



Royal College of Art

Postgraduate Art & Design

Academic Appeals Policy

Introduction

1. The Royal College of Art ('RCA') is committed to a transparent and fair approach to dealing with academic appeals. RCA defines an academic appeal as 'a request for a review of a decision of an academic body of the RCA charged with making decisions on student progress, assessment and awards.
2. For each appeal the RCA receives from a registered student, the College will review the basis of the appeal in detail. Where an appeal is partially or fully upheld, the College will seek to implement a solution that is fair and proportionate while ensuring the continuing maintenance of academic standards. Where an appeal is not upheld, the College will explain its decision clearly, and guide the appellant through the process and, ultimately, to the Office of the Independent Adjudicator should the appellant remain unsatisfied. No student will be disadvantaged by virtue of having made an appeal.
3. The principles of this Policy are that the Policy is fair, efficient and transparent. The Policy provides for two stages. These are:
 - (a) Stage One: Formal, detailed consideration of the appeal
 - (b) Stage Two: Review of the decision made at Stage One and confirmation of the final decision of the College
4. Any appeal must be made by the student themselves; this Policy is not intended for use by a third party to make an appeal on behalf of a student or students.

Scope of the Policy

5. This policy applies for all students who are currently registered¹ to a Programme offered by the RCA. This includes students on an approved leave of absence. It does not include students whose registration has been terminated, or has completed,

unless an appeal is submitted within 28 days of the formal date of termination / completion or 28 days of the notification of the decision under review (whichever is the earlier).

6. The Academic Appeals Policy ('The Policy') can be used for appeals including, but not limited to, the following:
 - (a) A decision of a non-awarding board not to pass a student in an element of assessment;
 - (b) A decision of a Transfer Examination Board not to permit a student to upgrade their registration;
 - (c) A decision of an Independent Research Project board not to pass a student in an independent research project;
 - (d) A decision of ABCD to fail a student and require the termination of their award, on academic grounds.
7. This Policy may not be used to appeal against decisions taken under the College's complaints or misconduct policies; these policies contain their own provisions for reviews of decisions.
8. Appeals against decisions made by assessment panels or boards for parts of a Programme delivered by collaborative partners should be addressed via the appeals policy of the partner organisation. In such instances, students have the ultimate right of appeal to the RCA unless otherwise articulated in the programme handbook for the Student's Programme.
9. If an academic appeal and complaint relating substantially to the same issue are submitted, the appeal will not be dealt with until the complaint outcome has been determined. The complaint outcome will inform consideration of the appeal.

Confidentiality and Record Keeping

10. Once a student has made an appeal, records will not be held on the student file, but kept securely in a separate appeals file held by the Registry. Records will be retained as required for a reasonable period. This is to ensure that the College can make an informed response to any request to the Office for the Independent Adjudicator (OIA) for a review of the decision (the OIA may consider any request for review received within 12 months of the decision).

Timescales

11. This Policy outlines timescales within which the RCA aims to work, including the timescales by which formal appeals must be submitted. Appeals will only be accepted outside of these timescales if there is a good reason for the delay; such appeals will be accepted only at the discretion of the Registrar.
12. The RCA shall endeavour to respond to appeals within the timescales outlined. On occasion it may be necessary to extend these deadlines; it is not possible to gauge, for all cases, how long an investigation into the issues may take, and on occasion there may be circumstances beyond the College's control that prevent the appeal being considered in accordance with the stated timescales. In such cases, revised deadlines will be communicated clearly to all parties.
13. Appeals should be submitted within 28 days of notification of the decision that is the subject of the appeal to the student, in accordance with Stage One of this Policy. Requests for a review of a decision of an Appeal Panel submitted in accordance with Stage Two of this Policy shall be submitted within 20 days of completion of Stage One.
14. If a student initiates legal proceedings against the RCA, any procedures provided for under this Policy will be paused until legal proceedings have been completed.

Stage One: Formal Consideration

15. Students are advised to seek the support of the RCASU and/or Student Support, who can advise on the procedures and support students through the process.
16. Students submitting an appeal in accordance with Stage One of this Policy should submit their appeal in writing to the Registrar within 28 days of notification of the decision that the student wishes to appeal.
17. The only grounds on which an appeal may be considered are:
 - (a) That the student's performance in the assessment was affected by illness or other factors which they were unable, or for valid reasons unwilling, to divulge before the decision was reached;
 - (b) That there was an internal administrative error;

- (c) That the assessment was not conducted in accordance with the regulations for the Programme;
- (d) That some other material irregularity relevant to the examination occurred.

Disagreement with the academic judgement of a board does not constitute grounds for appeal.

18. The Registrar will review the appeal, and may refer the appeal back to the student with a request for more evidence before proceeding. If there are no grounds for the appeal that accord with paragraph 17 of this Policy then the appeal shall be rejected; the appellant shall be directed to the provisions for a review of the Registrar's decision under Stage Two of this Policy in such cases.
19. Where an arguable case in accordance with the grounds specified in paragraph 17 is established by the appellant, the Registrar shall refer the appeal to the Chair of the relevant awarding or non-awarding board. The Chair may, at that point:
 - (a) Recommend to the Academic Board for Concessions & Discipline ('ABCD') that the appeal be upheld and that the decision should be amended;
 - (b) Confirm the original decision of the board, on the basis that the case and / or evidence are not sufficient to warrant a revised decision.
20. The Chair may request further evidence from the student, and may also consult with other members of the assessment board, before reaching their decision. Any decision to revise the outcome of a final examination must be approved by the relevant external examiner.
21. The Chair shall report their final decision, with reasons, to the Registrar, within 20 working days of receipt of the appeal.
22. Where a request is made on the basis that the student's performance in the assessment was affected by illness or other factors which they were unable, or for valid reasons unwilling, to divulge before the decision was reached, and the request is upheld, then marks or pass/fail decisions will not normally be amended. The student shall instead normally be permitted a further attempt at the assessment(s) in question in such circumstances.
23. Any decision to amend the student's overall award pass/fail decision or award classification must be approved by an external examiner for the Programme.

24. Following receipt of the Chair's decision, the appellant may choose to proceed with their appeal by confirming this intention to the Registrar, within 20 working days.
25. If the appellant chooses to proceed with their appeal then the Registrar shall convene a Panel to hear the appeal. The Panel shall consist of:
 - (a) An academic member of staff² who is a member of the Academic Board for Concessions & Discipline in the Chair;
 - (b) Two further academic staff members of the RCA, employed on AEF contracts

No members of the Panel shall be drawn from the School(s), Research Centre or Directorate with responsibility for delivering the programme to which the appellant is registered.

26. The Registrar will appoint a Secretary to the panel, normally chosen from staff of the Registry, Student Support or the Academic Development Office.
27. The Hearing will be convened no fewer than 10, and no more than 20, working days from receipt of the request to proceed with the appeal. The appellant shall be offered at least two different times for a meeting, which shall be between 9.30am – 5.30pm, between Monday – Friday on days when the College is open, and shall normally take place via remote technology
28. The Panel will receive the appeal submitted to the Registrar. In addition, parties to the appeal shall be invited to submit additional documentation, for circulation to the Panel and parties to the complaint no later than five working days before the date of the Hearing.
29. The appellant and the Chair of the relevant assessment board or Panel shall normally be expected to attend the hearing to give evidence; the chair of the relevant assessment board or Panel may delegate attendance to another member of the relevant board. Any other persons may be asked to attend the Hearing to give evidence, at the discretion of the Chair.
30. The appellant may be accompanied by another student, member of staff or RCASU representative, but that person will only be permitted to speak on the appellant's

² Defined as a member of RCA staff on an AEF contract

behalf at the discretion of the Chair. The appellant must notify the Secretary to the Hearing no later than five working days before the Hearing, of the identify of any person accompanying them to the Hearing.

31. Each party's evidence or statement(s) will be given in the presence of the other parties involved in the appeal. Cross-examining by the parties is not permitted, but questions may be permitted through the Chair, at the Chair's discretion.
32. All parties shall be permitted to view all evidence considered by the panel, and to attend all sessions held as part of the Hearing, with the exception of the introductory meeting and final discussion of the outcome. Neither the appellant nor the Chair of the assessment board or Panel shall attend either of these latter sessions. Under no circumstances shall the appellant or subject view or hear evidence or statements taken as part of the Hearing without the other party having an opportunity to see, and comment upon this evidence or these statements.
33. The Panel may either:
 - (a) Uphold the appeal
 - (b) Partially uphold the appeal
 - (c) Reject the appeal.
34. If the Panel either upholds, or partially upholds the appeal then it may:
 - (a) Refer the decision back to the relevant assessment board or panel, with guidance;
 - (b) Exceptionally, make a recommendation to the Academic Board for Concessions and Discipline to annul the decision of the relevant assessment board.
35. The Panel may make recommendations following consideration of an appeal, even where the appeal is rejected. Recommendations shall be considered by the appropriate School, Research Centre or Directorate who shall submit their response to the Registrar. An annual report, detailing formal complaints and appeals received, outcomes, recommendations and responses shall be submitted to the Senior Management Team, Academic Standards Committee and Senate, with a summary report to the Council.

36. Panels shall normally advise parties of the outcome of their consideration on the day of the Hearing. A full, written, report of the Hearing shall be drafted within 10 working days of the Hearing, and submitted to the parties to the complaint, who will be asked to check for factual accuracy. Any suggested amendments from the parties will be considered by the Chair, who will retain the right to reject these amendments. A final report will be submitted to all parties within 20 working days of the Hearing.
37. If, following receipt of the final report of the Hearing, the appellant remains unsatisfied, they may submit a request for a review of the decision to the Chair of the Academic Board for Concessions & Discipline ('ABCD'), in accordance with Stage Two of this Policy.

Stage Two – Review

38. Students submitting a request to review a decision taken at Stage One of this Policy should submit their request in writing (via email) to the Registrar. The Registrar will arrange for the request to be reviewed by the Chair of the ABCD.
39. Any request for review at Stage Two must be made on one or more of the following grounds:
 - (a) That the provisions of this Policy were not correctly applied;
 - (b) That the final outcome cannot be sustained given the evidence;
 - (c) That evidence has become available that could not reasonably have been presented at Stage One of the process, and that may arguably have led to a different outcome.

And must be received by the Registrar within 20 days of issue of the final report of the Stage One Hearing.

40. It should be noted, in respect of the provision to review a decision on the basis that the final outcome cannot reasonably be sustained, that a case must be made that the decision is manifestly unjust, rather than simply that the appellant disagrees with the outcome.
41. The Chair of the ABCD will consider the case made by the appellant, and may seek additional evidence, either from the parties to the appeal or from any other source. The Chair of the ABCD will not normally interview parties to the appeal personally.

42. The Chair of the ABCD may either uphold or reject the request to review. If the request is upheld the Chair of the ABCD may either:
- (a) Refer the appeal back to the original Panel, with guidance, to be heard in accordance with Stage One of this Policy;
 - (b) Require the Registrar convene a new Panel to hear the complaint, to be heard in accordance with Stage One of this Policy;
43. The Chair of the ABCD's decision shall be the final decision on behalf of the RCA.

Students with Disabilities

44. The College is committed to fulfilling its obligations under the 2010 Equalities Act. The College is committed to taking positive steps to ensuring that students with disabilities are treated no less favourably than other students within its processes. Reasonable adjustments shall be made throughout the processes to support students with disabilities. These may, for example, include permitting representatives to speak on behalf of students or extending timescales for submitting complaints. Any reasonable adjustment will be proportionate and relevant to the disability, and will be approved by the Registrar.

Office of the Independent Adjudicator

45. Once the Chair of the ABCD's decision has been taken, any appeal that is not referred back to Stage One of the Policy shall be considered completed by the College, and a Completion of Procedures letter will be issued. This letter shall confirm the outcome of the process, with any appropriate explanation. The letter shall also give guidance on steps that the student may take to refer the matter to the Office of the Independent Adjudicator ('OIA'), a body independent of the College established to review unresolved complaints from students in higher education, should they remain unsatisfied. Further information on the OIA can be viewed at their website: www.oiahe.org.uk.

Senate

June 2018

Amendments June 2022