

## **GBS Academic Appeals Policy**

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## Version Control

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### Related policies

- GBS Student Complaints Policy and Procedure
- GBS Student Charter
- GBS Student Code of Conduct
- GBS Equality and Diversity Policy
- GBS Extenuating Circumstances Policy and Procedure

### External Reference

1. The General Data Protection Regulation (EU) 2016/679 (GDPR) controls how your personal information is used by organisations, businesses, or the government.

## Contents

1.	Scope and grounds for appeal .....	3
2.	Grounds for Appeal .....	3
3.	Matters excluded from Academic Appeals .....	4
4.	Procedure for notification of an Appeal .....	4
5.	Academic Appeals Panel constitution .....	6
6.	The Academic Appeal hearing .....	7
7.	Outcome of an Appeals Hearing .....	7
8.	Authority of Academic Appeals Panels.....	8
9.	Reporting.....	8
10.	Monitoring and Review.....	8
11.	Alternative Format.....	9
	Annex 1 – Academic Appeals Form.....	10
	Annex 2 – Academic Appeals Flow Chart.....	12

## **GBS HE Malta Limited Academic Appeals Policy**

### **1. Scope and grounds for appeal**

- 1.1. The procedure for making an appeal against a decision made by the GBS Malta Assessment Board is concerned solely with student appeals arising from a request that an Assessment Board reconsider its decision.
- 1.2. A complaint about any service that GBS HE Malta Limited provides to its students and is **not** directly related to academic matters (marks awarded for assessed work, progression on a course and awards) should be dealt with through the GBS Complaints Policy and Procedure, which is available on the GBS Malta website (<https://gbs.edu.mt/media/xrqnhfrj/gbs-he-malta-limited-complaints-policy-and-procedure-v10-rm-vfinal.pdf>) or the GBS Malta Virtual Learning Environment.
- 1.3. To make an Academic Appeal, students must follow the procedure detailed below and use the Academic Appeals Form, please refer to Annex 1.
- 1.4. The Academic Appeals flowchart summarises the procedure involved, please refer to Annex 2.

### **2. Grounds for Appeal**

- 2.1. An appeal against any decision made by an Assessment Board may only be made on the following grounds:
  - (a) The assessment was not conducted in accordance with the current regulations for the programme, or a material administrative error or some other material irregularity relevant to the assessment has occurred.
  - (b) The judgement of an examiner or examiners was improperly affected by personal bias.
  - (c) Misleading information was provided about the assessment(s) and/or examinations.
  - (d) For a student with a disability or additional needs, the assessment was not correctly carried out, or the support identified was not provided, or the agreed assessment procedures for that student were not properly implemented.
- 2.2. Disagreement with the academic judgement of an Assessment Board in assessing the merits of an individual piece of work, or in reaching any assessment decision based on the marks, grades and other information relating to the candidate's performance, cannot constitute grounds for a request for reconsideration by a student. Such matters of academic judgement remain the exclusive prerogative of the Assessment Board. Matters of academic judgement include:
  - (a) Whether or not a student has reached the academic standard required for the module/programme.

- (b) Whether or not a student would benefit academically from further study, for example, by repeating a unit of study on the programme.

- 2.3. Subject to the previous paragraphs, the appeal may be against a decision or recommendation of an Assessment Board that:
- (a) The student has failed the programme or part of the programme (unit).
  - (b) The student should not be permitted to proceed to the next stage of the programme.
  - (c) The student should be excluded from continuation of studies on the programme.
  - (d) A particular class or grade of award should be made.
- 2.4. Pending the outcome of an academic appeal the student will be treated as if the assessment had not yet taken place. This means that progression or the making of an award/qualification will not take place, where such progression or the making of an award would depend on the assessment concerned.

### **3. Matters excluded from Academic Appeals**

- 3.1. Student may not make an appeal under these procedures on the grounds that mitigating circumstances adversely affected his or her performance in an assessment and/or that he or she believes an inappropriate allowance was made for such circumstances. Such issues are the subject of the Extenuating Circumstances Policy and Procedure (available on the GBS Malta VLE).
- 3.2. A student may not make an academic appeal on the grounds that poor teaching, supervision, academic advice, or guidance affected his or her performance. In such circumstances the student should make a complaint under the Student Complaints Policy and Procedure.

### **4. Procedure for notification of an Appeal**

- 4.1. There are four stages in the Academic Appeals procedure:

Stage 1: Conciliation  
Stage 2: Formal Academic Appeal  
Stage 3: Academic Appeals Panel Hearing  
Stage 4: Independent Review

#### **4.2. Stage 1: Conciliation**

- 4.3. The conciliation stage is an informal process. If a student considers that he or she may have grounds for an academic appeal, or is seeking clarification of an Assessment Board's decision, he/she should first attempt to conciliate with the appropriate Programme Leader or the Associate Dean. This should be done within ten days of the

publication of the results of the relevant Assessment Board.

- 4.4. Only when the informal stage of conciliation has been exhausted, and the student remains convinced that he/she has grounds for an Academic Appeal, should formal (Stage 2) procedures be initiated.
- 4.5. Where a group of students wishes to submit a collective academic appeal, the group should nominate a spokesperson (who must be a student at GBS) to act as the channel of communication for the group.
- 4.6. Following discussion with the student, the Programme Leader or Associate Dean should discuss the issues raised by the student with the Chair of the Assessment Board. Following this discussion, a decision over the following two options will be made:
  - (a) To refer the matter back to the appropriate Assessment Board for further consideration.
  - (b) To dismiss the informal appeal.
- 4.7. **Stage 2: Formal appeal**
- 4.8. Where the Stage 1 Conciliation is unsuccessful, the student must submit his or her academic appeal using the Academic Appeal Form (see Annex 1). This must normally be completed within five working days of the conciliatory meeting or no longer than fifteen days after publication of the results from the relevant Assessment Board. The completed form should be submitted to the Associate Dean or appropriate Programme Leader.
- 4.9. On receipt of the Academic Appeal Form, the Associate Dean and/or Programme Leader shall consider the appeal to establish whether there is a clear case for the appeal. The grounds of appeal will be referred in order to make a decision.
- 4.10. Where the Associate Dean and/or Programme Leader deems there to be a clear case for an Academic Appeal, a meeting of the Academic Appeals Panel shall be called to hear the appeal, normally within fifteen working days of receipt of the appeal form.
- 4.11. The student making the appeal will be informed by the Associate Dean or Programme Leader whether there is a clear case or whether the appeal is dismissed because there are no suitable grounds for an appeal. If there is deemed to be a clear case the Associate Dean or Programme Leader will inform the student of the date of the meeting of the Academic Appeals Panel. These communications to the student will normally be made within five working days of the completed Academic Appeal Form being submitted.
- 4.12. In submitting a Stage 2 appeal, the Academic Appeal Form must be properly completed and contain the following information:
  - (a) A clear statement of the actual decision of an Assessment Board being appealed against.
  - (b) A brief and clear summary of the grounds for the appeal and stating, as appropriate, the following:

- i. The ways in which it is alleged that the assessment failed to accord with the regulations pertaining to the programme. It would be helpful to precisely identify the regulation(s) which has/have been breached.
  - ii. If an administrative error is thought to have occurred, then state the nature of the error or other material irregularity relevant to the assessment(s) which has/have occurred.
  - iii. How it is alleged that, for a student with a disability or additional needs, the needs assessment was flawed, the provisions recommended were not implemented, or the agreed assessment procedures failed to be implemented.
- (c) Evidence, other than personal testimony from the student, in corroboration of the factual base of the appeal, or an indication of how such corroboration will be provided.
  - (d) A statement about the nature of the revised assessment sought from the Assessment Board if the appeal was to be upheld.
  - (e) A demonstration that conciliation has been attempted with either the Associate Dean or appropriate Programme Leader.

4.13. An appeal may be dismissed in the following circumstances:

- (a) When the appeal is submitted late, without explanation which is satisfactory to either the Associate Dean or Programme Leader.
- (b) When either the Associate Dean or appropriate Programme Leader can demonstrate that the appeal does not fall into any one or more of the four categories detailed (a to d) above.

## **5. Academic Appeals Panel constitution**

- 5.1. The Academic Appeals Panel shall comprise a Chair, therefore the Dean or Associate Dean will nominate alongside two other members, consisting of:
  - Two members of staff of GBS who do not teach, assess, or are otherwise involved with the appellant.
- 5.2. Where possible, GBS will seek to ensure that the composition of the Panel reflects the character of GBS and/or at least one person has been trained in or has experience of equality and diversity issues.
- 5.3. No member of the Academic Appeals Panel shall be a member of staff either teaching and/or assessing on the programme concerned.
- 5.4. No member of the Academic Appeals Panel shall be an interested party.
- 5.5. To the extent practicable, the same Chair should preside in hearings of appeals from a particular Assessment Board in any one academic year.

- 5.6. The Associate Dean and/or appropriate Programme Leader shall attend the panel as an adviser and shall appoint a Secretary to the Panel.

## **6. The Academic Appeal hearing**

- 6.1. The student making the appeal shall have the right to appear before the Academic Appeals Panel and to be accompanied and assisted by a friend. The friend must be either an enrolled student at GBS or a member of staff at GBS. The student may *not* be accompanied by a solicitor or other person external to GBS.
- 6.2. The Chair of the relevant Assessment Board (or his or her nominee) shall have the right to be present at the Academic Appeal hearing.
- 6.3. The student making the appeal, the friend, and the Assessment Board, through its representatives, shall have the right to call and to question witnesses.
- 6.4. The Academic Appeals Panel shall be entitled to call witnesses as it deems appropriate and to call to produce relevant documents.
- 6.5. The appeal shall only be heard on the grounds stated and accepted by the Associate Dean and/or Programme Leader in the Academic Appeals Form unless the Academic Appeals Panel decides otherwise. In the latter event, either the appellant or the Assessment Board shall be entitled to demand an adjournment of no more than one week to prepare evidence.
- 6.6. Each party, the student making the appeal and the Assessment Board, shall have the right to receive a copy of any written submission that is made on the part of the other.
- 6.7. The student making the appeal shall be invited to provide details of any reasonable adjustment that may need to be made for the hearing in order to accommodate the appeal, as long as the student has a declared disability.
- 6.8. If the student making the appeal does not appear at location, time and date set for the Appeal Hearing, the Academic Appeals Panel shall consider whether any reasons sent by the student in advance of the hearing are valid, and:
- (a) If members of the Panel so judge, adjourn proceedings to a later date and time.
  - (b) If no reasons are advanced, or if they are judged to be invalid, proceed in the student's (appellant's) absence.

## **7. Outcome of an Appeals Hearing**

- 7.1. The Academic Appeals Panel shall be empowered to either:
- (a) Refer the matter back to the relevant Assessment Board
  - (b) To dismiss the Appeal.



- 7.2. In making a referral back to the relevant Assessment Board, the Academic Appeals Panel shall state the grounds on which it has reached its decision and what matters it requires the Assessment Board to consider further. The Academic Appeals Panel may make recommendations provided these are not academic judgement and must provide reasons for the recommendations given.
- 7.3. The Assessment Board may set up a sub-board from their own membership to review the strength and possible effect of the Academic Appeals Panel's recommendations. The full membership of the Assessment Board shall then meet as promptly as possible to consider the referral back in the light of the sub-board's findings and shall submit a report to the Chair of the Academic Appeals Panel.
- 7.4. Should the Academic Appeals Panel have made recommendations which the Assessment Board is unable to accept, the Academic Appeals Panel may recommend to GBS' Academic Board that the assessment(s) be annulled.
- 7.5. A decision to annul an assessment can only be taken by a meeting of the GBS' Academic Board.
- 7.6. When a decision of an Assessment Board has been annulled it is the responsibility of the Academic Board to act and identify another assessor, to ensure that the student(s) concerned are properly assessed.
- 7.7. Where the appeal is dismissed or where Academic Board has declined to annul the assessment(s), the most recent decision prior to the appeal being lodged of the Assessment Board shall prevail.
- 7.8. In cases of procedural or other irregularity, or where it is not possible to reconvene an Assessment Board, Academic Board shall have the power to annul a decision of the Assessment Board without making prior request for reconsideration. If an error or irregularity is found to have affected more than one student, Academic Board may annul the whole assessment or any part of it.

## **8. Authority of Academic Appeals Panels**

- 8.1. There shall be no appeal against the findings of an Academic Appeals Panel. Allegations of procedural irregularity in the conduct of an appeal may be heard by the Dean or nominee, who may, at his/her discretion, require the Academic Appeals Panel to reconsider the case.

## **9. Reporting**

- 9.1. Each academic year the Dean or nominee shall analyse the key features and outcomes of any Academic Appeals. The Dean shall present a report on this information to the appropriate meeting of Academic Board (normally the autumn meeting of Academic Board).

## **10. Monitoring and Review**

- 10.1. This policy may be amended by GBS Malta at any time.

## 11. Alternative Format

11.1. This policy can be provided in alternative formats (including large print, audio and electronic) upon request. For further information, or to make a request, please contact:

- **Name:** Student Welfare Management Team
- **Position:** Student Welfare Officer/Manager

## Annex 1 – Academic Appeals Form

### 1. Student details

<b>Student Name:</b>		<b>Student ID:</b>	
<b>Programme of Study:</b>		<b>Campus:</b>	
<b>Email address:</b>		<b>Telephone number:</b>	
<b>Contact address:</b>			

Date of Assessment Board at which your results were considered:

### 2. Grounds for appeal

An appeal should be lodged no longer than fifteen working days after the publication of your results following the meeting of the Assessment Board that considered your results. Please remember that you may only appeal on grounds detailed in GBS' policy and procedure for making an Academic Appeal.

Please indicate on which grounds you are appealing by ticking the appropriate box(es) given below:

<input type="checkbox"/>	The assessment was not conducted in accordance with the current regulations for the course/module, or there has been a material administrative error or some other material irregularity relevant to the assessment has occurred.
<input type="checkbox"/>	The judgement of an examiner or examiners was improperly affected by personal bias
<input type="checkbox"/>	Misleading information was provided about the assessment(s) and/or examinations
<input type="checkbox"/>	For a student with a disability or additional needs, the assessment was not correctly carried out, or the support identified was not provided, or the agreed assessment procedures for that student were not properly implemented

Please provide further details with respect to each of the grounds of appeal indicated by the box(es) you have ticked above.

### 3. Attempt at informal resolution/conciliation.

Who did you discuss the issue with?

Please provide details of the discussions you have had in an attempt to resolve your concern informally and through conciliation.

Time and date of the discussion:

#### 4. Revised assessment

Please provide a statement about the nature of the revised assessment sought from the Assessment Board if your appeal was to be upheld.

#### 5. Evidence/documentation

You must provide supporting documentation in which you provide supporting evidence for the grounds of your appeal detailed above. Please list the documentation below and attach them to this form.

#### 6. The General Data Protection Regulation (EU) 2016/679 (GDPR)

I hereby consent for any sensitive and/or confidential data, such as notes in your file, held by GBS HE Malta Limited to be made available to the Academic Appeals Panel and the Associate Dean/Programme Leader for use as evidence or supporting documentation as appropriate. I understand that as part of the investigation into my appeal, the Academic Appeals Panel and the Associate Dean/ Programme Leader may be required to share this information with other staff at GBS solely on a need-to-know basis.

*I declare that to the best of my knowledge all of the information I have supplied is true, accurate and complete.*

*I give my consent for information from this form and any attached documents, and personal data held elsewhere within GBS, to be shared with relevant members of GBS's staff on a need-to-know basis for the purpose of investigating my appeal.*

**Student signature:** .....

**Date:** .....

## Annex 2 – Academic Appeals Flow Chart



