



## **APPEALS AND COMPLAINTS PROCEDURES**

### **Part A – Appeals Procedures**

#### **Roles and Responsibilities**

##### **1. The Judgement of the College’s Examination Board:**

- 1.1 The Academic Board delegates responsibility to the College’s Examination Board for ensuring that students are assessed fairly, according to College and course regulations.
- 1.2 The College’s Examination Board is also responsible for interpreting the assessment regulations for the College’s academic courses if any difficulties arise.
- 1.3 The College’s Examination Board acts as a Departmental Examination Board for the College’s academic courses
  - 1.3.1 It confirms the assessment and module results and recommends them to the Examination Board of the Collaborative Partner
  - 1.3.2 It confirms eligibility for progression to the Examination Board of the Collaborative Partner
  - 1.3.3 It recommends awards to students who have completed their programme of studies to the Examination Board of the Collaborative Partner
- 1.4 The College’s Examination Board confirms the results of the Vocational modules, eligibility for progression on the Vocational Programme and recommends students for Ordination to the Academic Board.

##### **2. The Judgement of the Research Degree Committee**

- 2.1. The Academic Board delegates to the Research Degree Committee responsibility for academic matters relating to research degrees and research degree students. These are subject to the arrangements regarding the co-supervision of research students which LBC may from time to time reach with other institutions of higher education.
- 2.2. There are separate regulations on research degree students’ appeals and complaints procedures included in the Code of Practice on Research Degree Students.

### **3. The Judgement of the Rabbinic Admissions' Board and the Admissions' Panels for Jewish Studies and Jewish Education Studies, and the Research Degree Committee:**

3.1. The Academic Board delegates responsibilities for Admissions to the Jewish Studies and the Jewish Education Admissions Panels, the Board of Rabbinic Admissions and the Research Degree Committee.

3.2. The said Teams, Board and Committee are responsible for carrying out fairly the College's policies and procedures regarding admissions as well as setting and interpreting the criteria for admissions and selection in respective programmes for which they are responsible for.

3.3. There are separate regulations on admission's appeals and complaints included in the Regulations Regarding Admissions and Recruitment.

### **4. The Role of the Appeals and Complaints Board:**

4.1. The Appeals and Complaints Board (ACB) is an ad hoc board set up by the Academic Board to address appeals and complaints when they have not been satisfactorily resolved at the appropriate board, team or committee level. Where necessary or appropriate the ACB may review a decision of the Examinations Board, the Research Development Committee, Rabbinic Course Team, Jewish Studies Course Team and Jewish Education Course Team or require these bodies to review their own decisions depending on the matter at hand.

### **5. Who May Appeal**

5.1 An appeal may be made only by a student or a group of students. If the appeal represents a group of students the appeal will be dealt with through a single spokesperson. Representation by a third party will not be considered unless there are extenuating circumstances or the student is incapacitated. In such a situation evidence must be provided showing why the student is unable to represent him/herself.

5.2 This appeals process applies to students registered on LBC non-validated programmes only. It also applies to students who have left the College following the completion of a non-validated programme for a period of up to three months after the end of the academic year for which they were registered for.

5.3 This appeals process does not apply to LBC students on validated programmes, or when attending classes at another institution of higher education whether it takes place in the UK or abroad. In such circumstances students must use the appeals process as defined at that institution.

5.4 There are separate regulations for candidates applying for admissions to the College and for Research Degree Candidates which are found in:

- The Regulations Regarding Admissions and Recruitment

- The Code of Practice Regarding Postgraduate Research Programmes

## **6. Grounds for an Appeal:**

6.1. Appeals can only be made against final assessment results which have been confirmed by the College's Examinations Board for vocational courses.

6.2. Appeals against final assessment results which have been confirmed by the Exam Board of the Collaborative Partner must be made to the Collaborative Partner and follow its Appeals Regulations.

6.2. The decision of the College's Examinations Board or the Examination Board of the Collaborative Partner remains in force until a decision about the appeal is made. A student cannot graduate or be ordained if s/he wishes to appeal.

6.3. Students have the right to appeal to the Academic Board for a review of a decision of the Examinations Board, team or committee whose responsibility it is to make decisions about ordination or student progression on a vocational module or course. In particular in the following cases:

6.3.1. Where the College suspends or terminates registration because academic progress is considered to be unsatisfactory, e.g. failure in examinations, or failure to submit or pass other assessments and failure to attend classes.

6.3.2. Where the College has imposed a condition on progression to the next stage of the programme.

6.3.3. Where the College makes a decision regarding professional requirements for ordination including fitness to practice.

6.3.4. where the College penalises the students for academic misconduct.

6.4. Students have the right to Appeal to a Collaborative Partner for cases dealing with their academic programmes. This includes termination of registration, failure to progress, a decision regarding a class or category of a degree or other qualification the student believes to be incorrect. In such cases students must abide by the Partner's regulations on Appeals.

6.5. Specifically, the Academic Board has determined that only those requests to review a decision regarding a module or programme which are based on additional information, and fall within either of the following categories of appeal shall be considered by the College's Examination Board:

6.5.1 Matters relating to a student's performance in an examination, assessment, or oral examination which was adversely affected by exceptional extenuating circumstances such as illness, or other factors which s/he was unable, or for valid reasons, unwilling to divulge to the

Examinations Officer, Course Team Leaders or Directors of Studies as appropriate before the College Examinations Board, has reached its decision;

6.5.2. Matters relating to a material administrative error, or if the examination(s), assessment(s), oral examination(s) were not conducted in accordance with the prescribed regulations/procedures for the course or award, or that some other material irregularity relevant to the examination, assessment, oral examination, has occurred which has substantially prejudiced the results of the examination(s), assessment(s), or oral examination(s).

6.5.3. Matters relating to a mathematical error in calculating or recording marks.

6.5.4 Matters relating to bias or a perception of bias.

6.6. The College believes it is important to remind those who would wish to make an appeal that:

6.6.1. Disagreement with academic judgement of examiners in assessing the merits of an individual piece of work, or in reaching any assessment decision based on the marks, grades or other information relating to a student's performance or an academic judgement cannot in itself constitute grounds for an appeal.

6.6.2. Alleged insufficiencies in teaching or supervision or the provision of materials or equipment cannot form the grounds of an appeal.

6.6.3. A general feeling that grades do not reflect the merit of a piece of work or a student's abilities cannot form the grounds of an appeal.

6.6.4. Lack of awareness or understanding on the part of the student about assessment regulations and procedures cannot form the grounds of an appeal.

6.6.5. Lack of awareness on the part of the student about the procedures for presenting extenuating circumstances cannot form the grounds of an appeal.

6.6.6. Disagreement with the conclusions reached by those approving requests for extenuating circumstances cannot form the grounds of an appeal.

6.7. Therefore, in determining the following procedures the Academic Board has sought to ensure that students with claims deriving from any of the items above, will be treated fairly and have their cases considered as quickly as

possible; whilst also protecting the standard of the validating body's award by deterring frivolous, malicious or vexatious claims.

6.8. Students who have a complaint or grievance about the provision of a programme or a service should follow the Complaints Procedure.

## **7. Confidentiality**

7.1. The College will seek to keep any information received in the course of dealing with an appeal as confidential. The information will be shared, kept and used only for the purpose of investigating and determining the outcome of the appeal.

## **8. Notice to Students:**

8.1. Students who make an appeal may do so without fear of reprisals, victimisation, disadvantage or recrimination.

8.2. Students are encouraged by the College in the first instance to discuss with their course tutor, or Course Team Leaders, or Directors of Jewish Studies or Jewish Education, or Head of Vocational Studies, or Head of Academic Services, as appropriate, any concerns they might have regarding the decision of the College's Examination Board, or Course Team with a view to resolving the matter informally.

8.3. The Head of Academic Services should ensure that the student understands the College's regulations which allow for an appeal to be made to the ACB. On receipt of the request for an appeal, the Head of Academic Services together with the Director of Jewish Studies or the Director of Jewish Education or Head of Vocational Studies (whichever is appropriate) seeks to find a solution (within the College's regulations) through informal discussion with those concerned and has authority, provided there is agreement with the appellant, to act on such a decision. If there is no agreement the appeal proceeds to the ACB.

8.4. In the event that agreement cannot be reached informally and a student believes s/he has a case and wishes the ACB to hear her/his appeal, s/he will submit a written notice of intent to the Head of Academic Services, within 15 working days (three weeks) of his/her notification of the results of the examination, assessment or oral assessment concerned by the College's Examinations Board. This applies to students on the Vocational Programme see item 6.3

8.5. The Head of Academic Services shall notify the Academic Board of the need to set up the ACB and appoint a secretary to the ACB. This should occur within 15 working days (3 weeks) of receipt of the formal appeal. The Secretary of the ACB will inform the student and each member of the ACB the date, venue and time when the first meeting of the ACB will take place.

Additionally, the Secretary shall supply each person involved with copies of all relevant reports, documents and other relevant information to be made available to the ACB.

8.6. It is the responsibility of the student to provide the ACB with a written full account of the case stating clearly the grounds on which the Appeal is made; and for providing relevant documentation or other evidence where available. This evidence should normally be lodged with the Secretary of the ACB at least 10 working days (two weeks) before the first meeting of the Board.

8.7. Claims submitted after the time specified will not be considered unless the Chair of the ACB is satisfied that the student has provided an acceptable reason for a later submission.

8.8. The College will make every effort to keep to time limits set out in these procedures. There may be occasions when this is not possible. In such an event the student will be kept informed of progress.

## **9. Membership of the Appeals and Complaints Board:**

The ACB will consist of up to four members:

- An external academic (chair)
- Principal of LBC
- Two members of faculty who have had no part in the decision against which the student is appealing
- Head of Academic Services (non-voting)

Also present will be the Secretary of the ACB.

## **10. Information to be made available to the ACB:**

10.1. Prior to the first meeting of the ACB the Chair shall be provided with all written information, documents and other pertinent evidence associated with the appeal. In particular if relevant: the original medical certificate or doctor's letter, the student's written account of the case to be made to the Board with supporting evidence, any written information submitted by a member(s) of the College staff associated with the case, College regulations, a schedule of examination dates and coursework deadlines, confirmation that the results of the examination(s), assessment(s) appealed against contribute to the student's progression on the programme.

10.2. The student shall be invited to attend the meeting at which his/her claim is to be considered, and may be accompanied by a member of faculty, his/her personal or rabbinic tutor, or a friend designated by him/her as long as s/he notifies the name of the person in advance. During the meeting the student and his/her designated person may confer. The designated person may ask the panel questions and or provide clarifications.

10.3. Should the student decline to attend, or not respond to the invitation to attend, or for any other reason not be able to attend the meeting, provided members of the ACB believe they have sufficient evidence available to consider the appeal fully, then the ACB may proceed with its deliberations in the absence of the student.

## **11. Format of the Meeting of the ACB:**

11.1. The format of the meeting shall normally be as follows:

- Private meeting of the Board.
- Hearing evidence of the student. All those involved in the hearing are present.

The student will have submitted a full case in writing. S/he will be asked to summarise the main points of his/her case, answer any questions raised by the ACB members, and will have the opportunity both to ask questions of Board members and about the written evidence available to the members.

- Hearing the evidence of the course tutor and/or second examiner, or oral examiner, and any other member of the staff associated with the Appeal.
- Private meeting of the Board.
- Informing the student verbally of the outcome of the appeal provided a decision can be reached on the day.

11.2. Exceptionally, to facilitate speedy consideration of a student's claim (but only after the student making the appeal has agreed to this procedure in writing), the chair of the ACB is empowered to ask the members to submit their recommendations in writing if this would avoid the necessity of holding a meeting. Within this procedure, if the recommendations of the members are unanimous, their decision will be reported as having been achieved by correspondence; together with the names of those involved and the reasons for their decision. If the recommendations of the ACB members are not unanimous the Secretary to the ACB shall be required to convene a meeting of the ACB to discuss the student's claim.

11.3. The Secretary shall take a full record of the proceedings. The formal minute of the ACB shall record those present and the decision of the ACB together with the reasons for its decision.

11.4. Where a student's claim is upheld by the ACB, the grounds on which the ACB has based its advice is related to the responsible body (e.g. the College Examination Board, Rabbinic Course Team,) for it to reconsider its decision .

## **12. Implementation of decisions:**

12.1. The College Examination Board, after duly considering the evidence, shall agree either to amend or confirm its original decision.

12.2. If after reconsideration, in the circumstances detailed in items 6.5.2. above, the College's Examination Board does not modify its decision, the ACB may annul a decision if in its opinion due and proper account has not been taken of the relevant factors as specified in item 6.5.2 above.

12.3. In cases of procedural or other irregularity, items 6.5.1 and 6.5.3. above, the ACB shall have power to annul a decision without making a prior request for reconsideration. If an error or irregularity is found to have affected more than one candidate, the ACB may annul the whole examination or any part of it.

12.4. When a decision has been annulled it is the responsibility of the ACB to take action,

12.5. Where the College Examination Board, agrees to amend its original decision, but is uncertain as to the most appropriate alternative recommendations, it may seek additional evidence of the student's performance, either through re-assessment at the next normal opportunity, or through a viva voce examination, or through another form of assessment appropriate to the student's circumstances and the requirements of the course of study or admission process as appropriate.

12.6. Should the College Examination Board, decide that the student has produced satisfactory evidence to support her/his appeal then that student will be required to be reassessed as if for the first time in any or all of the elements of assessment as specified by the Examination Board. If the appeal is upheld the College shall reimburse the student for any reasonable and proportionate expenses which s/he has necessarily incurred.

12.7. The Academic Board shall ensure that adequate permanent arrangements are established for dealing with any requests by students which may lead to the reconsideration or annulment of a result.

### **13. Dissemination:**

13.1. Once a final outcome has been reached, the Secretary of the ACB shall send a statement recording the ACB's decision, reasons for its decision within 5 working days (1 week) to: the following

- Chair of the Academic Board
- Student appellant
- Chair of the College Examination Board (if relevant)
- Course Team Leader
- Head of Academic Services
- Relevant External Examiner

The statement should also list any further procedures the student may have recourse to. In the case of appeals of students on non-validated awards the College will issue a completion of procedures letter.



## **14. Monitoring**

14.1. All appeals will be brought to the attention of the Academic Quality Assurance Team for consideration.

14.2. The Senior Management Team will monitor the outcomes of each appeal and consider whether the case indicates that a change is required to a procedure or provision offered by the College. Consideration will also be given to the appeals process itself and whether the procedure requires enhancement.

## **Part B – Complaints Procedures**

### **1. Introduction:**

1.1. The College is committed to high standards and to creating a supportive environment which promotes learning, research and scholarship underpinned by values of justice and equality.

1.2. The College endeavours to conduct its working relationships with the students in an open, transparent and professional manner and seeks to find prompt solutions to immediate needs, issues or grievances. However, the College recognises that occasionally a more formal arrangement should be available to students to find a satisfactory solution to an unresolved complaint. Nevertheless, in the first instance the College would expect that all complaints should be dealt with and resolved at the time an issue occurs. If possible this should be on an informal basis by the people concerned, or alternatively through the Students' Society or other appropriate committees or groups. Concerns can also be part of feedback mechanisms of the College.

1.3. Students who make complaints may do so without fear of reprisals, victimisation, disadvantage or recrimination irrespective of whether the complaint is successful. The College will seek to keep any information received in the course of dealing with a complaint confidential. The information will be shared, kept and used only for the purpose of investigating and determining the outcome of the complaint. If enquiries are made outside the College, the College will ensure compliance with GDPR on handling personal information. The individual against whom a complaint is made will however be informed and will receive a copy of the complaint.

1.4. In determining the following procedures the Academic Board has sought to ensure that students will be treated fairly and have their cases considered as quickly as possible. Disciplinary action, however, will be taken in the event that a claim is shown to be frivolous, malicious or vexatious.

1.5. Complaints should be made as close as possible to the event prompting the complaint, and in any case within 60 working days (12 weeks.) In exceptional circumstances the College may accept a complaint outside the formal time limit.

1.6. The College will make every effort to keep to time limits set out in these procedures. There may be occasions when this is not possible. In such an event the student will be kept informed of progress.

### **2. Who May Complain**

2.1. This complaints procedure may be used by students for individual or collective complaints. Collective complaints are often general and should usually be raised first of all through the Students' Society, or other appropriate committees or groups. If, following informal procedures, a collective complaint is made the complaint will be dealt with through a single spokesperson.

2.2. This complaints procedure also applies to former students for a period of up to 60 working days (12 weeks) after the end of their studies.

2.3. Representation by a third party will not be considered unless there are extenuating circumstances or the student is incapacitated. In such a situation evidence must be provided showing the student is unable to represent themselves.

2.4. Anonymous complaints will not be dealt with.

### **3. Definition**

3.1. The scope of this procedure is restricted to complaints about a specific concern which fails to meet reasonable expectations about:

- the delivery of a programme of study including teaching and supervision
- the quality of the student's educational experience at the College
- the standard of service provided by the College
- The accuracy of information provided in prospectuses and other materials

3.2. The scope of the procedure does not cover:

- Appeals against decisions of the Examinations Board
- Dissatisfaction about the outcome of an academic misconduct or disciplinary process

3.3. Complaints about a service given by another university or organization should be pursued in line with that university's or organisation's complaints regulation.

3.4. Specific procedures exist for dealing with:

- appeals against an academic judgement
- alleged harassment
- alleged inequality of opportunity

3.5. An Appeal and Complaint procedure cannot be pursued at the same time. Where it is not clear which procedure to use, the Head of Academic Services shall advise the student.

### **4. Stage 1 - Informal Procedures/Early Resolution**

4.1. Student(s) should try to resolve a complaint directly and informally with the person concerned. This could be the tutor or course team leader, or in the case of a facility or service, the person responsible for the service or the Head of that department. The student will receive a verbal or written acknowledgement of the outcome to the complaint explaining how the matter will be resolved or why it cannot be resolved. This should be communicated without undue delay.

4.2 Alternatively, students can try to resolve a complaint by bringing the matter to the attention of the Students' Society, or other appropriate committees or groups.

## **5. Stage 2 – Formal Procedures**

5.1. A formal process occurs in the event that (a) a student believes his/her complaint has not been dealt with adequately by early resolution between the people concerned, and or though the Students' Society or other appropriate committee or group. In this case the student must submit the formal complaint within 15 working days (3 weeks) of stage 1 ending; (b) a student does not wish to engage with early resolution (c) the case is complex requiring investigation. In cases (b) & (c) the formal complaint must be submitted as close to the event as possible and in any case within 60 working days (12 weeks). In all these circumstances the student must make a formal complaint in writing.

5.2. The formal complaint should include the details of the complaint, the steps already taken to try to resolve the complaint informally, why this was not satisfactory and what resolution or redress is being sought. It should also include evidence to substantiate the complaint (e.g. witness statements, medical reports, financial information).

5.3. The formal complaint should be addressed to the Head of Academic Services, who will clarify the nature of the complaint (unless the complaint concerns the Head of Academic Services, in which case a person nominated by the Principal shall do so).

5.4 The Head of Academic Services will ensure that the complaint has adhered to the correct procedures.

5.5. The Head of Academic Services (or nominated person) in consultation with the Dean and or relevant Director or Head (unless the complaint concerns the Dean, Director or Head in which case a nominee is appointed by the Principal) should attempt to resolve the complaint made by the student to the satisfaction of the parties concerned. Complaints will be treated in confidence, but where the case requires it, the members of staff dealing with the complaint can talk to relevant other staff. The investigation will normally involve meeting with the complainant. A report will be prepared which will include recommendations of how to proceed. This should occur within twenty working days (4 weeks) of receiving the formal letter of complaint unless there are exceptional circumstances requiring a swift response. The student will receive a written acknowledgment of the outcome of the complaint explaining how the matter will be resolved or why it cannot be resolved based on the report. This should be communicated without undue delay

5.6. The student may if s/he so wishes be accompanied by another member of faculty or a friend whose role is to support the student at the meeting(s).

5.7. The student has the right to withdraw the formal complaint at any time without prejudice.

5.8. In the event that the student still remains unsatisfied he/she may appeal to the Academic Board for a review within fifteen working days (3 weeks) of receiving the written acknowledgement of the outcome.

## **6. Stage 3 - Review**

6.1. Should a student wish to ask for a review of a formal complaint, the student will submit a written notice of intent to the Head of Academic Services. The letter requesting the review should include an explanation as to why the student is unsatisfied with the outcome of the formal complaints procedure (stage 2) and what redress he/she is seeking. The letter should include supporting documents.

6.2. The Head of Academic Services shall notify the Academic Board of the need to appoint an ad hoc Appeals and Complaints Board (ACB) and appoint a Secretary to the ACB.

6.3. The Secretary of the ACB will inform the student and each member of the ACB of the date, venue and time when the first meeting of the ACB will take place.

### *6.4. Composition of the Appeals and Complaints Board.*

The ACB will consist of up to four members not involved in the complaint in the following categories:

- An external academic (chair)
- Principal or member of the senior management team
- A member of the Board of Governors
- One member of faculty or staff according to the nature of the complaint.

Also present will be the Secretary of the ACB.

6.5. The student may be accompanied at the meeting by a member of faculty or fellow student as long as s/he notifies the name of the person in advance. The department that is the subject of the complaint may be represented by up to two members of staff.

6.6. If a member of staff is the subject of the complaint s/he has the right to attend and be accompanied by a member of faculty or staff.

6.7. The purposes of the Appeals and Complaints Board is to establish whether: (a) the procedures were followed in the formal stage; (b) whether the outcome was reasonable; (c) new evidence should be considered which the student was unable, for valid reasons, to provide earlier and which would have had a material impact on the investigation previously undertaken;

6.8. The ACB will determine whether to uphold the complaint in whole or in part and to recommend, if appropriate, what the redress should be. The

proceedings and outcome of the ACB deliberations will be minuted by the Secretary of the ACB.

6.9. At the meeting the student's written complaint, together with the written report from the member(s) of staff involved in the complaint and full written details of all previous attempts to resolve the complaint, should be made available to the ACB.

6.10. The decision of the ACB should be communicated in writing by the Secretary of the ACB to all parties concerned within twenty working days (four weeks) of the completion of the ACB's responsibilities. The reasons for the decision taken by the ACB are to be explained. The statement should also list any further procedures the student may have recourse to. In the case of complaints of students on non-validated awards the College will issue a completion of procedures letter.

6.11. In the event of a complaint being upheld, the Principal shall take appropriate action, which will be confirmed in writing to the student without undue delay. If the complaint is upheld, an apology will be made.

6.12. The College will also reimburse students for any reasonable and proportionate incidental expenses they have necessarily incurred.

6.13. The Senior Management Team will monitor the outcomes of each complaint and consider whether the case indicates that a change is required to a procedure or provision offered by the College. Consideration will also be given to the complaints process itself and whether the procedure requires enhancement.

6.14. The Head of Academic Services will bring to the attention of the Directors and Heads those issues raised in the complaint which are pertinent to the College's policies, practices and procedures.

6.15. All complaints will be brought to the attention of the Academic Quality Assurance Team for consideration.

## **7. Requesting a Review by a Validating University**

7.1. A student on a validated award who remains dissatisfied and has exhausted the College's Complaints procedures may apply for a review to the University validating the course they are studying on.

See Middlesex University Regulations on Students Complaints and Grievances Procedures in Appendix A.

7.2. Students may also apply to the Office of the Independent Adjudicator having exhausted the review process by the validating university.