

Academic Appeals Procedure

Introduction

This Procedure describes how students may appeal a decision of an academic body around a mark, outcome or decision. Students may appeal an outcome on the basis of evidence or procedure, but not on the basis of disagreement with academic judgement.

The School considers appeals to be an opportunity to address and enhance its provision. The ability of and process for individuals to raise their dissatisfaction promotes equality of opportunity and the rights of all students to benefit from a high-quality academic experience.

Linked Regulations, Policies and Procedures

This Procedure should be read in tandem with the School's [General Academic Regulations](#), as well as the School's [Equality, Diversity and Inclusion Policy](#) and its [Data Protection Policy](#).

Help and Advice

For support and advice on academic appeals, a student can contact a student representative in the LIS students' association, or the Registrar (registrar@t-lis.org).

Principles

The School's Academic Appeals Procedure has been developed in line with the [UK Quality Code for Higher Education](#), the [QAA's UK Quality Code Advice and Guidance on Concerns, Complaints and Appeals](#) and the [Office of the Independent Adjudicator's \(OIA\) Good Practice Framework: Handling Complaints and Academic Appeals](#).

The Procedure is underpinned by the following OIA's principles:

- *Accessible, clear, fair*
 - Procedures in relation to appeals are accessible, clear, inclusive and reviewed regularly.
 - Information on appeals is clear and transparent.
- *Proportionate*
 - Measures for addressing appeals are proportionate.
- *Independent*
 - There shall be no conflicts of interest in the determination of academic appeals.
- *Confidentiality*
 - Confidentiality is appropriately assured in the handling of appeals, with information only released to those who need it to investigate or respond to the appeal.
- *Timely*
 - The procedure for dealing with appeals allows for cases to be resolved as early as possible.

- *Improving the student experience*
 - Appeals are used to improve the student experience.

The School is also committed to ensuring that those raising appeals are treated with dignity and respect, and with proper consideration for their wellbeing.

These principles also underpin our [Student Complaints Procedure](#), which is separate and distinct. The Student Complaints Procedure relates to dissatisfaction with an aspect of the student's experience at the School.

A student raising an issue can seek guidance from the Registrar as to whether it falls into the Complaints or Academic Appeals category; where it spans both categories, the Registrar will advise on which issues will be dealt with under its Student Complaints Procedure, and which will be dealt with under its Academic Appeals Procedure. Further guidance on the Complaints and Appeals Procedures for students is available from the Registrar.

There is a separate [Applicant Complaints and Appeals Procedure](#).

Policies

Appealing Assessment Results

The School is confident that its assessment processes are robust. The School uses a rigorous approach to marking and moderation, as set out in its [Marking and Moderation Policy](#).

All assessed work is marked and audited in line with the [Marking and Moderation Policy](#) and the School's [Assessment and Classification Framework](#), and the standard of marking is moderated by External Examiners, who are senior academics from other UK institutions (see [External Examiners Policy and Procedure](#) for further information).

Given the above, provided:

- The School's assessment procedures have been followed, as set out in the School's General Academic Regulations (most notably the [Assessment and Classification Framework](#) and the [Security of Examinations and Assessments Procedures](#))
and
- There is no new, Extenuating Circumstance, as defined in the School's [Deferral, Extension and Extenuating Circumstances Policy and Procedure](#), that arose immediately before or during the examination sitting or assessment submission deadline that adversely affected the student's performance;
or
- There is no Extenuating Circumstance that the student was for valid, evidenced reasons unable or unwilling to divulge before the examination sitting or assessment submission deadline (that might, for instance, have enabled the

student to apply for a Deferral or Extension under the School's [Deferral, Extension and Extenuating Circumstances Policy and Procedure](#)) **or**

- There is no procedural error or reasonably arguable unfairness in the decision-making of the Extenuating Circumstances Panel under the [Deferral, Extension and Extenuating Circumstances Policy and Procedure](#)

There is no provision for an assessment to be remarked once the final mark has been confirmed by an External Examiner. Students may not appeal on the grounds of academic judgment; this means that they cannot request for an assessment to be re-marked if they disagree with the mark rewarded. Students may however request an administrative mark check for results under specific circumstances; this verifies that the published mark is consistent with the mark awarded by the relevant academic department.

Students may challenge their assessment or examination results on any of the following grounds:

- The Board of Examiners did not follow correct procedure, such that there is reasonable doubt that the decision would have been the same if the board had followed the correct procedure.
- An Extenuating Circumstance arose either immediately before or during the exam sitting or summative assessment submission deadline that affected the assessment outcome,
 - Students may not make an appeal on the grounds of Extenuating Circumstances as a result of technical or other problems (such as a computer failure) unless the problem was with an LIS machine or an external server (e.g., Turnitin).
- There is a valid reason, supported by documentary evidence, for the student being unable or unwilling to divulge factor(s) that affected their performance before the deadline for applying for Deferral or Extension under the [Deferral, Extension and Extenuating Circumstances Policy and Procedure](#).
- Where the student had a request rejected by the Extenuating Circumstances Panel, the application shows evidence and grounds that are reasonably arguable that:
 - i. There was a procedural error, irregularity or maladministration in the decision-making of the Extenuating Circumstances Panel *or*
 - ii. The decision of the Extenuating Circumstances was not made fairly on the basis of the evidence originally submitted.

Students may also appeal the decision of the Director of Admissions and Student Support in relation to reasonable adjustments for examinations or assessments. Appeals on these grounds will follow the process below; however should the appeal reach the Academic Appeals Board, the Director of Admissions and Student Support shall absent themselves as Chair and send a suitable nominee in their place.

Students may also appeal the decision of the Academic Misconduct Panel under this Procedure, in line with the School's [Academic Misconduct Policy and Procedure](#).

Students may appeal the decision of the Director of Teaching and Learning on actions taken under the [Academic Progress Policy](#).

Students may appeal against decisions made under the [Recognition of Prior Learning Policy and Procedure](#) relating to the exemption from modules.

Where a student raises a matter of concern that does not meet the grounds for academic appeal as described above, the matter may be dealt with as a formal complaint. Details on lodging a formal complaint can be found in the School's [Student Complaints Procedure](#). In the event that a complaint is upheld where there is no right of appeal, an assessment result or a decision of the Board of Examiners cannot be changed.

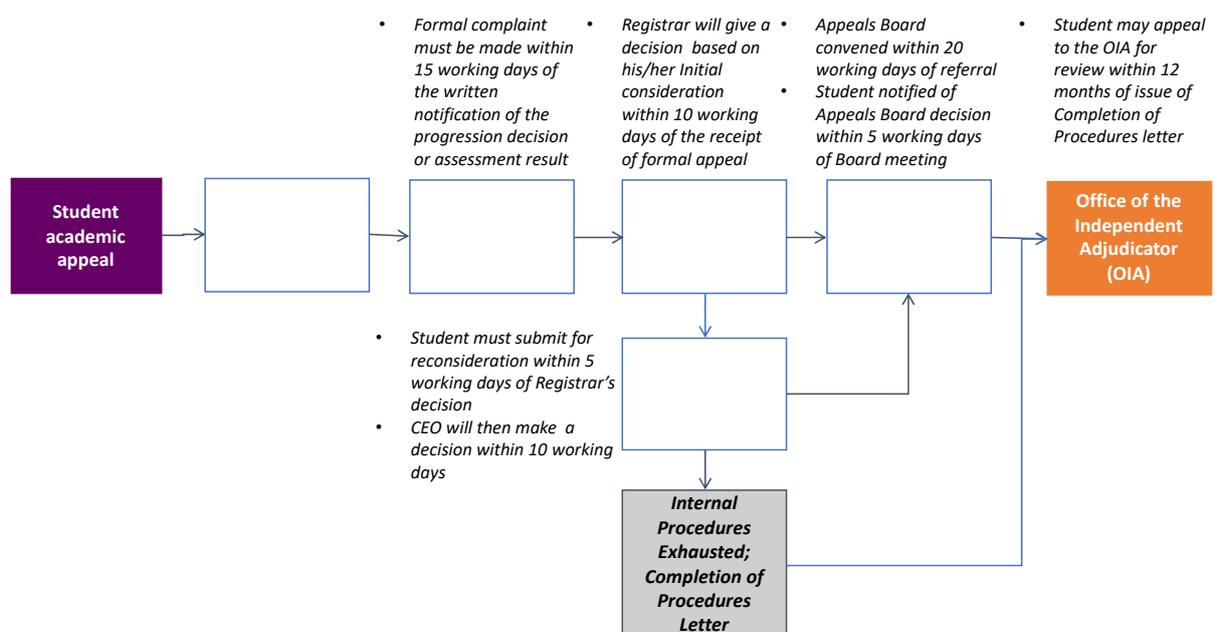
Academic appeals must be submitted in line the School's Academic Appeals Procedure detailed below.

Overview of Procedure

The School's internal Academic Appeals Procedure follows an escalating three-stage approach:

1. Opportunity for the student to seek clarification;
2. Initial consideration of the appeal;
3. Formal determination of the appeal by the Academic Appeals Board.

Where a student has exhausted the School's internal Academic Appeals Procedure and is still unhappy with the outcome, they may apply for a review of the matter to the [Office of the Independent Adjudicator for Higher Education \(OIA\)](#).



LIS Internal Academic Appeals Procedure Step-by-Step

1. Opportunity for student to seek clarification

Opportunity for a student to seek clarification of an assessment decision and to discuss their concerns with a nominated member of staff (i.e., Head of relevant module), at a “Results Surgery” following the issuing of results:

- Staff explains how assessment was marked and moderated and provides assurance that marks were recorded correctly;
- Student receives a written outcome where appropriate.

2. Initial consideration of appeal

Lodging of an appeal

Students must make an Academic Appeal on the grounds of Extenuating Circumstances in writing to the Registrar no more than 7 calendar days after the assessment took place or was due.

On the authority of the Registrar, provisional results of programme awards, including classifications and results on the completion of designated stages in the programme, may be published to candidates prior to the meetings of the Board(s) of Examiners, provided that it is made clear that the recommendations for awards are subject to confirmation by the Board of Examiners and ratification by the Academic Council.

Provisional results on individual module summative assessments may be released to students on the authority of the Director of Teaching and Learning, once these results have been internally moderated. When results of awards have been approved by the respective Board of Examiners the results may be published to students as confirmed results. Results are not approved until they are ratified by the Academic Council, at which point they shall be final.

Students must make an Academic Appeal on the basis of procedural error in writing to the Registrar no more than 7 calendar days after receiving written notification of progression decisions and/or assessment results. This written notification may be the publication of provisional or confirmed results.

When making a written academic appeal, the student must set out the basis for the appeal against the criteria and enclose any relevant evidence. An appeal lodged after the deadlines set out will only be considered where the applicant is able to prove to the satisfaction of the Registrar that they were mentally or physically incapable of, or for other valid reasons were unwilling or unable, to lodge the appeal within the prescribed time limit. Late appeals must be accompanied by authoritative and objective evidence (e.g., a medical note) which confirms that the student was incapable of submitting an appeal within the prescribed time limit. The Registrar may, at her/his complete discretion, extend the period within which an appeal may be lodged.

The written appeal must be emailed to the Registrar (registrar@t-lis.org) and must include:

- The student's full name;
- The student's unique candidate number;
- Contact details;
- The result or decision for which the appeal is made, or in the case of appeals on the grounds of Extenuating Circumstances, the assessment(s) the appeal refers to;
- Grounds of appeal;
- Evidence in support of the appeal, and a list of any other person with relevant information;
- Where an appeal relates to Extenuating Circumstances, an explanation of these circumstances, supported by objective and authoritative evidence (e.g., from a qualified medical practitioner). This should include an explanation of why the student could not instead apply for a deferral or extension, as well as explanation of any fit to sit declaration signed, and why this should be discounted, supported by objective and authoritative evidence;
- Where an appeal relates to the Extenuating Circumstances Panel's determination on a deferral or extension, evidence as to why this decision is unsound;
- Where an appeal relates to the Director of Admissions and Student Support's determination on reasonable adjustments for an examination or assessment, evidence as to why this decision is unsound;
- Where an appeal relates to a decision by the Academic Misconduct Panel, evidence as to why this decision is unsound.

Further information on the School's Fit to Sit Policy can be found in the School's [Deferral, Extension and Extenuating Circumstances Policy and Procedure](#).

From the date that an appeal is lodged, a stay shall be placed on any action or decision being appealed that affects their registration status or progression. Boards of Examiners shall not implement any decision, or consequential action of the final assessment attempt before the outcome of the appeal is known.

Pending outcome of the appeal, and where they have the right, the student may attend the School and undertake classes, learning and assessment activities.

Initial consideration

The Registrar will issue the student with an acknowledgment of receipt within 5 working days of receiving the formal appeal; this should be kept by the student as evidence that their appeal has been successfully lodged.

The Registrar or their nominee will investigate the formal appeal, provided they have no material interest in the outcome of the complaint. The Registrar may ask the student for more information for clarification purposes; in some cases the Registrar will submit the appeal to another independent staff member for a second opinion, maintaining the confidentiality of the student. The Registrar will determine whether the information presented by the student constitutes a case that satisfies the threshold conditions for a valid

appeal, and will communicate this decision to the student within 10 working days of the receipt of the appeal.

In order to constitute a case, any appeal must be submitted correctly and within the specified time limit, with all the required information and evidence and clearly identifying the grounds of appeal. The threshold conditions for a valid appeal are that it has evidence and grounds which are reasonably arguable that:

- a. The Examination Board did not follow the correct procedure, and/or
- b. An Extenuating Circumstance arose either immediately before or during the exam sitting or the summative assessment submission deadline that affected the assessment outcome—specifically, it arose after 12pm on the working day before the examination or coursework submission deadline; or
- c. The student had a valid reason for being unable or unwilling to disclose the factor(s) that affected their performance before the deadline for applying for a Deferral or Extension; or
- d. There is reasonable evidence to support the view that the Extenuating Circumstances Panel’s determination on a deferral or extension was unsound; or
- e. There is reasonable evidence to support the view that the Director of Admissions and Student Support’s determination on reasonable adjustments for an examination or assessment was unsound; or
- f. There is reasonable evidence to support the view that the findings of the Academic Misconduct Panel were unsound.

The Registrar will inform the student in writing within 10 working days of the receipt of the formal appeal that either:

- The appeal is rejected because it is not admissible (does not constitute a “case”, e.g., incorrectly submitted or submitted out of the time limit);
- The appeal is rejected because it does not meet the required grounds for an appeal;
- The appeal is rejected because it does not satisfy the threshold conditions for a valid appeal as defined above;
- That a case satisfying the threshold conditions for a valid appeal on the basis of procedural error and/or Extenuating Circumstances has been established, and the Academic Appeals Board will consider the appeal.

Where a student is notified that their appeal has been rejected, they shall be informed that they have the right to request a reconsideration of the decision by the Chief Executive, or nominee. The student must request this reconsideration within 5 working days of their notification from the Registrar that their appeal has been rejected. A reconsideration by the Chief Executive will only be undertaken where the student clearly states the reason why the Registrar’s decision is unsound, or where new evidence is presented which could not reasonably have been made available during a formal investigation.

The Chief Executive or nominee will either:

- Reject the appeal;

- Accept the appeal and refer it to the Academic Appeals Board for consideration.

Where the Chief Executive or nominee rejects the appeal, the student will be informed in writing that the School's internal appeal procedures have been exhausted (a 'Completion of Procedures' Letter). The student will also be notified in this letter that they have a right to appeal for a review of the matter with the [Office of the Independent Adjudicator](#), which is an independent complaints scheme for UK higher education.

Where the student is notified that their case has been referred to the Academic Appeals Board for consideration (either by the Registrar or by the Chief Executive or their nominee), they will be informed in writing of:

- The date of the Academic Appeals Board meeting;
- The timeline for receiving a written decision (within five working days of the Academic Appeals Board meeting);
- Any evidence submission requirements and deadlines for these.

The Chief Executive or nominee will give their written decision to the student within 10 working days of receiving the appeal for consideration.

3. Academic Appeals Board

In advance of the Board(s) of Examiners, the Academic Appeals Board will be convened to consider student requests for consideration of extenuating circumstances affecting assessment. The membership and terms of reference of the Academic Appeals Board is set out [Academic Appeals Board: Membership and Terms of Reference](#). Members of the Academic Appeals Board must have no prior involvement in the case that they are hearing

For appeals on the grounds of procedural error, where the Registrar or Chief Executive (or nominee) has determined a case should be referred to the Academic Appeals Board for consideration, the Chair shall convene the Academic Appeals Board. This shall normally be within 20 working days of the referral of the case to the Academic Appeals Board.

The Academic Appeals Board is responsible for:

- Considering and determining all applications from students regarding academic appeals as expeditiously as is reasonably possible, having regard to the circumstances of each case and the requirements of natural justice and fairness.
- Considering applications to review, amend or set aside the decision of an officer or another body of the School (e.g., a Board of Examiners, the Academic Misconduct Panel, the Director of Admissions and Student Support, the Extenuating Circumstances Panel) where the decision of that officer or body is considered to be unreasonable or in error.
- In the case of an Academic Appeal on the grounds of Extenuating Circumstances:
 - Determining whether the application submitted is admissible in relation to the grounds set out in this Procedure;

- Determining whether the application is supported by appropriate, objective and authoritative evidence;
- Determining whether the circumstances described in the application are such as to warrant a concession and are sufficient to have had an adverse effect on the student's performance;
- Agreeing whether the application should be accepted, referred back for further information or rejected;
- Where an application is accepted, agreeing the scope of the concession to be applied or recommended.

In making its decision, the Academic Appeals Board will investigate the appeal, call for any relevant papers, take evidence, examine witnesses and conduct any other relevant enquiries. The student has a right to review any documentation considered by the Academic Appeals Board.

Where there is any doubt as to the admissibility of evidence, the Chair of the Academic Appeals Board shall make a decision as to its admissibility; this decision shall be final.

The Academic Appeals Board will not have access to the students' profile of results, and will not make decisions about the outcomes or grades of assessment. The Academic Appeals Board may consider previous Extenuating Circumstances application(s) made by the student.

The Academic Appeals Board will consider the student's case and review it against the evidence. It will determine the case on the basis of balance of probabilities.

The Academic Appeals Board will find either that:

- The appeal is dismissed and the student's results, or consequent action, should be processed as normal. In this case the student will be informed that the School's internal appeals procedures have been exhausted. The student may then choose apply for a review of the matter by the [Office of the Independent Adjudicator](#); **or**
- The appeal is upheld, in whole or in part, and the Academic Appeals Board stipulates or recommends to the Board of Examiners that specific actions be taken, for example:
 - The voiding of the assessment and the opportunity for the student to sit the examination or submit the coursework as if for the first time;
 - The waiving of late submission penalties;
 - The recognition of the accepted Extenuating Circumstances for the module(s) and recommendation that it is taken into account at the point of award and classification;
 - (Note that except where marks have been recorded incorrectly, a successful appeal will not result in any change in the marks); **or**
- The case should be (a) sent back to the same body that made the original decision; or (b) sent to a freshly constituted new body for a re-hearing.
 - This could include an application for reasonable adjustments for assessment or examination being referred back to the Director of Admissions and

Student Support, or a case of Academic Misconduct being sent back to a freshly constituted new Academic Misconduct panel for a re-hearing.

The Registrar will inform the student of the decision in writing within 5 working days of the Academic Appeals Board meeting. This written statement will set out:

- The decision that has been made by the Academic Appeals Board;
- The reasons for reaching that decision;
- Any actions required by the student or the School to follow up and implement that decision;
- Details of the further right to appeal to the [Office of the Independent Adjudicator](#), available to the student if they remain dissatisfied with the final outcome of the School's internal Academic Appeals Procedure.

Where the Academic Appeals Board finds that extenuating circumstances have been substantiated by the evidence provided to or gathered by the Academic Appeals Board, the Academic Appeals Board shall submit these findings to the Board of Examiners or its subsidiary board, along with recommendations for subsequent actions.

Upon receipt of recommendations from Academic Appeals Board, the Board of Examiners or its subsidiary board will decide whether to:

- a. Provide a student with the opportunity to take the affected assessment(s) as if for the first time, allowing them to be given the full marks achieved for the examination or assessment, rather than imposing a cap;
- b. Waive late submission penalties;
- c. Determine that there is sufficient evidence of the achievement of the intended learning outcomes from other pieces of assessment in the module(s) for an overall mark to be derived;
- d. Note the accepted extenuating circumstances for the module(s) and recommend that it is taken into account at the point of award and classification;
- e. Where the Academic Appeals Board has identified procedural errors, reconsider the case and/or send it to a freshly constituted new panel for a rehearing.

The Board of Examiners, depending on the circumstances, may exercise discretion in deciding on the particular form any reassessment should take. Options are a *viva voce* examination designed to show whether the student has satisfied the programme learning outcomes, additional assessment tasks designed to show whether the student has satisfied the programme learning outcomes, review of previous work, or normal assessment at the next available opportunity. The student will not be put in a position of unfair advantage or disadvantage: the aim will be to enable the student to be assessed on equal terms with their cohort.

Students should note that a degree cannot be conferred whilst an appeal is ongoing.

The Office of the Independent Adjudicator for Higher Education

If, having completed exhausted internal procedures, the student is still dissatisfied with the outcome, they may be able to apply for a review of the matter to the [Office of the Independent Adjudicator for Higher Education](#) (OIA).

The OIA was set up under the [Higher Education Act 2004](#) to provide 'an independent student complaints scheme'. All HEIs in England and Wales are required to comply with the scheme, which is free to students. Under the rules, a student who has exhausted the full complaints, appeals or disciplinary procedure available to them within LIS, must be informed, via a 'Completion of Procedures' letter of their right to a review by the OIA. The student may apply to the OIA for a review of the matter within 12 months of the issuing of the 'Completion of Procedures' letter.

Further details are available [here](#).

Monitoring and Review

The Registrar will report annually to the Academic Council on the cases that have been considered by the Academic Appeals Board and the actions taken, together with an assessment of the effectiveness of the Academic Appeals Procedure and any recommendations for changes. Where relevant, this report may include a year on year analysis of appeals in terms of numbers and types of appeals and outcomes. In making his/her report, the Registrar will also take into account any recent decisions taken or guidance issues by the OIA and other external bodies. The Academic Council will consider this report and assessment and authorise any appropriate changes.

Outcomes of the Registrar's review and a summary of actions taken and changes made will also be shared with staff and the student association. Shared information will be at a summary level and will not disclosed details of specific cases or allow for individuals who have brought an appeal to be identified.

Name of policy/procedure:	Academic Appeals Procedure
Document owner:	Hannah Kohler, Director of Admissions and Student Support
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Last reviewed:	02/2020
Reviewed by:	Ed Fidoe, Chief Executive
Audited by:	Academic Council
Date of Audit:	12/2019, 03/2020 - approved
Date of next review: (annually unless otherwise agreed)	
Related documents: (eg associated forms, underpinning processes, related policies or overarching policies)	Student Complaints Procedure Applicant Complaints and Appeals Procedure Disability Policy Equality, Diversity and Inclusion Policy Dignity at Work and Study Policy and Procedure General Academic Regulations, especially: Assessment and Classification Framework; Security of Examinations and Assessments Procedures Examinations and Assessments Regulations and Procedures for Students; Deferral, Extension and Extenuating Circumstances Policy and Procedure

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Version Control			
Version	Author	Date	Brief summary of changes
1	Hannah Kohler (Director of Admissions and Student Support)	13/01/2019	Original draft
2	Edward Fidoe (Chief Executive)	13/03/2019	Amendments to wording
3	Hannah Kohler (Director of Admissions and Student Support)	04/06/2019	Clarified Monitoring and Review approach

4	Hannah Kohler (Director of Admissions and Student Support)	07/06/2019	Included provision for students who are for a valid reason unable or unwilling to divulge factors affecting their performance ahead of the Extraordinary Deferrals deadline. Included detail on membership and responsibilities of Academic Appeals Board. Included visual to explain overall academic appeals procedure. Included contact details for Registrar.
5	Hannah Kohler (Director of Admissions and Student Support)	24/06/2019	Revision of academic appeals procedure to reflect updated approach on extenuating circumstances and to align with Academic Regulations
6	Hannah Kohler (Director of Admissions and Student Support)	14/08/2019	Minor wording changes
7	Hannah Kohler (Director of Admissions and Student Support)	02/12/2019	Amendments to wording; inclusion of right to appeal Extenuating Circumstances Panel
8	Academic Council	18/12/2019	Requires update in light of decision to pursue NDAPs

9	Hannah Kohler (Director of Admissions and Student Support)	14/02/2020	Removed reference to validating partner
10	Academic Council	16/03/2020	Approved

