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Alternative format

If you require this document in an alternative format, please contact the Student Support Team via [Contact us](#) (phone +44 (0)300 303 5303), or via [StudentHome](#) if you are a current Open University student.

For requests relating to postgraduate research student policies, please contact the Research Degrees Team via research-degrees-office@open.ac.uk.

Students living in Wales can speak with a student support adviser in Welsh on 029 2047 1170, should you wish to do so.

Summary of Procedures

- The Student Complaints and Appeals Procedures enable you to bring matters of concern to the attention of The Open University and provide mechanisms through which those concerns may be resolved.
- This document outlines several complaints and appeals procedures, covering both academic and non-academic concerns:
 - a) [Student complaints and administrative appeals](#) (non-academic)
 - b) [Student academic appeals](#) (academic)
 - c) [Complaints in relation to The Open University Students Association](#) (non-academic)
- The procedures comprise of an informal, a formal, and a review stage. Our aim is to resolve most problems and difficulties as quickly and easily as possible at the informal stage.
- There are time limits by which you must raise a complaint or appeal and by which you must escalate to the next stage if you remain dissatisfied. It is therefore important that you raise any concerns you may have as soon as possible.
- The Open University is committed to investigating and resolving complaints fairly and in accordance with the Office of the Independent Adjudicator's (OIA) [Good Practice Framework: Handling complaints and academic appeals](#). No student who brings a genuine complaint or appeal under this procedure will be disadvantaged by The Open

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University, regardless of the outcome. We aim to promote a positive culture whereby students can raise genuine concerns confidently.

- Once you have exhausted The Open University's internal procedures, if you remain dissatisfied with the outcome, you may apply for an independent review by the OIA.

Scope

Who these procedures cover

The Student Complaints and Appeals Procedures apply to:

- Enquirers who are intending to study with The Open University
- Applicants
- Undergraduate taught students
- Postgraduate taught students
- Postgraduate research students
- Apprenticeship Learners
- Vocational Qualification Learners
- Microcredential Learners
- formerly registered students and alumni who have studied with The Open University in the past 5 years.

We recognise that not everyone is classed as a student, however we use this term throughout this document to recognise all of the above learners.

You can seek help, advice and guidance on making a complaint or appeal from the [Complaints and Appeals](#) area of the Help Centre, the [Graduate School Network](#) (for research students) and from the [Student Casework Office](#).

What these procedures do not cover

There are separate policies and procedures for matters of student misconduct in the [Code of Practice for Student Discipline](#) and bullying and harassment in the [Dignity and Respect Policy](#).

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Complaints or appeals will not be eligible if more than 5 years have elapsed since you last studied at The Open University.

Students studying for an Open University qualification at another education institution, (including students studying OU qualifications under a Collaborative Provision arrangement), are required to follow that institution's procedures in the first instance. In some circumstances, once the procedures of that institution have been exhausted, there may be a further right of complaint to The Open University. If so, the procedure for referring your concern to The Open University will be set out in the information provided to you by your institution.

Microcredential learners studying on the FutureLearn platform who wish to discuss matters concerning their online experience with the FutureLearn website, should follow the [complaints procedure for FutureLearn](#) in the first instance. If, once you have exhausted FutureLearn's complaints procedure, you remain dissatisfied, you can request that your complaint be considered by The Open University by contacting the [Student Casework Office](#). This does not apply to Microcredential learners studying on The Open University's Virtual Learning Environment (VLE), who should raise their concerns under [Section A: Student Complaints and Administrative Appeals](#) of this document.

Learners undertaking a Vocational Qualification with The Open University should refer to the Complaints and Appeals Procedures on the [Vocational Qualifications Policies website](#) in the first instance.

Apprenticeship learners wishing to make a complaint to the OU should refer to their Practice Tutor or the Apprenticeship Programme Delivery Manager, before raising a complaint under these procedures.

Employment issues that do not form or contribute to the apprenticeship should be directed to the employer. However, the Practice Tutor or Apprenticeship Programme Delivery Manager may be able to offer support. You can submit an email to apprenticeships@open.ac.uk.

Additionally, apprenticeship students may also be able to refer their case to the [Complaints Team of the Education and Skills Funding Agency \(ESFA\)](#) for investigation. Prior to presenting a complaint to the ESFA we would recommend that students discuss their concerns with the Apprenticeship helpline for guidance on whether this is an appropriate action (Telephone: 0800 015 0400; email: nationalhelpdesk@apprenticeships.gov.uk).

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Where an apprentice wishes to appeal the grading of an End Point Assessment, the apprentice should follow the appeals procedure of the Registered Apprenticeship Assessment Organisation (RoAAO). If you are unsure of your End Point Assessment Organisation, you can contact the End Point Assessment Team at apprenticeships-epa@open.ac.uk.

The Open University Student Charter Values

The [Student Charter](#) was developed jointly by The Open University and the OU Students Association. It is a declaration of our shared values and the commitments we make to each other. This document has been developed with the Student Charter values as its foundation. The Open University is dedicated to managing complaints and appeals in line with the Student Charter Values.

Introduction

The Open University aims to provide an excellent student experience that enables everyone to achieve their study goals and full potential. However, we recognise that sometimes things go wrong and, when they do, we welcome the opportunity to put them right as soon as possible. The Student Complaints and Appeals Procedures enable you to bring matters of concern about any aspect of your time as a student or decisions relating to your access to learning, to the attention of The Open University, and provides mechanisms through which those concerns may be resolved. The Complaints and Appeals Procedures also enable the University to monitor and improve the services we provide to ensure we meet quality standards and enhance the student experience.

If you have a concern with any aspect of your student or learning experience, you are encouraged to contact the area of The Open University you have been dealing with as soon as possible. The procedures comprise of an informal (stage 1), a formal (stage 2) and a review stage (stage 3) and aim to be simple, clear, and fair to all parties. We aim to resolve most concerns as quickly and easily as possible at the informal stage (stage 1) but, if you feel that we have not responded or managed your concern appropriately, you will have the opportunity to escalate your concern to a formal complaint (stage 2) and following this, a review (stage 3).

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We will ensure no student who brings a genuine complaint or appeal under these procedures will be disadvantaged by The Open University, regardless of the outcome. Complaints that are not considered genuine are defined in clause [E9.1.3](#). Complaints and Appeals at all stages will be handled sensitively and with due consideration for confidentiality.

If you need help with your complaint or appeal at any stage of the process, you can contact the [OU Students Association Advice Team](#). The OU Students Association Advice Team can offer support, advice and guidance through the [Individual Representation service](#).

You should contact the [Student Casework Office](#) if you wish to discuss any reasonable adjustments to these procedures or any additional support you may need in raising and pursuing your complaint or appeal to take into account your disability, in order to comply with its obligations under the Equality Act 2010 in England, Scotland and Wales, the Disability Discrimination Act 1995 (Amendment) Regulations (Northern Ireland) 2004, or any other statutory duty or obligation.

Section A: Student complaints and administrative appeals procedure

A1 Definitions

A1.1 Student complaint

A1.1.1 A complaint is a student request for The Open University to review an oral or written expression of dissatisfaction concerning the provision of a programme of study or related academic or administrative service. It is not an appeal against a decision.

A1.1.2 You have the right to make a complaint about the provision of a service or facility or the failure to provide a service or facility, either where the standard of the service or facility has fallen below the standard that might reasonably be expected or where there is a reasonable expectation that the service or facility would be provided.

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A1.2 Student administrative appeal

A1.2.1 An administrative appeal is as a student request for The Open University to review a decision made by an individual or a group responsible for non-academic aspects of your time as a student. This includes decisions related to fees, financial support, exceptional arrangements, reasonable adjustments, and registration such as late registration, that are not academic in nature.

A1.2.2 You may request an appeal of any decision where there are specific grounds relating to the fairness or adequacy of the procedures followed, including the consideration of all relevant evidence, the correct application of rules, how a decision was communicated, bias, and the overall reasonableness of the decision made.

A2 Stage 1: Informal complaint or administrative appeal

A2.1 If you have cause for concern about any aspect of your time as a student or have grounds to believe any decision relating to your studies is wrong, you should notify the area in which the concern has occurred. You must do so as soon as possible and no more than 28 calendar days after the event. If we receive your complaint or appeal more than 28 calendar days after the event, it is likely to be considered as out of time, unless there are exceptional circumstances for extending the time limits, as detailed in section E12 [‘Time Limits’](#). An informal (stage 1) concern will be taken seriously.

A2.2 You should start your complaint or appeal using the [online form](#) in order to ensure that you are put in touch with the right area of The Open University. Telephone numbers are also provided if you prefer to raise your concern over the telephone (please refer to the [Further Clarification](#) section for contact details).

a) If you are making an informal complaint as defined in A1.1 [‘Student complaint’](#), you should explain your reason(s) for dissatisfaction, providing evidence where appropriate such as correspondence with The Open University, medical evidence or a witness statement. You should explain what you think The Open University could do to put the matter right.

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b) If you are making an informal appeal as defined in A1.2 '[Student administrative appeal](#)', you should set out the reason(s) why you believe the decision was not the correct decision. You should provide evidence where appropriate, such as correspondence with The Open University, medical evidence or a witness statement. You cannot query a decision simply because you do not agree with it; you must show why the decision was not made in accordance with the relevant University policies, procedures, or regulations.

A2.3 If the member of staff receiving your complaint or appeal is unable to offer you an agreeable outcome, they will advise you, within 3 working days of receiving your query, what action they are going to take, when you should expect to receive a response and by what means.

A2.4 Within 10 working days of receipt of your complaint or appeal the member of staff reviewing it will send you an [Outcome Message](#) which will include a full and detailed response to your complaint(s) or appeal(s). The Outcome Message will contain a reference number. You will need to quote this reference number if you wish to escalate your complaint or appeal.

A2.5 If you have not received the Outcome Message within the 10 working days, and you have not received an explanation for the delay, you should contact the [Student Casework Office](#) to discuss escalation of the complaint or appeal to the formal stage.

A3 Stage 2: Making a formal complaint or administrative appeal

A3.1 After receiving the [Outcome Message](#), you may escalate your complaint or appeal to the formal stage of the Student Complaints and Administrative Appeals Procedure if:

A3.1.1 you do not consider that reasonable steps have been taken to resolve the complaint matter; or

A3.1.2 the decision you appealed has not been managed in accordance with the relevant University policies, procedures and regulations; or

A3.1.3 you have not received an Outcome Message within the time limit (or extended time limit)

A3.2 To do this you must:

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- a) Write to the [Student Casework Office](#), or complete the [online form](#) within 28 calendar days of the date of the Outcome Message.
- b) Explain why the outcome to the informal stage has not resolved the complaint or appeal.
- c) If you are making a complaint as defined in A1.1 '[Student complaint](#)', you should also set out what you believe The Open University could reasonably be expected to do to resolve the complaint

or

If you are making an administrative appeal as defined in A1.2 '[Student administrative appeal](#)', you should also set out one or more of the following grounds on which you believe The Open University should review its decision:

- that relevant evidence has not been taken into account; or
- that irrelevant evidence was taken into account; or
- that any relevant University regulations, policies or procedures have not been applied correctly; or
- that the reasons for the decision were not fully and clearly communicated to you; or
- that there was bias, or the likelihood of bias in making the decision; or
- that the decision was made by a person or body without the necessary responsibility or authority; or
- that the procedure followed was not fair or adequate; or
- that the decision was not one which, in all the circumstances, it was reasonable for The Open University to have made.

d) Submit any new evidence which has not previously been submitted in support of your complaint or appeal.

e) You must either quote the reference number provided in the Outcome Message or show that the time limit (or extended time limit) for a response has passed.

A3.3 Failure to meet these requirements will result in the complaint or appeal not being accepted.

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- A3.4 The Student Casework Office will acknowledge receipt of the complaint or appeal within 3 working days of receiving it and we will advise you whether your complaint or appeal has been accepted or not.
- A3.5 If your complaint or appeal has not been accepted, we will advise you of the reasons for that decision and you will be given a further opportunity to resubmit your stage 2 complaint or appeal request.
- A3.5.1 You must resubmit your complaint or appeal request within 28 calendar days of the Outcome Message or 10 working days of the acknowledgement of your request by the Student Casework Office, whichever is longer.
- A3.5.2 If your further submission is not accepted, we will send you a [Completion of Procedures letter](#) (please see section D '[Methods of appeal](#)' for details of escalation to the [Office of the Independent Adjudicator](#)).
- A3.6 If your complaint or appeal is accepted, we will refer it to a [Senior Authority](#) to investigate and we will advise you when a full response can be expected. In most cases this should be no more than 15 working days from the date of the acknowledgement, however we will notify you if a time extension is required and the reasons why.
- A3.7 The Senior Authority will be someone with no prior involvement in the response to the stage 1 concern, and will investigate the complaints or appeals you have made. They will consider your grounds for complaint or appeal, review the evidence you have submitted, check your student record, refer to University policies, procedures and regulations as appropriate and seek reports from members of staff as required.
- A3.8 Once your complaint or appeal has been fully investigated the Senior Authority will send you a [Decision Letter](#). The Decision Letter will set out the matters of the complaint or appeal, a timeline of events, details of the information or evidence taken into consideration and the outcome of the complaint or appeal. Where evidence not previously available to you has been considered by the Senior Authority, this will be provided to you as long as this would not breach data protection legislation.
- A3.9 If your complaint or appeal is not upheld, the Senior Authority will inform you of the reasons for this decision.

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A3.10 If your complaint or appeal is upheld, or partly upheld, the Senior Authority will inform you of the actions being taken to put the matter right and what The Open University will do to prevent similar issues arising in the future. The Senior Authority may also make recommendations in respect of quality assurance of procedures or policies. These recommendations will be reported to any relevant areas of The Open University and to the Student Casework Office to monitor their implementation. We will ensure you are aware of these recommendations.

A4 Stage 3: Requesting a Review

A4.1 If, having received the [Decision Letter](#), you do not consider that your complaint or appeal has been managed in accordance with the relevant University policies, procedures and regulations, you may escalate the complaint or appeal to the Review Stage of the Student Complaints and Administrative Appeals Procedure.

A4.2 To do this you must:

- a) Write to the [Student Casework Office](#) or submit a [review form](#) within 28 calendar days of the date of the Decision Letter.
- b) Explain why the outcome to your complaint or appeal has not resolved the issue.
- c) Set out one or more of the following grounds on which you believe The Open University should review its decision:
 - that relevant evidence has not been taken into account; or
 - that irrelevant evidence was taken into account; or
 - that any relevant University regulations, policies or procedures have not been applied correctly; or
 - that the reasons for the decision were not fully and clearly communicated to you; or
 - that there was bias, or the likelihood of bias in making the decision; or
 - that the decision was made by a person or body without the necessary responsibility or authority; or
 - that the procedure followed was not fair or adequate; or
 - that the decision made was not fair or reasonable in all the circumstances.

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d) Submit any new evidence which has not previously been submitted in support of your complaint or appeal. If you introduce new evidence or a new element of complaint or appeal at the Review stage, to be eligible for further consideration you should provide a valid reason to explain why this could not have been provided earlier in the process.

A4.3 Failure to meet these requirements will result in the request for review not being accepted.

A4.4 The Student Casework Office will acknowledge the request for review within 3 working days of its receipt. Within 10 working days of the acknowledgment, a Casework Manager will write to advise you whether or not the review request has been accepted. If it is not accepted, we will advise you of the reasons for that decision within a [Completion of Procedures letter](#) (please see section D '[Methods of appeal](#)' for details of escalation to the [Office of the Independent Adjudicator](#)).

A4.5 Where a request for a review meets the requirements in paragraph [A4.2](#), a Casework Manager without prior involvement in the concern will carry out a review of your complaint or appeal, on behalf of the [Vice Chancellor's Delegate](#). The review will not reconsider your complaint or appeal but will look at all of the matters raised in the grounds of your review and determine whether the complaints and administrative appeals process has been followed correctly. The Casework Manager will produce a report which will include:

- A summary of your complaint or appeal and grounds for review
- The background to your complaint or appeal
- A decision as to whether your complaint or appeal is Upheld, Partly Upheld or Not Upheld
- An explanation of the reasons for the decision
- Recommendations for resolution where appropriate

A4.6 The Vice Chancellor's Delegate will consider and approve the draft report. We will then send you and the [Senior Authority](#) a copy of the approved report within 15 working days of the date of the eligibility letter.

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- A4.7 If the Senior Authority's decision is confirmed following the review, we will send you a [Completion of Procedures letter](#) together with a copy of the Vice Chancellor's Delegate's report.
- A4.8 If the Senior Authority's decision is not confirmed following the review, we will send you a summary of recommendations to remedy the complaint or appeal, together with the Vice Chancellor's Delegate's report.
- A4.8.1 If the recommendations to remedy the complaint or appeal include an offer which requires you to respond to the terms of the offer to confirm acceptance, you will have 10 working days to accept the offer.
- A4.8.2 We will send you a [Completion of Procedures letter](#) following this.
- A4.9 The Open University will make every reasonable effort to meet the time limits as stated in this procedure. For complex cases, additional time may be required to ensure a thorough review of a submission. We will notify you in writing if an exception to the standard time limit is needed, and we will keep you informed of when you can expect to receive an outcome response.

A5 Completion of Procedures

- A5.1 The [Vice Chancellor's Delegate](#) is The Open University's final authority in relation to student complaints and administrative appeals. If you consider that a decision has not been made in accordance with the rules and procedures of The Open University you may refer the matter to the [Office of the Independent Adjudicator for Higher Education \(OIA\)](#) for an independent review, as set out in section D '[Methods of appeal](#)' of this document.

Section B: Student academic appeals procedures

B1 Definition of an academic appeal:

- B1.1 An academic appeal is a request for a review of a decision made by an academic body responsible for making academic decisions such as admission, assessment, student progression and awards.

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B1.2 The academic bodies charged with making those decisions are referred to in these procedures as [Delegated Academic Authorities](#) and are set out in [Appendix 1](#).

B1.3 You cannot appeal against an academic decision because you disagree with the academic judgement of The Open University. You may only appeal against an academic decision where there are specific grounds relating to the fairness or adequacy of the procedures followed.

B2 The General Academic Appeals Procedure

B2.1 The General Academic Appeals Procedure applies to academic decisions concerning:

- entry requirements (excluding entry to work based nursing or social work programmes), registration and enrolment;
- reasonable adjustments for teaching and assessment of students with disabilities;
- the application of progression rules and study order, detailed in the [Academic Progress Policy](#) and [Academic Regulations](#);
- academic misconduct (plagiarism), detailed in the [Academic Conduct Policy](#);
- the discretionary postponement of an exam or end of module assessment, detailed in the [Postponement Policy](#);
- the extension of time limits for assessment or exam, including the late submission of special circumstances, detailed in the [Special Circumstances policy](#);
- the award of [aegrotat credit](#);
- the exceptional award of a qualification;
- registration for a research degree;
- the termination of registration for a research degree;
- refusal of permission to submit a thesis for exam;
- any other academic decision not referred to in section B4 '[Other academic decisions reviewed only by the Senate Academic Appeals Review Panel](#)'

B2.2 Decisions about assignment marks, module results, the result of an exam for a research degree, entry to work based nursing and social work programmes or

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suitability or fitness to practise in nursing or social work are covered in sections [B3](#) to [B4](#).

B2.3 Stage 1: Informal query of an academic decision

B2.3.1 If you have grounds to believe that an academic decision listed in [B2.1](#) is wrong you should notify The Open University as soon as possible and within 28 calendar days of the decision. If we receive your appeal more than 28 calendar days after the decision, it will be considered as out of time, unless there are exceptional circumstances for extending the time limit, as detailed in section E12 '[Time Limits](#)'.

B2.3.2 You should submit an [online form](#); telephone numbers are also provided if you prefer to raise your query over the telephone (please refer to the [Further Clarification](#) section for contact details). You should direct the query to the person or area of The Open University who made the decision and set out the reason(s) why you believe the decision was not the correct decision, providing evidence where appropriate such as correspondence with The Open University, medical evidence or a witness statement.

B2.3.3 If the member of staff receiving your query is unable to offer you an outcome within 3 working days of the receipt of your query, they will advise you what action they are going to take, when you should expect to receive a response and by what means.

B2.3.4 Within 10 working days of receipt of your query, they will send you an Outcome Message which will contain a full response to your query and a reference number. You will need to quote this reference number if you wish to escalate your query to the formal appeal stage.

B2.3.5 If the Outcome Message is not issued within the 10 working day time limit, and you have not received an explanation for the delay, you should contact the [Student Casework Office](#) to discuss escalation of the informal query to the formal appeal stage.

B2.4 Stage 2: Formal Appeal to the Delegated Academic Authority

B2.4.1 If you consider that the decision in the Outcome Message has not been reviewed in accordance with the relevant University policies, procedures and regulations, or if you have not received an Outcome Message within the time limit (or extended time limit) you may escalate the appeal to the formal Appeal Stage of the General Academic Appeals Procedure.

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B2.4.2 To do this you must:

- a) Write to the [Student Casework Office](#), or complete the [online form](#) within 28 calendar days of the date of the Outcome Message.
- b) Explain why the outcome to your informal appeal has not resolved the issue.
- c) Set out one or more of the following grounds on which you believe The Open University should review its decision:
 - that relevant evidence has not been taken into account;
 - that irrelevant evidence was taken into account;
 - that any relevant University regulations, policies or procedures have not been applied correctly;
 - that the reasons for the decision were not clearly communicated to you;
 - that there was bias, or the likelihood of bias in making the decision;
 - that the decision was made by a person or body without the necessary responsibility or authority;
 - that the procedure followed was not fair or adequate;
 - that the decision was not one which, in all the circumstances, it was reasonable for The Open University to have made.
- d) Submit any new or additional evidence which has not previously been submitted in support of your appeal.
- e) Quote the reference number provided in the Outcome Message or show that the time limit (or extended time limit) for a response has passed.

B2.4.3 Failure to meet these requirements will result in your appeal not being accepted.

B2.4.4 The Student Casework Office will acknowledge receipt of your appeal within 3 working days and will advise whether your appeal meets the requirements in [B2.4.2](#) and has been accepted or not.

B2.4.5 If your appeal has not been accepted, we will advise you of the reasons for that decision and you will be given a further opportunity to resubmit your stage 2 appeal request.

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- a) You must resubmit your appeal request within 28 calendar days of the Decision Letter or 10 working days of the acknowledgement of your request by the Student Casework Office, whichever is longer.
- b) If your further submission is not accepted, we will send you a [Completion of Procedures letter](#) (please see section D [‘Methods of appeal’](#) for details of escalation to the Office of the Independent Adjudicator).

B2.4.6 If your appeal is accepted, we will refer it to a [Delegated Academic Authority](#) to investigate and we will advise you when a full response can be expected. In most cases this should be no more than 15 working days from the date of the acknowledgement, however we will notify you if a time extension is required and the reasons why.

B2.4.7 The Delegated Academic Authority will be suitably qualified to consider the appeal, with no prior involvement in the stage 1 response to the appeal. They will investigate your appeal, taking into account your grounds for appeal and any evidence you have submitted in support of your appeal; they will also review your student record and refer to University policies, procedures and regulations as appropriate.

B2.4.8 Once your appeal has been fully investigated the Delegated Academic Authority will send you a Decision Letter. The Decision Letter will set out the matters of appeal, a timeline of events, details of the information or evidence taken into consideration and the outcome of the appeal. Where evidence not previously available to you has been considered by the Delegated Academic Authority, this will be provided to you as long as this would not breach data protection legislation.

B2.4.9 If your appeal is not upheld, The Delegated Academic Authority will inform you of the reasons for this decision.

B2.4.10 If your appeal is upheld, or partly upheld, they will inform you of the actions being taken to implement the decision and, where appropriate, what The Open University will do to prevent a recurrence of an incorrect decision in the future. The Delegated Academic Authority may also make recommendations in respect of quality assurance of procedures or policies. These recommendations will be reported to any relevant areas of The Open University and to the Student Casework Office to monitor their implementation. We will ensure you are aware of these recommendations.

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B2.5 Stage 3: Requesting a Formal Review

B2.5.1 The [Delegated Academic Authorities](#) are The Open University's final authority in relation to academic appeals. Stage 3 Formal Reviews are carried out by the [Senate Academic Appeals Review Panel](#). If you consider that the decision of the Stage 2 appeal has not been made in accordance with the relevant University policies, procedures and regulations, please refer to section B5 '[Academic Appeals Review Procedure](#)' for further details of how to request a Stage 3 review.

B3. Tutor Marked Assignment (TMA) mark appeals procedure

B3.1 Marking TMA's fairly depends on your tutor exercising their academic judgement, taking into account the marking guidance, to determine how well you have answered the question set. The Open University closely monitors the marking of TMAs by using statistical analysis to ensure fairness between all the different tutors for a module and by qualitative monitoring of the marking and feedback for a sample of work.

B3.2 If you believe that your tutor has made a mistake in marking your TMA or given you a score that is not a reasonable reflection of the standard of work you have submitted, you may submit a query or appeal for any TMA (**except** for end-of-module TMAs (emTMAs)).

B3.3 Continuing your Studies

B3.3.1 It is in your own interests to raise informal queries and formal appeals promptly and we in turn will endeavour to deal with them efficiently to have minimum impact on your studies. While a query or appeal is pending you should continue with your studies and with any assessment; a pending query or appeal is not acceptable grounds for late submission of a subsequent assignment.

B3.3.2 Whatever the outcome, making an appeal will not be held against you. You should, however, be aware that the outcome of a query or appeal may mean that you are awarded a lower score for the assignment if that is a reasonable reflection of the standard of work you have submitted.

B3.3.3 If you believe that an error in marking has affected subsequent assessment(s), you should raise this through the [Special Circumstances Policy](#) so that it can be considered when determining your module result.

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B3.3.4 If you believe that the standard of the work you were able to submit was adversely affected by other factors outside your control, such as illness, you should raise this as set out in the [Special Circumstances Policy](#).

B3.4 Grounds for Query or Appeal

B3.4.1 You may query or appeal the score given for any TMA on either or both of two grounds:

- a) **Administrative:** If you believe that the marker has omitted to mark some of your submission or has wrongly added the marks awarded when calculating the total score.
- b) **Academic:** If you believe that the score awarded does not reasonably reflect the academic merit of the work you submitted.

B3.4.2 A TMA marking query or appeal will only consider the accuracy or reasonableness of the score awarded for the TMA work. Consequences beyond the score for the TMA in question, for example effects on your module result, cannot be considered.

B3.5 Stage 1: Informal TMA query

B3.5.1 To query a TMA mark you should first contact your tutor directly, as soon as possible and within 14 calendar days of a marked eTMA being available for download, or a marked paper TMA arriving by post. You must state (as listed in [B3.4](#)):

- a) where you believe the administrative error has been made; and/or
- b) the grounds on which you believe that the mark is not reasonable.

B3.5.2 Your tutor will consider your query on the basis of the grounds you have given.

B3.5.3 Any reconsideration of your TMA by your tutor will be based solely on the text and other content of the TMA as originally submitted.

B3.5.4 Your tutor should inform you of their decision in writing within 10 working days of the date you submitted your query.

B3.5.5 If an administrative error is found, the error will be corrected in full, an amended score will be recorded and new feedback given if necessary. If after further consideration your tutor agrees that the original marking did not reasonably reflect the standard of your work, an amended score will be recorded and new feedback given if necessary.

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B3.5.6 If your tutor decides that the original score should stand and/or does not find an administrative error, they will explain this decision to you.

Stage 1 queries on modules without personal tutors or with absent tutors

B3.5.7 If your tutor has changed since the mark was awarded, is unavailable (for example through illness), or did not mark the TMA in question for another reason then you should contact your [Student Support Team \(SST\)](#), who will arrange an alternative marker to manage your query.

A small number of modules do not allocate personal tutors; if you are studying this type of module and want to query a TMA score, please contact the [Student Casework Office](#) within 14 calendar days of receiving the TMA score, noting that your module does not provide a personal tutor. Your SST will advise you when an alternative marker has been allocated and the time limit for responding to your query will be 10 working days from the date it is passed to the alternative marker.

End of module TMA (emTMA) queries

B3.5.8 If you wish to query the outcome of an end-of-module TMA (emTMA) you should **not** contact your tutor. In the first instance, you should complete a module result check form to query your outcome (please refer to the [Module Results Determination Policy](#) for more details).

B3.6 Stage 2: Formal TMA Appeal to the Delegated Academic Authority

B3.6.1 If you consider that the marker's decision on your stage 1 query has not corrected an administrative error, or resulted in a score that reasonably reflects the academic merit of the work you submitted, then you may request a stage 2 formal appeal.

B3.6.2 To make a stage 2 appeal you should write to the [Student Casework Office](#) or complete the [online form](#) within 28 calendar days of receiving the marker's decision on your query, including:

- a) The module code and the number of the TMA which your appeal relates to;
- b) Copies of the correspondence with the marker at the informal query stage (stage 1), including the grounds for your query and the marker's decision following your query; and
- c) An explanation of why you believe your grounds for query, as stated in [B3.4](#), were not fully or appropriately considered.

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- B3.6.3 Please note that you cannot introduce new grounds for appeal at this stage; the original marker must have had the chance to respond to all the concerns you raise.
- B3.6.4 The Student Casework Office will acknowledge receipt of your appeal within 3 working days and advise you whether your appeal meets the requirements in paragraph [B3.6.2](#) and has been accepted or not.
- B3.6.5 If your appeal is not accepted, we will advise you of the reasons for that decision and you will be given a further opportunity to resubmit your appeal request.
- a) You must resubmit your appeal request within 10 working days of the acknowledgement of your request by the Student Casework Office.
 - b) If your further submission is not accepted, we will send you a [Completion of Procedures letter](#) (please see section D '[Methods of appeal](#)' for details of escalation to the [Office of the Independent Adjudicator](#)).
- B3.6.6 If your appeal is accepted, we will refer it to a [Delegated Academic Authority](#) to investigate and we will advise you when a full response can be expected. In most cases this should be no more than 15 working days from the date of the acknowledgement, however, we will advise you if a time extension is required and the reasons why. The Delegated Academic Authority will be a member of academic staff with supervisory responsibility for the module you are studying.
- B3.6.7 When the Delegated Academic Authority receives your appeal they will proceed as follows:
- i) **If your appeal is on administrative grounds**, the Delegated Academic Authority or their nominee will examine your marked assignment to check that the first marker has given credit for all work submitted. If a section has been missed, the Delegated Academic Authority will arrange for the new score to be recorded and inform you of the result.
 - ii) **If your appeal is on academic grounds**, the Delegated Academic Authority will obtain an informed second opinion on the work you submitted. The method used will normally be a review of the original marking unless the Delegated Academic Authority considers that another method, such as blind second marking, will give a fairer result. If the second opinion confirms that your original score fell within a reasonable range, that score will remain unchanged. If the Delegated Academic

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Authority and second opinion agree that your original score was not within a reasonable range, they will jointly agree a revised score to be recorded.

- iii) **If your appeal is on both academic and administrative grounds**, both of the above processes will be followed. Administrative issues will be considered first and resolved before academic reconsideration.

B3.6.8 When your appeal has been determined, the Delegated Academic Authority will issue a Decision Letter with details of the outcome.

B3.7 Stage 3: Requesting a Formal Review

B3.7.1 The [Delegated Academic Authorities](#) are The Open University's final authority in relation to academic appeals. Stage 3 Formal Reviews are carried out by the [Senate Academic Appeals Review Panel](#). If you consider that the decision of the stage 2 appeal has not been made in accordance with the relevant University policies, procedures and regulations, please refer to section B5 '[Academic Appeals Review Procedure](#)' for further details of how you may request a stage 3 review.

B4 Other academic decisions reviewed only by the Senate Academic Appeals Review Panel

B4.1 There is no appeal other than a referral to [Senate Academic Appeals Review Panel](#) (SAARP), for the below outcomes made by each relevant panel or committee:

- a) A **module result** approved on behalf of the Senate by the Module Results Approval and Qualifications Classification Panel (MRAQCP) on the recommendation of a Module Result Panel (MRP).
- i) If you are not sure whether you have grounds for an appeal you may, in some circumstances, ask The Open University to carry out a Module Result Check. Details of how to do this and the time limits for making a request are set out in the [Module Results Determination Policy](#).
- b) The **result of an examination for a research degree**, approved on behalf of Senate by the Research Degrees Examination Result Approval Committee (RDRAC).
- i) Please note, if as the result of an appeal, there is a re-examination of your thesis and the result of the re-examination is less favourable to

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you than that of the first examination, the result of the first examination will stand subject to the original corrections, amendments or revisions.

c) The **decision of a Selection Panel or a Fitness to Practice Panel**

B4.2 You cannot appeal against an outcome simply because you disagree with the academic judgement, are disappointed with the decision or because of consequences that a decision may have. You must make a case, with evidence to support it, that The Open University has made a procedural error in reaching that result under one or more of the grounds set out in [B5.4.1c](#).

B4.3 Please refer to section B5 '[Academic Appeals Review Procedure](#)' for further details of how to request a review by the Senate Academic Appeals Review Panel.

B5 Academic Appeals Review Procedure

B5.1 You have the right to request a review by the [Senate Academic Appeals Review Panel](#) if you consider that a decision listed below (B5.1.1 - B5.1.5) has not been made in accordance with the relevant University policies, procedures and regulations.

B5.1.1 a decision of a Delegated Academic Authority which has been made following a formal academic appeal under section [B2.4 Stage 2: Formal Appeal to the Delegated Academic Authority](#) or [B3.6 Stage 2: Formal TMA Appeal to the Delegated Academic Authority](#) of this procedure;

B5.1.2 a refusal by a Delegated Academic Authority to consider a formal academic appeal which is admissible under section [B2.4 Stage 2: Formal Appeal to the Delegated Academic Authority](#) or [B3.6 Stage 2: Formal TMA Appeal to the Delegated Academic Authority](#) of this procedure;

B5.1.3 a recommendation of a Module Result Panel (MRP) set out in [B4 Other academic decisions reviewed only by the Senate Academic Appeals Review Panel](#)

B5.1.4 a decision of the Research Degrees Examination Result Approval Committee (RDRAC) set out in [B4 Other academic decisions reviewed only by the Senate Academic Appeals Review Panel](#);

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B5.1.5 a decision of a Selection Panel or a Fitness to Practise Panel set out in [B4 'Other academic decisions reviewed only by the Senate Academic Appeals Review Panel'](#).

B5.2 A request for review is not eligible solely on the ground that there is disagreement or dissatisfaction with an academic judgement or with the finding of a [Delegated Academic Authority](#) on stage 2 appeal. However, an appeal can be made if that judgement has been made by a single academic expert and has not been subject to scrutiny by an authorised academic body of The Open University.

B5.3 You may not request a further review of any appeal decision that has previously been reviewed by the SAARP.

However, you may refer the matter to the [Office of the Independent Adjudicator for Higher Education \(OIA\)](#) for an independent review, as set out in section D ['Methods of appeal'](#).

B5.4 How to request a Review

B5.4.1 To request a review you must:

- a) Write to the Secretary to the SAARP (SCO-SAARP@open.ac.uk), within 28 calendar days of the date of the Decision Letter; and
- b) Explain why you consider that the decision has not been made in accordance with the relevant University policies, procedures and regulations; and
- c) Set out one or more of the following grounds on which you believe The Open University should review its decision:
 - that relevant evidence has not been taken into account; or
 - that irrelevant evidence was taken into account; or
 - that any relevant University regulations, policies or procedures have not been applied correctly; or
 - that the reasons for the decision were not fully and clearly communicated to you; or
 - that there was bias, or the likelihood of bias in making the decision; or
 - that the decision was made by a person or body without the necessary responsibility or authority; or
 - that the procedure followed was not fair or adequate; or

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- that the decision was not one which, in all the circumstances, it was reasonable for The Open University to have made.
- d) Submit any evidence, or any additional evidence which has not previously been submitted in support of your appeal, such as correspondence with The Open University, medical evidence or a witness statement. Where new evidence is introduced at the Review stage, to be eligible for further consideration you should provide a valid reason to explain why this could not have been provided earlier in the process.

B5.4.2 Failure to meet these requirements will result in the request for review not being accepted.

B5.4.3 The Student Casework Office will acknowledge the request for review within 3 working days of its receipt. Within 10 working days of the acknowledgement, the Secretary to the Panel will write to advise you whether or not the review request has been accepted.

B5.4.4 If the request for review is not accepted, we will advise you of the reasons for that decision and issue you a [Completion of Procedures letter](#) (please see section D [‘Methods of appeal’](#) for details of escalation to the Office of the Independent Adjudicator).

B5.4.5 If your request for a review does meet the requirements in paragraph [B5.4.1](#), the Secretary will convene a Panel with no prior involvement with the concern, to conduct a review. The review will be conducted in accordance with the procedure set out in [Appendix 2](#). If it has been established that there are sufficient grounds to set aside a decision without the need for a hearing, the appeal will be referred to the Delegated Academic Authority for a reconsideration of the original decision.

B5.4.6 The Open University will make every reasonable effort to meet the time limits as stated in this procedure. For complex cases additional time may be required to ensure a thorough review of a submission. We will notify you in writing if an exception to the standard time limit is needed, and we will keep you informed of when you can expect to receive an outcome response.

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Section C: Complaints in relation to The Open University Students Association

C1 Referring your complaint against the OU Students Association

C1.1 Section C of the Student Complaints and Appeals Procedures is designed to comply with the provisions of the [Education Act, 1994: Part II, Student Unions, clause 22\(m\) and \(n\)](#). It is solely intended for any Open University student or group of students who:

- are dissatisfied in their dealings with the OU Students Association; or
- claim to be unfairly disadvantaged by having exercised their right not to be a member of the OU Students Association.

C1.2 Where a complaint is made against the OU Students Association, references to 'staff' in [section E](#) will include the OU Students Association, the OU Students Association staff and students holding an elected office within the OU Students Association. (Note: This applies the E10 '[Expected standards of behaviour](#)' of students when making a complaint to the OU Students Association).

C1.3 Any student or group of students should raise their complaint in the first instance under the OU Students Association [Resolving and Settling Differences procedure](#).

C1.4 When the final stage of the OU Students Association [Resolving and Settling Differences Procedure](#) has been completed, the OU Students Association will issue you a Completion of the OU Students Association Procedures letter setting out their final decision, and the reasons for that decision. A complaint against the OU Students Association may only be referred to The Open University for an independent review once that Completion of OU Students Association Procedures letter has been issued.

C1.5 A complaint against the OU Students Association may only be referred to The Open University for review if the complaint relates to one or more of the following matters:

- the OU Students Association has not followed its own procedures;
- the OU Students Association has not acted within its agreed policies;
- the OU Students Association has acted against the law;

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- you have been disadvantaged by not being a member of the OU Students Association.

C1.6 To refer your complaint to The Open University you must:

C1.6.1 Write to the [Student Casework Office](#), or submit a [review form](#) within 28 calendar days of the date of the Completion of the OU Students Association Procedures letter.

C1.6.2 Explain why you remain dissatisfied with the outcome to your complaint.

C1.6.3 Set out one or more of the following grounds on which you believe The Open University should review the decision of the OU Students Association:

- that relevant evidence has not been taken into account; or
- that irrelevant evidence was taken into account; or
- that any relevant OU Students Association regulations, policies or procedures have not been applied correctly; or
- that the reasons for the decision were not fully and clearly communicated to you; or
- that there was bias, or the likelihood of bias in making the decision; or
- that the decision was made by a person or body without the necessary responsibility or authority; or
- that the procedure followed was not fair or adequate; or
- that the decision made was not one which, in all the circumstances, it was reasonable for the OU Students Association to have made.

C1.6.4 Submit any new evidence which has not previously been submitted in support of your complaint, such as correspondence with The Open University, medical evidence or a witness statement.

C1.7 Failure to meet these requirements will result in the request for review not being accepted.

C1.8 The Student Casework Office will acknowledge the request for review within 3 working days of its receipt and we will advise you if the review request has been accepted. If it is not accepted we will advise you of the reasons for that decision

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within a [Completion of Procedures letter](#) (please see section D [‘Methods of appeal’](#) for details of escalation to the Office of the Independent Adjudicator).

C1.9 Where a request for a review has been accepted, a Casework Manager will conduct a review on behalf of the [Vice-Chancellor’s Delegate](#). The review will not reconsider your complaint but will look at all of the matters raised in the grounds for your review and will determine whether the OU Students Association [Resolving and Settling Differences Procedure](#) has been followed correctly.

C1.10 Within 15 working days of the date of the eligibility letter, the Casework Manager will draft a report for the Vice-Chancellor’s Delegate which contains:

- a summary of your complaint and grounds for review
- the background to your complaint
- a recommendation as to whether the OU Students Association decision should be set aside, set aside in part, or confirmed, with the reasons for the decision
- Recommendations for resolution where appropriate.

Once the [Vice Chancellor’s Delegate](#) has approved the report, we will send a copy of the report to you, to the OU Students Association, and to the Director, Academic Services.

C1.11 If the OU Students Association decision is confirmed following the review, we will send you a [Completion of Procedures letter](#) together with the Vice-Chancellor’s Delegate’s report.

C1.12 If the decision of the Vice-Chancellor’s Delegate is to set aside the decision of the OU Students Association, in whole or in part, we will refer the complaint back to the OU Students Association, with recommendations for reconsideration of the complaint. The OU Students Association will contact you directly within 15 working days of the referral confirming how they intend to implement the recommendations. A copy of the OU Students Association correspondence will be sent to the Student Casework Office and, within 28 working days of the correspondence being received by the Student Casework Office, we will send you a [Completion of Procedures letter](#).

C2.13 The Vice Chancellor’s Delegate may also make recommendations to the Council in respect of quality assurance of procedures or policies. We will ensure these

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recommendations are reported to you for information and to the OU Students Association.

- C2.14 The Open University will make every reasonable effort to meet the time limits as stated in this procedure. For complex cases additional time may be required to ensure a thorough review of a submission. We will notify you in writing if an exception to the standard time limit is needed, and we will keep you informed of when you can expect to receive an outcome response.

C2 Completion of Procedures

- C2.1 The [Vice-Chancellor's Delegate](#) is appointed by the Council of The Open University to act as an independent person to investigate and report on complaints against the OU Students Association, under section 22(m) of the [Education Act 1994](#) and is the final authority in respect of such complaints. If you consider that a decision has not been made in accordance with the rules and procedures of The Open University,

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you may refer the matter to the [Office of the Independent Adjudicator for Higher Education \(OIA\)](#) for an independent review, as set out in section D '[Methods of appeal](#)' of this document.

Section D: Methods of appeal

- D1.1 Once you have exhausted The Open University's Student Complaints and Appeals Procedures or if your complaint or appeal has been determined as ineligible (as detailed in E9 '[Ineligible Complaints and Appeals](#)', we will send you a [Completion of Procedures letter](#) within 28 calendar days.
- D1.2 If you remain dissatisfied with the outcome or with the way in which The Open University managed your complaint or appeal, you may refer your complaint or appeal to the [Office of the Independent Adjudicator for Higher Education \(OIA\)](#) to apply for an independent review of the handling of your complaint or appeal.
- D1.3 You must refer your complaint to the OIA within 12 months from the date of the [Completion of Procedures letter](#). Guidance on submitting a complaint to the OIA can be found on the [OIA's website](#). The procedures to follow for referring your case to the OIA will also be provided within the [Completion of Procedures letter](#) issued by the Open University.
- D1.5 Please note that the OIA will normally only review issues once the providers internal procedures have been completed and a [Completion of Procedures letter](#) has been issued. The OIA are unable to consider complaints referred by applicants or enquiries.

Section E: Supporting Information

E1 Complaints and appeals submitted in Welsh

- E1.1 Welsh language speakers residing in Wales are welcome to submit complaints and appeals in Welsh. Complaints and appeals can be made via the Welsh version of the [online form](#) which can be found on the StudentHome Help Centre, by telephone on the following number [029 2047 1019](#) or by email to

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StudentCaseworkoffice@open.ac.uk. Complaints or appeals conveyed in Welsh will be responded to in Welsh and will not be treated less favourably.

E1.2 Mae fersiwn Gymraeg o'r polisi hwn ar gael. A Welsh language version of this procedure is also available.

E1.3 As a requirement under the Welsh Language Standards, the OU has a separate complaints procedure to deal with perceived failures to comply with the standards. [The procedure is outlined here.](#) [Mae fersiwn Gymraeg o'r weithdrefn ar gael yn fan hyn.](#)

E2 Third party complaints and appeals

E.2.1 We will only investigate complaints or appeals made by third parties on behalf of a student or students, if the student or students have given their written permission that the third party may act on their behalf. This includes Members of Parliament, legal advisers and family members. If you already have an advocacy agreement in place this is acceptable permission, for further details on advocacy please refer to the [Advocacy Policy](#).

E3 Anonymous Complaints and Appeals

E3.1 We cannot accept or respond to anonymous complaints and appeals, as complaints and appeals can only be investigated properly when full background information can be gathered. If, however, it is a matter of public interest, you can report anonymous concerns under The Open University's [Whistleblowing Policy](#).

E4 Mediation as an alternative dispute resolution

E4.1 Mediation can be an alternative route to resolving matters of concern that would typically otherwise be considered under the [Student Complaints and Administrative Appeals procedure](#). It provides students with the opportunity to have their concerns listened to by someone independent of the issues and to work towards an amicable resolution. It is entirely confidential, only the agreed outcomes will be shared with The Open University. However, mediation is not appropriate in all situations, and can take approximately 3 months to arrange.

E4.2 If you wish to consider using mediation services to resolve your concerns, you should contact the [Student Casework Office](#) to discuss this further. If we agree that

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mediation is appropriate, the Student Casework Office will provide a liaison point between you, the mediators, and the University. The formal Student Complaints and Administrative Appeals Procedure will be paused pending the outcome. If mediation does not resolve the issues to both parties' satisfaction, you can reinstate your complaint or appeal at the same stage it was at before it was paused.

E5 Group complaints or appeals

- E5.1 If you are a group of students wishing to submit a joint complaint or administrative appeal, you must nominate a spokesperson to correspond with us. All complainants must provide their written permission to the spokesperson and this evidence of permission must be submitted with the group complaint or administrative appeal before it can be considered. We will provide a single response to a group complaint.
- E5.2 A complaint or administrative appeal can only be managed as a group if the same issue affects all of the students in the group in the same way. Where a group complaint or administrative appeal has been submitted and it is not appropriate to deal with it as a group, we will treat it as an individual complaint or administrative appeal made by each member of the group. We will inform the group of this decision, with reasons, and the group will be given an opportunity to state why in their opinion, the complaint or administrative appeal should be managed as a group.
- E5.3 Group academic appeals are not permitted; however, an upheld group complaint could be presented as evidence in support of an individual academic appeal.

E6 Complaints and appeals about multiple or interconnected issues

- E6.1 If you have made a complaint about an issue which involves different service areas, the Student Casework Office will co-ordinate the complaint in collaboration with the respective departments. We will send you a single response to your complaint.
- E6.2 If you have made a complaint or appeal which includes two or more distinct, separate issues, we will pass each part of your complaint or appeal to the relevant service area. The relevant service areas will send you a separate response to each issue in your complaint or appeal.
- E6.3 If you have made multiple complaints or appeals at the same time, about interconnected or overlapping issues, we may decide that these should be considered together and responded to in a single response to provide greater clarity.

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If we decide that this is the best way to proceed, we will inform you of this decision, with details of what will be responded to within the single response. We will ensure all substantive aspects of the complaints or appeals are responded to.

E7 Complaints and appeals that may fit into more than one category

E7.1 If you raise a complaint or appeal which does not fall neatly into the category of either a complaint or an appeal, or if your concern contains issues of complaint and an appeal, we will advise you which issues will be looked at under which procedure. This will be irrespective of which procedure you have used to formally raise your concern.

E7.2 Your concern may be managed under an alternative procedure if that is appropriate. We may decide to consider all matters together particularly if, for example, the findings of a complaint are likely to influence an appeal decision. You will be advised of any implications of following two procedures at once, and we may suspend one procedure pending the outcome of the other.

E7.3 Complaints and Appeals that may not be appropriate to consider at an informal stage

E7.3.1 If when a complaint or appeal is first presented, it is not considered appropriate to investigate the issue at an informal stage, due to the complexity and/or seriousness of the concern, we will escalate the concern for formal consideration (stage 2). You will be informed of this and the reason for the decision. All matters raised in your complaint or appeal will be investigated at the formal stage (stage 2).

E8 Complaints or appeals to the Vice-Chancellor, University officers and senior members of staff

E8.1 In order to ensure that your complaint or appeal is investigated as quickly and effectively as possible, you should submit your complaint or appeal in the way set out in The Open University Student Complaints and Appeals Procedures. If you choose to submit your complaint or appeal to the Vice Chancellor, any University Officer or other senior member of staff across The Open University, it will be acknowledged and referred to the [Student Casework Office](#) which may cause a delay.

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E8.2 Your complaint or appeal will then be managed in accordance with the appropriate procedure within this document. Any time limit for The Open University to respond will start from when the complaint or appeal is received in the Student Casework Office.

E9 Ineligible complaints or appeals

E9.1 We will reject a complaint or appeal without full consideration of the issues if the complaint or appeal is judged to be ineligible. A complaint or appeal may be considered to be ineligible if:

E9.1.1 The complaint or appeal is out of time and there are no exceptional circumstances for extending the time limit;

E9.1.2 Exceptional circumstances or new information is cited, but the complaint or appeal is from a former student and 5 years have elapsed since they last studied at The Open University.

E9.1.3 The complaint or appeal is considered to be vexatious and/or malicious. Examples of these include:

- The complaint or appeal reveals no facts, evidence or other circumstances which could reasonably support a complaint against The Open University or an appeal against a decision of The Open University;
- The substantive issues in the complaint or appeal have been addressed previously and The Open University's procedures have been completed;
- It is being pursued in an unreasonable manner likely to cause disruption, distress, inconvenience, delay or unreasonable expense;
- It contains wholly unsubstantiated accusations against members of Open University staff or persons connected with members of Open University staff alleging discrimination, harassment, fraud, dishonesty, conflict of interest, sexual impropriety or other serious misconduct.
- There is evidence that the complaint is being pursued with the only intention of doing harm.

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A complaint or appeal which is judged to be ineligible because it is considered malicious or vexatious may also constitute a disciplinary offence and may be referred under the [Code of Practice for Student Discipline](#).

- E9.2 If it is determined that a complaint or appeal is ineligible, we will write to you to explain that we are terminating our consideration of the complaint or appeal and give you reasons for that decision.
- E9.3 If you disagree with that decision you must write to the [Student Casework Office](#) within 10 working days of that decision setting out your reasons for your disagreement. A Senior Casework Manager will review the reasons you raise and will then determine whether the complaint or appeal will be considered. If the complaint or appeal will not receive further consideration, we will issue you a [Completion of Procedures letter](#).

E10 Expected standards of behaviour

- E.10.1 As members of the OU community everyone has responsibilities to behave in ways that align with our [Student Charter](#). Open University staff will deal with your complaint or appeal courteously and respectfully and, wherever possible, in such a way as to resolve any problems as quickly and effectively as possible. We understand that you may be upset or angry when contacting us to make a complaint or appeal, but Open University staff also have the right to be treated in a courteous and respectful manner. It is usually in all parties' interests if complaints and appeals are raised as calmly and reasonably as possible in the circumstances, so that we can quickly understand the issues and, where appropriate apologise for any mistakes and put right what has gone wrong.
- E10.2 Threatening and abusive behaviour towards staff when raising a complaint or appeal will not be accepted and may constitute a disciplinary offence and be referred under the [Code of Practice for Student Discipline](#).
- E10.3 If you are not satisfied with the behaviour of a member of staff who is managing your complaint or appeal and you cannot resolve this informally with that person, or if you have reason to believe that you have been disadvantaged as a consequence of raising your complaint or appeal, you should make a formal complaint about the staff member concerned as soon as possible by contacting the [Student Casework Office](#).

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Upheld complaints will be managed in accordance with The Open University's staff management procedures.

E11 Monitoring, evaluation and review

- E11.1 [The Student Casework Office](#) will oversee the tracking of formal complaints and appeals and their review and will ensure that they are recorded appropriately on The Open University's Customer Relationship Management system. Complaints and appeals will be stored in a secure area which only staff with appropriate permissions can access.
- E11.2 The information will be used to provide better understanding of the types of complaints and appeals that The Open University receives and what the outcomes of those complaints and appeals are. It will be used to inform and improve good practice and ensure that quality standards are being met. The data also enables the University to ensure that our policies do not directly or indirectly discriminate against students.
- E11.3 An annual report will be made to The Open University's [Student Experience Committee](#), to ensure appropriate oversight at governance level.
- E11.4 All data will be monitored in accordance with The Open University's [Equality and Diversity Scheme](#) and the data protection legislation. Further information on how we use, store and share data can be found in the [Student Privacy Notice](#).

E12 Time limits

- E12.1 We aim to complete the internal complaints and appeals procedures within 90 calendar days of a student submitting a stage 2 formal complaint or appeal. Similarly, there are time limits by which you must raise your concern or query, escalate the complaint or appeal to the next stage if you remain dissatisfied and by which we must provide a full response to you. Details of time limits are within each of the procedures in sections [A](#), [B](#) and [C](#).
- E12.2 Any complaint or appeal received after a time limit will not be considered unless it is accepted that exceptional circumstances prevented you from submitting or escalating it to the next stage within the time limit. For example, if you have been seriously ill, we will take this into account when considering if your complaint or appeal can be accepted. You should anticipate the likely requirement for supporting evidence from

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the period of the exceptional circumstance(s), such as a medical note, to show that you were unable to submit or escalate your complaint or appeal within the given time limit.

- E12.3 If you have concerns that you may experience some disadvantage if you raise a complaint or appeal, you should contact the [Student Casework Office](#) within the stated time limit to tell us what your concern is and to discuss the options available to you. We will ensure that no student with a genuine complaint or appeal is disadvantaged by raising their concern.

E13 Legal Action

- E13.1 We recommend that you do not take legal action against The Open University until these procedures have been completed. This includes, where eligible, taking your complaint or appeal to the Office of the Independent Adjudicator under the Scheme of Independent Adjudication for Higher Education established by the Higher Education Act 2004. If you do take legal action against The Open University before those procedures are completed, we will ask you to suspend legal proceedings in accordance with civil procedure rules which encourage the parties to try to resolve issues without court proceedings wherever possible.

- E13.2 If serving formal notice of legal action, the relevant documents should be sent to: Student Casework Office postal address listed in the [Further Clarification](#) section.

E14 Confidentiality and Data Retention

- E14.1 Formal complaints or appeals will be managed in confidence and the detail will only be shared with staff who need to know in order to investigate and respond to the issues you have raised.

- E14.2 Information you provide in support of your complaint or appeal may need to be shared with other areas of The Open University in order for appropriate consideration to be given to your complaint or appeal case, for example evidence of exceptional personal circumstances may be shared with the Assessment Exceptions Group.

- E14.3 Correspondence, evidence and case files in relation to complaints and appeals will be held by The Open University for a period of 6 years from the date of the last action, in accordance with The Open University's policy on the [Retention of Student Data and Records](#).

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E14.4 Any person identified in a complaint or involved in the decision being appealed will be given details of the complaint or appeal and have the right to respond as part of the investigation.

E14.5 Submitting Sensitive Information

If you need to submit evidence of exceptional personal circumstances, for example around the health of a family member, it is preferable if you do not submit detailed medical evidence about that person as The Open University will need to advise that person that we are processing their data. If possible, please only submit evidence about the effect the circumstances have had on you directly.

E15 Representation and Support

E15.1 The OU Students Association can provide support through the [Individual Representation service](#). The service offers free, confidential and independent advice, support and guidance for all students going through the complaints and appeals process.

E15.2 As an alternative to, or in addition to, students making individual or group complaints, the OU Students Association may also consider taking up issues on behalf of students generally. These will be dealt with under the terms of [The Open University Students Association Relationship Agreement](#). Contact Details for the OU Students Association can be found in the [Further Clarification](#) section of this procedure.

E15.3 The Open University understands that pursuing a complaint or appeal can be stressful and encourages students to use the support services available through the University. All students registered for study can access support, advice and guidance on maintaining good mental health and wellbeing. Further information can be found on the [Help Centre](#) and by contacting your Student Support Team (SST) via [Contact us](#) (phone +44 (0)300 303 5303), or via [StudentHome](#).

Commitment to Equality, Diversity and Inclusion at The Open University

Policies are inclusive of all Open University Students, Learners, Enquirers and Alumni, regardless of age, civil status, dependency or caring status, care experience, disability, family status, gender, gender identity, gender reassignment, marital status, marriage and civil partnerships, membership of the Traveller community, political opinion, pregnancy and

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maternity, race, religion or belief, socio-economic background, sex, sexual orientation or trades union membership status.

Safe Space Reporting

The Open University is committed to creating a diverse and inclusive environment in which everyone feels safe and is treated with dignity and respect. Unlawful discrimination of any kind across The Open University will not be tolerated. Safe Space Reporting is available through [an online tool](#) through which staff, students, learners and visitors are encouraged to report incidents of assault, bullying, harassment, hate crime, or sexual harassment. It also provides information about what you can do if these incidents happen to you, or to someone you know, and where you can find support.

Glossary

Aegrotat Credit

An aegrotat can give credit to a student who has not been able to complete a module because of serious illness or death.

Completion of Procedures letter

We will issue a Completion of Procedures letter once the internal procedures for investigating your complaint or appeal have been exhausted and there is no further right of appeal. The Completion of Procedures letter outlines our final decision in relation to your complaint or appeal, the reasons for that decision and how you can apply for an independent review by the OIA.

Decision Letter

A Decision Letter is a response sent by the Senior Authority or Delegated Academic Authority reviewing your Stage 2 formal complaint or appeal. The Decision Letter will detail a full response to your complaint or appeal, the decision made, and if appropriate, any action that will be taken to resolve the concern.

Delegated Academic Authorities

Delegated Academic Authorities are academic bodies charged with making decisions on admission, assessment, student progression and awards. An example of a Delegated Academic Authority is the Academic Misconduct Appeals Committee (AMAC) who are

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charged with making decisions on appeals against penalties related to academic misconduct.

Outcome Message

An Outcome Message is a response sent by The Open University Staff member who investigated your stage 1 complaint or administrative appeal. The Outcome Message will detail a full response to your complaint or appeal, the outcome and if appropriate, any action that will be taken to resolve the concern.

Office of the Independent Adjudicator for Higher Education (OIA)

The OIA is an external independent body set up to review student complaints about higher education providers, following the completion of internal university procedures.

Senate Academic Appeals Review Panel (SAARP)

The SAARP is a committee whose main function is to consider stage 3 reviews of academic decisions made by Delegated Academic Authorities, or academic decisions where there is no right of appeal other than a review. They can, dismiss requests for review, set aside the original decision with recommendations for the Delegated Academic Authority to reconsider, or confirm the original decision.

Senior Authority

The Senior Authority is an individual charged with the responsibility of reviewing a stage 2 complaint or administrative appeal. The Senior Authority is responsible for reviewing the grounds for the complaint or administrative appeal, all case evidence, seeking reports from appropriate members of staff and referring to University policies, procedures, and regulations. The Senior Authority will produce a Decision Letter outlining the outcome of the complaint or administrative appeal.

The Senior Authority will usually be a Senior University Officer with managerial responsibility in the area of The Open University where your complaint or appeal originates.

Student Experience Committee

The Student Experience Committee is responsible for recommending strategy, and approving policy and regulations relating to the quality of the student experience such as teaching, service provision, and support for registered students. Student Experience Committee report to the Senate.

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Vice Chancellor's Delegate

The Vice Chancellor has delegated responsibility for reviewing complaints and appeals. The Vice Chancellor's Delegate is the person appointed by the council of The Open University to review complaint and appeals on behalf of the Vice Chancellor.

Related Documentation

Refer to the following documentation in conjunction with this document:

- Related internal student policies or procedures
 - [Academic Conduct Policy](#)
 - [Academic Regulations](#)
 - [Assessment Policies](#)
 - [Advocacy: guidelines and procedure](#)
 - [Code of Practice for Student Discipline](#)
 - [Dignity and Respect Policy](#)
 - [Module Results Determination Policy](#)
 - [Postponement Policy](#)
 - [Student Charter](#)
 - [Student Privacy Notice](#)
 - [Whistleblowing Policy](#)

All other student policy documents can be accessed on the [Student Policies and Regulations](#) website.

- Relevant legislation or regulatory guidance
 - [Equality Act 2010 in England, Scotland and Wales](#)
 - [Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004](#)
 - [Education Act 1994](#)
 - [Good Practice Framework - Handling complaints and academic appeals - OIAHE](#)
 - [Higher Education Act 2004.](#)

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Further clarification

If you have any queries around the content provided within this document and how to interpret it and you are a current Open University student on an undergraduate or postgraduate taught course, please contact your Student Support Team via StudentHome through the 'Contact Us' option on the [Help Centre](#).

If you are a postgraduate research student, you can contact the Research Degrees Office via research-degrees-office@open.ac.uk.

If you wish to discuss a query independent of your Student Support Team, the Student Casework Office can be contacted on:

Telephone: +44 (0)1908 659535

Email: SCO-VC-Delegate@open.ac.uk

Post: Student Casework Office, PO Box 5155, The Open University, Walton Hall, Milton Keynes MK7 6YJBE

Students living in Wales can speak with a student support adviser in Welsh on 029 2047 1170, should you wish to do so.

The OU Students Association can be contacted on:

Telephone: +44 (0)1908 652026

Email: oustudents-studentadvice@open.ac.uk

Post: OU Students Association, PO Box 397, Walton Hall, Milton Keynes MK7 6BE

Feedback

If you have any comments about this policy document and how it might be improved, please submit these to SPR-Policy-Team@open.ac.uk.

Summary of significant changes since last version

There are a number of significant changes from the previous version of this policy (Version 1.1 dated November 2019). These are:

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- a) The wording, order and document layout throughout has been revised to enhance clarity.
- b) Complaints and appeals received from formerly registered students will be deemed ineligible if 5 years have elapsed since they last studied at The Open University.
- c) The Student Complaints and Administrative appeals procedures have been combined, previously these were set out as separate procedures. Although the procedures investigate different matters, they follow the same procedure.
- d) The term [Senior Authority](#), used to describe the member of staff who investigates stage 2 complaints and administrative appeals, has been defined in the glossary.
- e) Examples of the types of evidence a student could submit to support a complaint or appeal have been provided.
- f) Procedural information has been added in clause A4.8 to explain how recommendations to remedy a student complaint or appeal will be offered to a student, if the [Senior Authority's](#) decision is not confirmed at the [stage 3 review](#).
- g) Wording has been added to confirm that if your second submission of a stage 2 complaint or appeal is not accepted, we will send you a [Completion of Procedures letter](#).
- h) The process of a student submitting a revised request for a stage 3 review, if a student's initial request for review is not accepted, has been removed. Students can escalate their complaint or appeal to the Office of the Independent Adjudicator if a request for a stage 3 review is not accepted.
- i) The title of the OU Students Associations Complaints Procedure has been updated from General Complaints Procedure to Resolving and Settling Differences Procedure.
- j) Section D '[Methods of appeal](#)' has been added to clearly lay out a student's ability to apply for an independent external review of their complaint or appeal by the Office of the Independent Adjudicator (OIA), once internal procedures have been exhausted.
- k) Multiple complaints or appeals submitted by an individual student at the same time, concerning interconnected or overlapping cases, may be considered and responded to together to provide greater clarity.

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- l) We will escalate an informal concern (stage 1) for formal consideration (stage 2), if it is not considered appropriate to investigate the issue at an informal stage, due to the complexity and/or seriousness of the concern.
- m) It has been clarified that action may be taken under the Code of Practice for Student Discipline for complaints or appeals considered to be vexatious, malicious and/or pursued in a way which contradicts the expected standards of behaviour.
- n) Information has been added about the Individual Representation service offered by The Open University Students Association in section E15 '[Representation and Support](#)'. Previously the document stated that the Students Association could not provide advocacy support, this has been removed to reflect a change in their service.
- o) Information has been added in section E15 '[Representation and Support](#)' on sources of support and advice on maintaining good mental health and wellbeing when pursuing a complaint or appeal.
- p) A [Glossary](#) has been added with definitions for key terms used throughout.

Policies superseded by this document

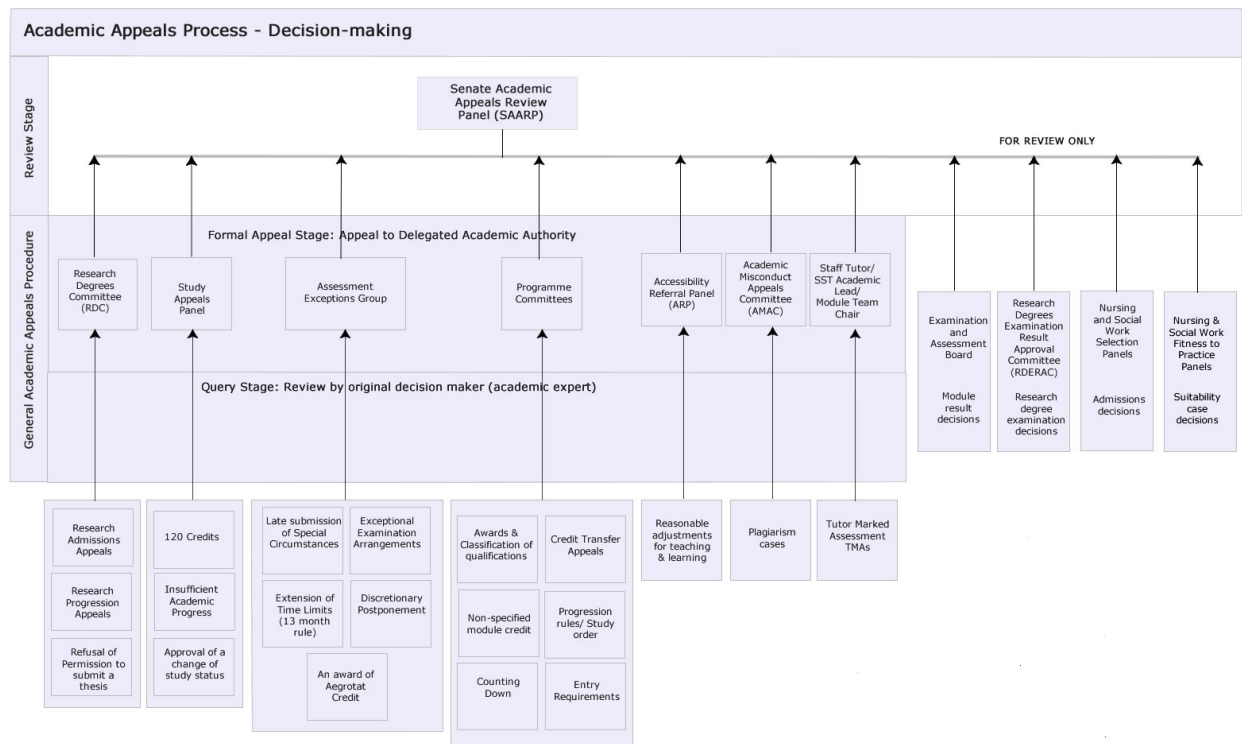
This document replaces the previous version of the Student Complaints and Appeals Procedure dated November 2019.

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Appendix 1 of the Student Academic Appeals Procedure

Delegated Academic Authorities



Delegated Academic Authorities are academic bodies charged with making decisions on admission, assessment, student progression and awards. Delegated Academic Authorities include Research Degrees Committee, Study Appeals Panel, Assessment Exceptions Group, Programme Committees Accessibility Referral Panel, Academic Misconduct Appeals Committee and SST Academic Leads/Module Team Chair.

Appendix 2 of the Student Academic Appeals Procedures

1 Consideration of a review without a hearing

1.1. If your Review case has met the requirements for further consideration and you have submitted new evidence which has not previously been considered by the [Delegated Academic Authority](#), the Secretary to the Panel will forward that evidence to that authority. The Delegated Academic Authority will review their original decision, taking

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into account the new evidence, within 10 working days from receipt of the new evidence.

1.2. You will be given the decision of the academic authority and reasons for the decision, in writing, by the Secretary.

- If the academic authority confirms its decision, your request for a review will proceed as set out in section 2 '[Preparing for the hearing of a review](#)' to section 5 '[Completion of Procedures](#)'.
- If the academic authority amends its decision to satisfy in full the resolution you are seeking, your review will not be proceeded with.
- If the academic authority amends its decision in any other way, we will give you the option to accept that amended decision or to proceed to a hearing of your review.

1.3 If, at any time before the hearing takes place, the Chair of the Panel is satisfied that there is sufficient grounds to set aside the decision of an academic authority without a hearing, the Chair may set aside that decision and to refer it back to the Delegated Academic Authority under [paragraph 4.7](#) below.

1.4 If, at any time before the hearing, you decide that you do not wish to proceed with the review, you should notify the [Secretary to the Panel](#) as soon as possible.

2. Preparing for the hearing of a review

2.1 Unless paragraph 1.3 applies, a meeting of the SAARP will be convened by the Secretary as soon as practicable and wherever possible within 28 calendar days of the date of receipt of an admissible request for a review. The Secretary will try to arrange a date for the hearing that is convenient for you. If the Secretary has not been able to arrange a date that is convenient for you within 3 months of the date of the request, the Panel may meet at its convenience and decide the case in your absence.

2.2 A Casework Manager will prepare a report for the Panel on the decision which is being reviewed, this will include the matters you raised in your grounds for the review. The report may also include recommendations and advice relating to any decision which the Panel may make.

2.3 The Secretary of the Panel will notify you in writing of the date of the hearing, giving notice of your right to present your side of the case and to call witnesses, and informing

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you when you can expect to receive the following (not less than 10 working days before the date of the hearing):

- a) the record of the decision of the academic authority prepared by its secretary and approved by its chair;
- b) the written statement setting out your grounds for appeal;
- c) any evidence provided by you in support of your appeal;
- d) a copy of the investigation report prepared by the Secretary, including any recommendations or advice arising from that report;
- e) copies of the documents that will be presented to the Panel by the University;
- f) a list of any witnesses or expert advisers that the University expects to call and a summary of the evidence that they will present;
- g) members of the Panel who will be present at the hearing.

2.4 You must send to the [secretary of the Panel](#) no less than 10 working days before the scheduled date of the appeal hearing:

- a) the names of any relevant witnesses you wish to call together with a summary of the evidence they will present; and
- b) the names of a nominated friend, adviser or representative (if any) you may wish to accompany you to the hearing (this may be a representative through the OU Students Associations Individual Representation service as set out in E15 [‘Representation and Support’](#))

2.5 If, in the opinion of the Chair, you propose to call any witness who is intending to give evidence which is not relevant to any issue raised in your request or grounds for review, the Secretary will notify you in writing before the hearing that:

- a) the proposed witness may not be permitted to give evidence at the hearing; or
- b) the evidence given by the witness may be limited to the facts which are relevant to the matters in the review.

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3. At the hearing

- 3.1 The Panel will not reconsider your appeal but will look at whether the appeals process has been followed correctly, and whether the matters raised in your grounds for appeal have been considered.
- 3.3 Subject to prior agreement, students and nominated friends, advisers or representatives may attend hearings in person and/or by telephone and/or by any reasonable electronic medium and/or they may present written testimony. If you decide not to attend, the hearing may take place in your absence or with only your nominated friend, adviser or representative attending.
- 3.4 You or your nominated friend, adviser or representative will be given the chance to present your case at the hearing in person and/or by any of the means listed in [paragraph 3.3](#), subject to prior agreement. You may be asked questions by the Committee, but your nominated friend or adviser will not be asked questions without your permission.
- 3.5 Both you and the Panel have the right to question any witness or expert adviser called.
- 3.6 The Panel may set time limits on verbal statements and on the time spent questioning any witnesses.
- 3.7 You are responsible for ensuring the attendance and conduct of any witness called on your behalf. The Chair of the Panel will have the right to exclude any witness, friend, adviser or representative whose conduct is disruptive or whose evidence is not relevant to the matters under consideration.
- 3.8 The Panel may also ask for, or take account of, any other evidence that has emerged since the first hearing of the case or that the Panel considers to be relevant to the review.
- 3.9 The Panel may postpone the hearing to another date if it decides that this is necessary to ensure that you receive a fair hearing, including for the purpose of carrying out further investigations and receiving further evidence. The hearing must be reconvened as soon as practicable and, in any event, within 28 calendar days of the postponed hearing.

4. Decisions of the Panel

- 4.1 If you and/or any nominated friend, adviser or representative are present at the hearing, you will all be required to withdraw while the Committee decides the outcome of the review.

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- 4.2 The Panel must take into account any advice given by the Secretary and may make one or more of the following decisions:
- a) to set aside (in whole or in part) or confirm the original finding; and/or
 - b) in the case of an appeal against a decision concerning academic and/or research misconduct, to set aside (in whole or in part) or confirm any penalty applied; and/or
 - c) dismiss the appeal, in whole or in part;
- 4.3 The decision of the Panel is by a simple majority. If there are equal votes the decision will be made in your favour.
- 4.4 The Panel members must reach their decision based on whether they are satisfied, on the balance of probabilities, that all or any of the grounds of appeal in your request for review, have been wholly or partly established by the evidence available. If the Panel members are satisfied, they must further consider whether those grounds cast sufficient doubt on the decision which is being appealed as to make it one which it would be unreasonable for The Open University to rely on.
- 4.5 If grounds for appeal have been established by evidence, but in the opinion of the Panel, those grounds would not have made a material difference to the decision of the Delegated Academic Authority, then the original decision shall stand.
- 4.6 We will inform you of the Panel's decision in writing within 10 working days of the hearing, giving full details of the reasons for the decision, including:
- A summary of your appeal and reasons for review;
 - The background of your appeal;
 - A decision as to whether the appeal should be upheld, partly upheld, or not upheld.
 - An explanation for the reasons for the decision; and
 - Recommendations for resolution where appropriate.
- 4.7 If the decision of the Panel is that the decision should be set aside in whole or in part the appeal will be referred back to the [Delegated Academic Authority](#), with the reasons for that decision and, where appropriate, any recommendations for the further consideration of the appeal.
- 4.8 Within 10 working days of the referral, the Delegated Academic Authority must reconsider the appeal in accordance with the formal academic appeal stage of the

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relevant section of this this procedure taking into account the findings of the review. The decision of a Delegated Academic Authority following a review by the Panel will be final. We will issue you a [Completion of Procedures letter](#) within 28 calendar days of the referral.

5. Completion of Procedures

5.1 The Delegated Academic Authorities are The Open University's final authority in relation to academic appeals. If you consider the decision has not been made in accordance with the rules and procedures of The Open University, you may refer your appeal to the [Office of the Independent Adjudicator for Higher Education \(OIA\)](#) to apply for an independent review, as set out in section D '[Methods of appeal](#)'.

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