

Student Academic Appeals Procedure

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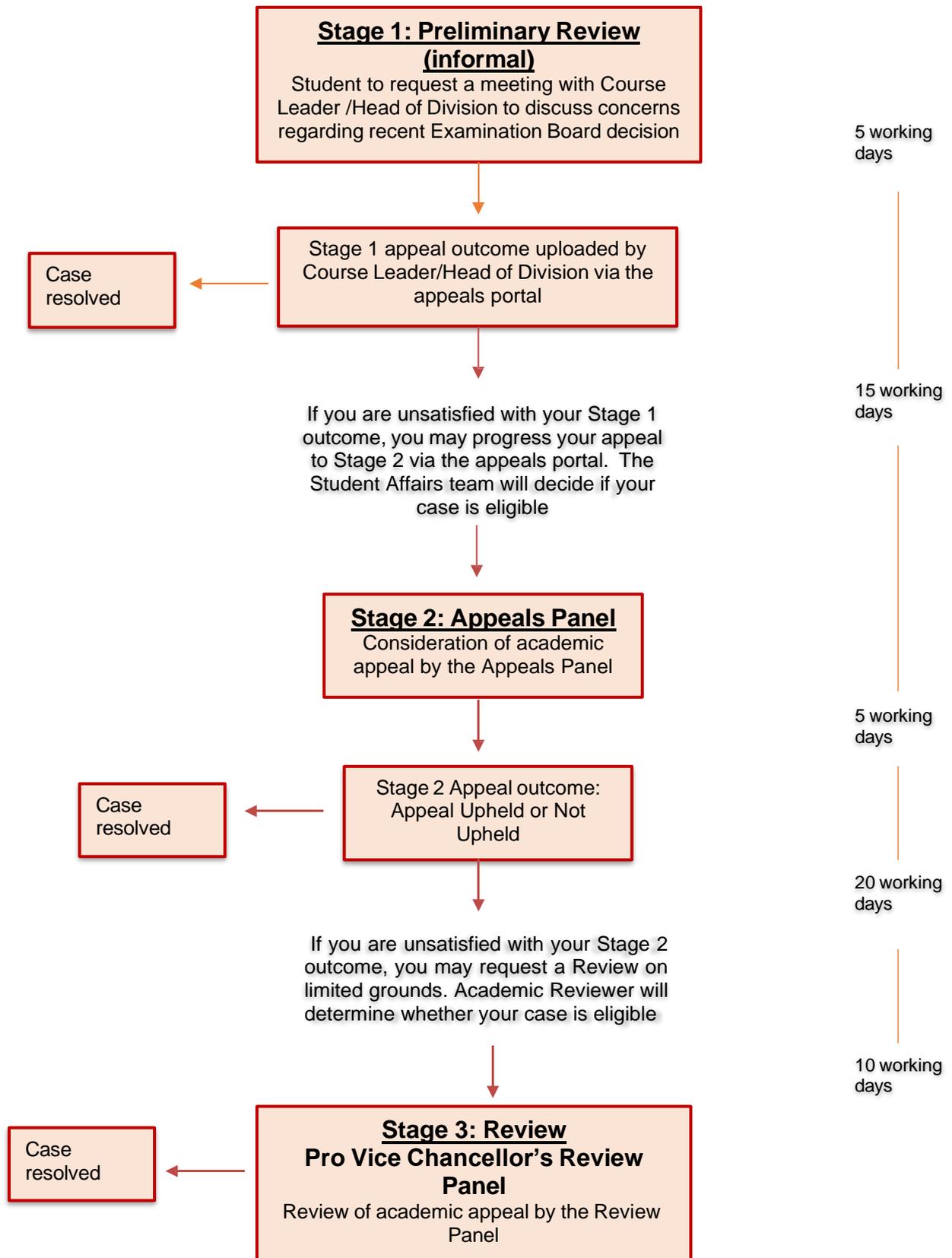
This Procedure is available in accessible formats on request from Student Affairs Team. Please contact: formerstudentcomplaintsandappeals@lsbu.ac.uk

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Student Academic Appeals Procedure Flowchart



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 Education and Student Experience (the “**PVC 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).

3.3 The Head of Student Affairs and the University Solicitor will review this procedure from time to time (and at least every two years) to ensure that its provisions continue to meet our legal obligations and reflect best practice.

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 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.

4.3 Further details of support services offered by both the University are set out at Appendix A.

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) the Examination Board acted unreasonably when it considered your progression and/or award but did not take your supported extenuating circumstances claim into account in accordance with the Extenuating Circumstances Procedure; 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) or any extenuating circumstances that you did not disclose. If you feel that you have extenuating circumstances that may have affected your performance/studies, please follow the Extenuating Circumstances Procedure. [Late Submission and Extenuating Circumstances Notification Procedure \(lsbu.ac.uk\)](https://www.lsbu.ac.uk/academic-appeals/late-submission-and-extenuating-circumstances-notification-procedure)
- 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) 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:
- 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.

7.2 In such cases, the University will write to you explaining why we are terminating consideration of your academic appeal. If you want to challenge this decision, you must set out your reasons and submit them and any supporting evidence in writing to the Director of Student Services (Wellbeing, Sport, and Employability) directorsupportservices@lsbu.ac.uk or letter within 10 working days of the date of the University's letter. The Director of Student Services (or their nominee) will inform you of the outcome of your challenge within 10 working days of receiving it.

8. How to use this procedure

8.1 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.

8.2 Academic appeals should normally complete the University's internal appeals processes within 90 calendar days of the first submission of a Stage 2 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.

8.3 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.

8.4 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.

9. Stage 1: Preliminary Review (Informal Stage)

9.1 If you have a concern regarding a decision made by the Academic Board about you and you think that it may fall within one of the grounds of appeal, you should discuss your concern with your Course Leader as soon as possible.

- 9.2 You should contact your Course Leader 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.
- 9.3 You will need to:
- a) Email your Course Leader 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 Leader (or their nominee, e.g. your personal tutor) will set up, which will happen within **5 working days** of your request. The Course Leader (or their 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 Leader may not be able to deal with your appeal.
- 9.4 The meeting with your Course Leader (or their nominee) will normally take place face-to-face. If your Course Leader agrees, it may be conducted by email, telephone, video call or instant messaging if that is more convenient for you.
- 9.5 The Course Leader (or their nominee) will then take one of the following steps:
- a) Request the Examination Board to reconsider the decision, in writing. 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 through the process described in paragraph 9.5 a) above, recommend that the matter is 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).
- 9.6 You will receive an email documenting your discussion with your Course Leader (or their nominee) and detailing the outcome within 5 working days of your meeting. If the matter is to be referred to the Appeals Panel in accordance with paragraph 9.5 b), you will be required to complete a Stage 2 electronic appeal application form (see paragraph 10.1).

10. Stage 2: Appeals Panel (Formal Stage)

10.1 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, you must state 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.

10.2 If you are a former student and no longer have access to the online portal, you can request a manual form by emailing formerstudentcomplaintsandappeals@lsbu.ac.uk. Once the Student Affairs team have sent you this form you will have 5 working days to resubmit it to the above email address, completed with any relevant documentation.

10.3 We will only consider academic appeals which are 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.

10.4 If you can demonstrate that any category of para 10.3 apply to you, you need to contact the Student Affairs Team at formerstudentcomplaintsandappeals@lsbu.ac.uk as soon as possible to seek alternative means of submitting a formal academic appeal at Stage 2.

10.5 The University will appoint an Student Affairs Case Officer to consider your appeal. The Case Officer 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.

10.6 If your appeal has been rejected, in line with paragraph 10.5 (b) above, you will be issued with a Completion of Procedures letter informing you of this decision.

11. The Appeals Panel and the conduct of the meeting

11.1 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 PVC Education and Student Experience.

11.2 The Appeals Panel meets as often as required and at least once every semester and your appeal will be considered at a scheduled meeting.

- 11.3 The quorum of the Appeals Panel will have 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 proper 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.
- 11.4 A member of the Academic Appeals Team will act as secretary and adviser to the Appeals Panel. They will make a record of the proceedings and will not be part of the decision-making process.
- 11.5 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 of the meeting.
- 11.6 The Student Affairs Team may, where appropriate, request further information from relevant members of staff. That information will normally 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. Any minor additional information may be made available to you at least 3 working days before the meeting of the Appeals Panel and you may submit a written response at least 1 working day before the meeting. If you are unable to commit to the above timelines, you should contact the Academic Appeals Team to discuss alternatives. For example, you can ask the Academic Appeals Team to delay the listing of your case to the next meeting of the Appeals Panel. This will, however, delay the outcome of your case, which may have an impact on your academic progression.
- 11.7 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.
- 11.8 The Appeals Panel will take one of the following decisions:
- a) allow the appeal with or without recommendations which will be referred to the Examination Board; or
 - b) reject the appeal with or without recommendations which will be referred to the Examination Board; or
 - c) refer the case for further investigation if required.
- 11.9 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 and you will have 5 working days to provide any further comments. After 5 working days, the relevant Panel members will be emailed a copy of the new information and they will be asked to confirm a decision based on all the evidence provided. The Panel members may wish to convene another panel if necessary.

12. Closing the Appeal 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.

13. Stage 3: Review

13.1 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 by raising a new case enquiry on myaccount, choosing the following options:

- Nature of Enquiry –“General Enquiry”,
- Topic: “Academic Appeals case, Review Request”.

If you are a former student and no longer have access to myaccount, please email formerstudentcomplaintsandappeals@lsbu.ac.uk 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; or
- c) there is new, relevant evidence of permitted grounds for appeal 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.

13.2 You should set out your concerns clearly and succinctly and provide evidence in support (where possible). You must explain how the response received at Stage 2 falls within one or more of the grounds set out above in paragraph 13.1.

13.3 An Academic Reviewer with no prior involvement in the matter will make a decision as to whether your request for a review is based on the permitted grounds and hence eligible to be considered at Stage 3. The Academic Appeals Team will write to you within 10 working days to inform you that either:

- a) your request for a review will be referred to the PVCEducation and Student Experience '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 PVC Education and Student Experience 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 letter will be issued to you in the case of rejection of your request for a review (see paragraph 14.10 below for further information).

14. The PVC Education and Student Experience's Review Panel and the conduct of the meeting

- 14.1 The PVC Education and Student Experience's Review Panel (the Review Panel) will be chaired by the PVC Education Student Experience or their nominee, and will include two senior academics drawn from Schools other than the School where you study. The President of the Students' Union (or their nominee) will also be invited to participate in the Review Panel.
- 14.2 The quorum of the Review Panel will be three members, not including the President of the Students' Union (or their 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 their nominee) if no such person is available when proper notice of the meeting of the Review Panel has been given to the Students' Union.
- 14.3 A member of the Academic Appeals team will act as secretary and adviser to the Review Panel. They will make a record of the proceedings and shall have no part in the decision-making process.
- 14.4 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 13.1(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.
- 14.5 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, and you may submit a written response at least 3 working days before the meeting.
- 14.6 The review will be considered by the Review Panel based on the papers and you will not usually have a right to attend the meeting in person.
- 14.7 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.

14.8 The Review Panel will take one of the following decisions:

- a) uphold the Review with or without recommendations which will be referred to the Examination Board, or
- b) reject the Review with or without recommendations which will be referred to the Examination Board.

14.9 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.

14.10 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 28 days of the date of the outcome letter. Where such request is made, a COP will be provided within 14 days of the request. We will issue a COP as soon as possible and in any event within 28 days.

15. 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.

16. Use of data from academic appeals

16.1 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.

16.2 The data used by the University for the purposes set out in paragraphs 16.1 a) and b) will be anonymised. Your personal data and sensitive personal data ('Personal Data') as defined by the Data Protection Act 2018 (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.

Appendix A: Support for students

The University provides a number of student support services. These are open to any student who is experiencing difficulties during their studies. Students are encouraged to engage with the services and take up any appropriate support available to them. The following are LSBU run services and can be accessed via **MyAccount**:

a) Mental Health and Wellbeing team

Support and advice to any student experiencing personal difficulties, who may be struggling to cope at university or who just needs someone to talk to.

b) Disability and Dyslexia Support (DDS)

Disability & Dyslexia Support (DDS) is a dedicated service for students who have a disability, mental health condition, long term medical condition or specific learning difficulty (including dyslexia). We also offer screenings for dyslexia throughout the year.

c) Student Advice

Advice and guidance on financial and money management, and help with any personal, emotional or academic issue you may face.

d) Skills for Learning team

The Skills for Learning team offer academic support in a range of areas (such as essay writing, presentation skills etc.).

We also offer online support at anytime, anywhere via [SilverCloud](#). SilverCloud is an online self-help resource and can support you with anxiety, depression, body image or stress. It's free to use; just sign up with your lsbu.ac.uk email address: <https://lsbu.silvercloudhealth.com/signup/>.

Support is also available through the Students' Union. The Union provides free, confidential and impartial advice and a place to talk during difficult times you may face as a student. You can contact the Union by calling 07783 722730 or by emailing su.general@lsbu.org or by visiting the SU reception in Room 103 - 106, Borough Road Building.