



**London
South Bank
University**

EST 1892

Student Academic Appeals Procedure 2017-2018

Student Academic Appeals Procedure

1. Introduction What is an academic appeal?

An academic appeal is a way for you to request a review of an academic decision made by the University, usually through its Examination Board, in limited circumstances explained in this procedure.

2. Scope Who can use this procedure?

The Academic Appeals Procedure is available to every student enrolled and registered with the University, including students on programmes delivered in partnership with other providers, unless otherwise stated in the student handbook.

3. Who is responsible for this procedure?

- 3.1. The Pro Vice-Chancellor for Education and Student Experience has overall responsibility for the procedure, but has delegated day-to-day responsibility for overseeing its implementation to the staff identified in this procedure. All relevant members of staff have been made aware of the procedure and have received appropriate training.
- 3.2. Panel members and other decision-makers involved in academic appeals under this procedure are expected to approach the academic appeal with an open mind and objective judgement. They are therefore required to have had no previous material involvement in the decision which is under appeal or with you (i.e. no involvement which would lead a fair-minded and informed observer to conclude that there was a real possibility that the decision-maker would not bring an open mind and objective judgment to bear).

4. Support for students

- 4.1. You are encouraged to seek advice and support regarding this procedure from the LSBU Students' Union Advisory Service.
- 4.2. If you are invited to attend a formal panel meeting under this procedure, you may be accompanied by a fellow student or a Students' Union representative. You are not permitted to be represented by a legally qualified solicitor or barrister. You must provide the name and contact details of your chosen companion to the University in good time before the meeting.
- 4.3. The companion's role at the meeting will be to support you; you may consult him/her for advice and support during the meeting, but he or she may not answer questions on your behalf (unless this is agreed in advance by the chair as a reasonable adjustment for your disability).

- 4.4. The University will make reasonable adjustments to this procedure where it is reasonable to do so to prevent you from suffering a substantial disadvantage as a result of your disability.

5. On what grounds can you make an appeal?

- 5.1. You can only make an academic appeal on specified grounds.
- 5.2. You can appeal if you believe that:
- a. the University made a material error, i.e. an arithmetical or administrative error or an error of fact (but not academic judgment) in the results published following the decision of the Examination Board; or
 - b. you had extenuating circumstances (as defined in the Extenuating Circumstances Procedure) which either: (i) were not known to the Examination Board at the time it made its decision and you can show good reason why you could not have made those extenuating circumstances known to the Examination Board by means of the Extenuating Circumstances Procedure; or (ii) were known to the Examination Board and the Examination Board acted unreasonably in respect of them. Good reason does not include ignorance of the University's regulations and or procedures, or embarrassment or shame with regard to making the specific circumstances known; or
 - c. there was a material defect or irregularity in the conduct of the assessment which can be shown to have had an adverse effect on your performance.
- 5.3. An academic appeal on any ground other than those outlined above in paragraph 5.2 will be rejected. You therefore cannot appeal on the ground of academic judgment (e.g. because you disagree with the mark awarded).
- 5.4. You cannot use the Academic Appeals Procedure to challenge matters relating to teaching or supervision provided during your programme. Those matters must be raised in accordance with the Students Complaints Procedure.

6. Evidence

Academic appeals at each stage must be supported by relevant evidence. Academic appeals submitted without relevant evidence (e.g. copies of assessment marks or marks sheets, extracts from the student handbook, a medical expert's report) will be rejected.

7. Frivolous or vexatious appeals

- 7.1. The University may suspend or terminate consideration of an academic appeal if it considers it to be frivolous or vexatious, or if your behaviour becomes frivolous or vexatious. Examples of such cases or behaviour include, but are not limited to:
- 7.2. Such cases will initially be investigated in accordance with the procedure set out in paragraphs 6.1 to 6.3 above. Following the receipt of an initial cause for concern report of a possible breach of academic integrity, the AIC will consult with your Course Director and/or relevant Module Leader to decide if there is a case to answer. If, following this consultation, the AIC decides there is still a case to answer, the AIC will consult with another AIC in a different School to his/her own.
- academic appeals which are obsessive, harassing, or repetitive;
 - insistence on pursuing non-meritorious academic appeals and/or unrealistic or unreasonable outcomes;

- insistence on pursuing what may be meritorious academic appeals in an unreasonable manner;
- academic appeals which are designed to cause disruption or annoyance; and/or
- demands for redress which lack any serious purpose or value.

8. Use of data from academic appeals

- 8.1. The University will collect data on academic appeals outcomes at each stage of this procedure and any complaint submitted by you to any regulators (including the OIA), and use the data:
- a. internally for reporting, evaluation, learning and training; and
 - b. externally for discussion with regulators in the higher education sector.
- 8.2. The data used by the University for the purposes set out in paragraphs 8.1 a) and b) will be anonymised. Your personal data and sensitive personal data (“Personal Data”) as defined by the Data Protection Act 1998 (the “DPA”) may be disclosed to the University’s members of staff and regulators only for the purpose of dealing with the appeal, a complaint arising out of it and/or implementing any recommendations. Personal Data will not be shared with any other third parties unless the University has your express consent, has a statutory obligation to do so, or is otherwise permitted to do so under the DPA.

9. How to use this procedure

- 9.1. This procedure consists of three stages described below. The purpose of the procedure is to ensure that academic appeals are considered within a reasonable time, and where appropriate, to implement remedies promptly. You must follow the time limits stated in the procedure to submit an academic appeal. The University will exercise discretion where there is good reason, supported by evidence, for late submission of an academic appeal.
- 9.2. Academic appeals should normally complete the University’s internal appeals processes within 90 calendar days of the first submission of a Stage Two appeal. The 90-calendar-day timeframe requires you to engage with the academic appeals process and meet all of the University’s stipulated deadlines for submission of materials and/or attend meetings (where required) at each stage of the Academic Appeals Procedure.
- 9.3. There may be cases where, for good reason(s), the University will need to extend the 90 calendar day timeframe for resolution of an appeal. When this is the case, the University will notify you, and will keep you regularly informed of the progress of the case.
- 9.4. If you believe that there is an exceptional reason why your academic appeal should be completed more quickly, you should state that fact in the letter accompanying the appeal, with supporting evidence. An example of an exceptional reason is a requirement of a professional or statutory body in respect of a professional programme on which you are enrolled.

10. Stage 1: Preliminary Review (Informal Stage)

- 10.1. If you have a concern regarding an academic decision made about you and you think that it may fall within one of the grounds of appeal, you should discuss your concern with your Course Director as soon as possible.
- 10.2. You should contact your Course Director in writing (for example by University email), unless your case relates materially to him/her, in which case you should contact the Head of Division or Department.

10.3. You will need to:

- a. Email your Course Director within 10 working days of the date of the decision that you're appealing (e.g. date of a results letter) and the grounds; and
- b. Participate in the meeting that your Course Director (or his/her nominee, e.g. your personal tutor) will set up, which will happen within 5 working days of your request. The Course Director (or his/her nominee) will discuss the issue with you, with a view to resolving it satisfactorily with no further action needed. If you do not participate, without good reason, the Course Director may not be able to deal with your appeal.

10.4. The meeting with your Course Director (or his/her nominee) will normally take place face-to-face. If your Course Director agrees, it may be conducted by email, telephone, video call or instant messaging if that is more convenient for you.

10.5. The Course Director (or his/her nominee) will then take one of the following steps:

- a. Correct the decision informally, for example because there is a clear administrative or arithmetical error that can be rectified without the need to convene an Appeals Panel
- b. If the matter cannot be resolved informally, recommend that the matter be referred to the Appeals Panel for formal consideration; or
- c. Reject the appeal (e.g. because the issue is not one that falls within the permitted grounds outlined above or it is not supported by relevant evidence, has no merit or has been submitted outside of the time limit without good reason).

10.6. You will receive a system-generated email documenting your discussion with your Course Director (or his/her nominee) and detailing the outcome within 5 working days of your meeting.

11. Stage 2 Appeals Panel (Formal Stage)

11.1. If you are not satisfied with the outcome of your appeal at Stage 1, you may submit a formal academic appeal at Stage 2 by using the electronic appeal application form for Stage 2 on the 'My LSBU' online student portal, stating the ground/s for appeal, within 5 working days of receipt of written confirmation of your Stage 1 outcome. You must also support your appeal by relevant evidence and documentation from your Stage 1 appeal.

11.2. We will not consider academic appeals which are not submitted using the electronic appeal application form, with the exception of appeals from students:

- a. with disabilities for whom some other mode of submission represents an appropriately evidenced reasonable adjustment; and/or
- b. studying at partner institutions who may not have standard student profiles recorded on the University's electronic student record system; and/or
- c. unable to access their own individual student account on the 'My LSBU' electronic student portal because enrolment has ceased; and/or
- d. registered for a higher research degree of the University by research (M.Phil. or PhD).

- 11.3. If you can demonstrate that any of categories (a) to (d) apply to you, you need to contact the Student Appeals Office as soon as possible to seek alternative means of submitting a formal academic appeal at Stage 2.
- 11.4. The University will appoint an Academic Appeals caseworker to consider your appeal. The Academic Appeals caseworker will within 15 working days:
 - a. confirm that your appeal will be referred to the Appeals Panel for consideration during one of its scheduled meetings throughout the academic year; or
 - b. reject your appeal as ineligible for consideration by the Appeals Panel because it is not submitted on the permitted grounds, or is submitted on the permitted grounds but is not supported by relevant evidence, or is not submitted within the required time limit.

12. The Appeals Panel and the conduct of the meeting

- 12.1. The Appeals Panel will be made up of members of a standing group of experienced academic staff drawn from across the University. A representative member from the Students' Union shall also be invited to participate in the Panel. Each session of the Panel will be chaired by a senior member of University staff nominated from the standing group by the Pro Vice Chancellor (Education and Student Experience). In the event that the Appeals Panel does not reach consensus, the Chair will make responsibility for the final decision.
- 12.2. The Appeals Panel meets as often as required and at least once every semester and your appeal will be considered at a scheduled meeting.
- 12.3. The quorum of the Appeals Panel will be three members, not including the representative member from the Students' Union. At the discretion of the Chair of the Appeals Panel, an Appeals Panel that is quorate may proceed without the participation of a representative of the Student's Union, if no such representative is available when good notice of the meeting of the Appeals Panel has been given to the Students' Union. Where the academic appeal involves matters such as practice placements the Appeals Panel will include at least one member with relevant professional experience.
- 12.4. An Academic Appeals caseworker will act as secretary and adviser to the Appeals Panel. S/he will make a record of the proceedings and will not be part of the decision-making process. A member of the Academic Appeals and Academic Misconduct Team will attend the meeting to advise as necessary and in order to make a record of the meeting.
- 12.5. In considering the appeal the Appeals Panel will have copies of the original appeal application form and any documents submitted or generated at Stage 1 and submitted by you at Stage 2. These documents will be made available to the Appeals Panel in advance before the meeting.
- 12.6. The Academic Appeals caseworker may, where appropriate, request further information from the decision-maker whose decision is under appeal. That information will be made available to you at least 5 working days before the meeting of the Appeals Panel and you may submit a written response at least 3 working days before the meeting.
- 12.7. The appeal will be considered by the Appeals Panel based on the papers and you will not usually have a right to attend the meeting in person.
- 12.8. The Appeals Panel will take one of the following decisions:
 - a. that the recommendation from the Appeals Panel is referred to the Examination Board

- b. that the appeal should be rejected; or
- c. that further investigation of the case is required.

12.9. Where the Appeal Panel decides that further investigation of the case is required, the Academic Appeals caseworker will request further information from those involved, as necessary. Any further information provided by members of University staff will be made available to you at least 5 working days before the meeting at which the Appeals Panel is due to consider your case again and you may submit a written response at least 3 working days before the meeting.

13. Closing the appeal at Stage 2

The Academic Appeals caseworker will inform you in writing of the outcome of the appeal together with reasons usually within 5 working days of the meeting of the Appeals Panel.

14. Stage 3 Review

14.1. If you are not satisfied with the outcome of your appeal at Stage 2, you may request a review within 10 working days of the date you receive the appeal decision at Stage 2, by submitting the request to an Academic Reviewer at appeals@lsbu.ac.uk (and stating "Stage 3 Review Request, together with your full name and student number" in the subject section of your email) on one or more of the following grounds:

- a. there was a material and identifiable procedural irregularity by the University in its conduct of the appeal at Stage 2;
- b. the outcome or decision at Stage 2 was unreasonable and could not be justified by the evidence;
- c. there is new, relevant evidence of procedural irregularity and/or unreasonableness in relation to the original academic decision which was not known to the Appeals Panel at Stage 2, and you can show good reason why you could not have provided the evidence before the appeal was considered at Stage 2.

14.2. The Academic Reviewer will within 10 working days inform you in writing that:

- a. your request for a review will be referred to the Pro Vice Chancellor's Review Panel for consideration at a meeting which will be held usually within 15 working days of the date of the Academic Reviewer's letter/email of confirmation; or
- b. your request for a review is ineligible for consideration by the Pro Vice Chancellor's Appeals Review Panel because it is not submitted on the permitted grounds, or is not supported by relevant evidence, or is not submitted within the required time limit. A Completion of Procedures will be issued to you in the case of rejection of your request for a review (see paragraph 15.12 below for further information).

15. The Pro Vice Chancellor's Review Panel and the conduct of the meeting

15.1. The Pro Vice-Chancellor's Appeals Review Panel (the Review Panel) will be chaired by the Pro Vice-Chancellor (Education and Student Experience) or her nominee, and will include two senior academics drawn from Schools other than the School where you study. The President of the Students' Union (or his/her nominee) will also be invited to participate in the Review Panel.

- 15.2. The quorum of the Review Panel will be three members, not including the President of the Students' Union (or his/her nominee). At the discretion of the Chair of the Review Panel, a Review Panel that is quorate may proceed without the participation of the President of the Students' Union (or his/her nominee) if no such person is available when good notice of the meeting of the Review Panel has been given to the Students' Union.
- 15.3. A member of the Academic Appeals team will act as secretary and adviser to the Review Panel. S/he will make a record of the proceedings and shall have no part in the decision-making process.
- 15.4. You will be invited to attend the meeting of the Review Panel, in order to put your case directly to the Review Panel in person, and will be permitted to be accompanied as set out in paragraph 4.2 above.
- 15.5. The Review Panel reserves the right to proceed with the meeting in your absence if it is satisfied that due notice of the date and time of the meeting was given to you and you are absent without reasonable explanation. The Chair of the Review Panel shall decide in his/her absolute discretion what constitutes "reasonable explanation".
- 15.6. The Review Panel will receive copies of your request for a review and supporting evidence, as well as the decision of the Appeals Panel at Stage 2 or, where the request for a review is made under ground 14.1(c) above, the decision-maker whose academic decision is the subject of the review and any other additional information that the Review Panel may consider relevant to enable it to consider the review.
- 15.7. Copies of all the documents to be considered by the Review Panel will be provided to you usually at least 5 working days before the meeting.
- 15.8. The order and conduct of the meeting will be at the discretion of the Chair. You will be given a reasonable opportunity to present your case to the Review Panel.
- 15.9. The Review Panel may adjourn the meeting to consider all of the evidence. If the Review Panel considers that it needs to gather further information before concluding its review, it will make available to you copies of any such further information and afford you a reasonable time in which to submit further written representations to the Panel in respect of the further information before concluding its review.
- 15.10. The Review Panel will take one of the following decisions:
 - a. reject the review; or
 - b. uphold the review and substitute its decision for that of the Appeals Panel at Stage 2.
- 15.11. The decision of the Review Panel is final and will be communicated to you in writing, with reasons, usually within 10 working days of reaching its decision.
- 15.12. If the outcome of the appeals review process is favourable to you, you can request the University to provide you with a Completion of Procedures Letter (a "COP") within 30 days of the date of the outcome letter. Where such request is made, a COP will be provided within 14 days of the request. If the outcome of the appeals review process is unfavourable to you, a COP will be sent to you automatically within 28 working days of the decision being made.

16. Independent external review

If you are not satisfied with the outcome of your academic appeal, you may make a complaint to the Office of the Independent Adjudicator for Higher Education provided you have been issued with a COP. That letter will explain how you can submit a complaint and the deadline for doing so is 12 months from the date of the letter.