant documentation with the Academic Appeal form to the Vice- Principal.

## 2. Scope for Appeal

### 2.1

Appeals may be made in respect of the following areas relating to the process of assessment:

- (a) a formal assessment result
- (b) a degree classification
- (c) a decision consequential to an academic failure (e.g. termination of registration)
- (d) the decision reached is one which no reasonable body, properly directing itself, could have arrived at (for Extenuating Circumstances Appeals)
- (e) decision consequential to unsatisfactory academic progress

### 2.2

For the following areas of potential dispute, separate procedures apply:

Equality and Diversity Policy

Complaints (see para 4.3 below)

### 2.3

The submission of an appeal will not be to the detriment of the student academic position.

## 3. Grounds for Appeal

### 3.1

Grounds of appeal in relation to the areas listed under para 2.1 above are allowed as follows:

(a) Material circumstances affecting the student performance of which a Board of Examiners or the Board of Faculty had not been aware before reaching its decision, only if the student can present reasonable grounds why such circumstances had not been presented to the Board in advance of its meeting (see 5.2); and/or

(b) Procedural irregularities in the formal conduct of an assessment or in reaching another academic decision; and/or

(c) Evidence of prejudice or of bias on the part of one or more examiners and/or markers.

## 4.Exclusions from Appeal

### 4.1

The following grounds cannot be considered as the basis for an appeal:

(a) Dissatisfaction with the academic judgment of the internal and external examiners and/or markers including the Board of Examiners (see 4.2);

(b) Dissatisfaction with the formative assessment of work by academic staff (i.e. marks that have no bearing on a student's formal progress). Such concerns should be raised through the Complaints Procedure;

(c) Matters of dispute that are dealt with under the Student Complaints Procedure (see also 4.3).

### 4.2

The student should note that Malta ICOM Educational assessment policy sets out the arrangements for the assessment of work through internal second marking (or single marking and moderation internally or externally). Adequate checks are carried out on the accuracy and appropriateness of the marking and the occurrence of prejudice and bias.

### 4.3

The student should note that complaints relating to the quality of teaching or supervision, or other circumstances that relate to the delivery of a programme of study before the point of assessment or the submission of a thesis or dissertation, are not subject to these procedures. They should instead be raised under the Student Complaints Procedure.

#### 4.4

Academic appeals submitted outside of the timeframe set out in 6.1 will normally be excluded from consideration unless the student can present reasonable grounds for why the appeal was not submitted within the normal deadline.

#### 4.5

The student should be aware that anyone making unwarranted and unsubstantiated allegations concerning the reputation or conduct of members of staff may be subject to disciplinary proceedings.

## 5. Responsibilities of Students

#### 5.1

The student should note the time constraints outlined in these procedures. The student is responsible for compiling documentation in support of an appeal.

#### 5.2

The appeals procedure is principally for the use by individual students. Where the issues raised affect several students, they may submit a Group Appeal. To do so, they will need to identify one of their number to act as a spokesperson. It will be the spokesperson who will act on behalf of the group and normally only the spokesperson will attend meetings on behalf of the group. At each of the formal stages, each member of the group must sign the statement of the appeal for it to be accepted as a valid Group Appeal.

#### 5.3

It is the student's responsibility to inform the Dean in writing and without delay of any circumstances that the student think may have affected the student performance in an assessment. Circumstances notified in this way will be considered at the appropriate Board of Examiners.

#### 5.5

The student should be aware that the student appeal will be considered on the evidence that the student submits. The student should ensure that all relevant evidence which the student wishes to be considered is submitted with the student application. Malta ICOM Educational will not gather evidence on the student's behalf.

## 6. Stage 1: Appeal to the Dean

#### 6.1

A formal appeal must be submitted using the Appeal Form to the Dean (or their representative) within 5 working days of being notified of an academic decision relating to paragraph 2.1. All supporting evidence should be attached to the form. Where possible the student should indicate what remedy they seek.

## 6.2

Malta ICOM Educational should normally aim to resolve an academic appeal within 21 working days of receipt of the appeal, or otherwise inform the student of the expected delay.

## 6.3

On receipt of the appeal the Dean or nominated representative shall decide whether the student has presented a prima facie case for appeal as set out under 3.1. Should an appeal materially involve the Dean, another senior member of staff of Malta ICOM Educational will consider the case.

## 6.4

If no prima facie grounds for appeal are found, the Dean or their representative can dismiss the appeal, informing the student in writing of the reasons for doing so. Colleges should aim to fully address all issues raised in the student's Stage 1 appeal in their response letter.

## 6.5

If the Dean/representative decides that there is a prima facie case for appeal, the case will be investigated by a College Appeal Panel consisting of the Dean, the Registrar and Chair of the Board of Examiners, a member of Senior Management Team (or other nominees as delegated by the College Dean/representative). The student will be sent a copy of the minutes of the meeting.

## 6.6

If the panel upholds the appeal, the case will normally be referred back to the Board of Examiners or appropriate Malta ICOM Educational committee. In this case, Malta ICOM Educational will follow its normal procedures for considerations by the Board of Examiners, including involvement of External Examiners where appropriate.

## 6.7

The Dean will normally inform the student of the outcome of the Board of Examiner's consideration.

## 7. Stage 2: Academic Appeal Committee

### 7.1

An appeal will only be accepted if:

(a) the student submits further material circumstances which could not reasonably have been expected to have been submitted for consideration to a College appeal panel during the Stage 1 process;

(b) there is evidence of procedural irregularity during the Stage 1 process;

(c) there is evidence of bias during the Stage 1 process;

(d) the decision reached during the Stage 1 process is one that no reasonable body (properly directing itself, and taking into account all relevant factors) could have arrived at.

### 7.2

The student should submit a Stage 2 Appeal to the Dean by sending an Academic Appeal Form using the Stage 2 Appeal Form with a written statement detailing the grounds for appeal (reference Paragraph 7.1) within 5 working days of being notified of a Stage 1 Academic Appeal decision. The student should also enclose a copy of the student's Stage 1 appeal and any correspondence from the College in respect of their decision.

### 7.3

Malta ICOM Educational should normally aim to resolve an academic appeal within 21 calendar days of receipt of the Stage 2 appeal, or otherwise inform the student of the expected delay.

### 7.4

The Vice-Principal will consider whether there are prima facie grounds for considering the case before a Committee of Academic Appeal.

### 7.5

If no prima facie grounds for appeal are found The Vice-Principal will dismiss the appeal, informing the student in writing of the reasons for doing so.

### 7.6

If it is decided that there are prima facie grounds for a stage 2 appeal, the Vice-Principal will arrange for an Academic Appeal Committee to be convened.



## 7.7

The Academic Appeal Committee will normally only consider the appeal against the grounds specified in 7.1 and will not take the form of a re-hearing of the original appeal except in so far as is necessary to decide the merit of the appeal.

## 8. Stage 2: Academic Appeal Committee Protocol

### 8.1

An Academic Appeal Committee shall comprise:

The Vice-Principal (Chair)

Two members of academic staff

Dean

No person shall serve as a member of the Academic Appeal Committee who is also associated with the student module and/or year of study.

### 8.2

The student will be informed of the date of the Committee meeting at least 5 working days in advance. The student may choose to attend the Committee, but the Committee may also hear a case in the student's absence.

### 8.3

The student may be accompanied by a friend, normally a member of ICOM.Ed.Ltd. The student must inform the secretary of the Academic Board of the name of anyone the student wishes to accompany the student at least 5 working days before the meeting. The person accompanying the student may speak on the student's behalf with the agreement of the Chair.

### 8.4

The Committee may call other members of ICOM.Ed.Ltd.

### 8.5

Copies of all documents to be considered will be circulated to the student and to the Appeal Committee at least five working days before the meeting.

### 8.6

The meeting will begin with private discussions by the Appeal Committee to clarify matters of process.

### 8.7

The student and the Dean will be invited to join the meeting. The student will first be invited to present their statement about the case. The Committee will then question the student about the case. The Dean will present a statement. The Committee will then question the Dean about the case. Any other relevant parties who have been called to attend the Committee (e.g. academic or other staff) will then be invited to give their testimony and answer questions put to them by the Committee.

### 8.8

The Committee, having heard the evidence, may uphold the appeal, partially uphold or reject the appeal.

### 8.9

Such a decision may include a recommendation to annul a decision of the Board of Examiners and substitute it with an alternative decision. If the Committee's recommendation is to change an award this will require the approval of the Principal. The External Examiner will be informed.

### 8.10

The Academic Appeal Committee will keep a record of its deliberations and decisions and submit a report to the Principal. The Secretary of the Committee will notify the student in writing of the Committee's decision and the reasons for it, within five working days of the meeting.

## 9. Completion of ICOM's Academic Appeal Process

### 9.1

There are no other appeal procedures beyond those stages detailed above. If the student is not satisfied with the outcome after the completion of the procedure, the student can recourse to the accrediting body.

## 10. Annual Report

### 10.1

Each year a report will be prepared detailing general matters or issues arising from recent academic appeals for Academic Board and the Management Board.