

Academic Regulations

Section 13

Appeals Regulations and Procedure

2020-21

Table of Contents	
Introduction	2
Grounds of Appeal	2
Matters excluded from this procedure.....	3
The Procedure	4
Appeal Stage	4
Consideration of Appeal.....	5
Appeal Outcome	6
Review Stage.....	7
Submitting a Review	8
Consideration of Review	8
Review Outcome.....	8
Confidentiality and Reporting.....	9

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Introduction

1. These Procedures are intended to provide a clear process whereby a student can appeal against:
 - 1.1. A decision of an Assessment Board charged with decisions on student progression, assessment (including assessment related adjustments) awards;
 - 1.2. A decision regarding mitigating circumstances under Section 12;
 - 1.3. A decision to terminate their registration as a student (e.g. discontinuation of studies).
2. It is the responsibility of a student to draw to the attention of the University any factors which they consider may have adversely affected a decision of an Assessment Board or a decision to terminate their registration. A student can submit an appeal without risk of disadvantage or reprimand.
3. Students may submit an appeal as part of a group where the issues raised affect a number of students (e.g. group work). Appeals will be responded to individually and any contact details for each appellant should be included on the appeal form. In these circumstances the group is advised to appoint a group representative (but not more than two) to facilitate communications for the purposes of the formal procedure.
4. Students are permitted to provide individual statements should they share concerns of the group, and in addition, want to raise individual concerns in relation to the appeal.
5. An appeal raised by a third party on behalf of a student, (this includes parents, guardians, relatives or the spouse or partner of a student) will only be considered in exceptional circumstances. Written authorisation and valid reasons for the third party acting as the student's representative must be provided by the student. A third party supporting, advising or representing the student should not delay the process.
6. A student considering submitting an appeal may seek advice from the [Students' Union](#). For general information and assistance students may contact their School Office (formerly known as the Student Hub). The Student Casework Office can give procedural advice but cannot advise on the substance of the appeal.

Grounds of Appeal

7. A student may submit a procedural defect appeal against the decision of an Assessment Board on the grounds that:
 - 7.1. the University did not act in accordance with the relevant [Academic Regulations](#) and/or Procedures in the provision and execution of the assessment process and that the failure to do so made the decision unfair¹;

¹ For appeals alleging bias or the perception of bias, a student will need to clearly state the basis of the appeal and provide evidence to support the claim that the marking of her/his work, exam etc. has been carried out in a biased way or in a way that could reasonably be perceived as biased. Disagreeing with a mark is not, without further justification, evidence that the marking process was biased.

- 7.2. their academic performance was impaired in assessment(s) taken prior to being issued a University Internal Needs Assessment Report (INAR) approving assessment related adjustments. Such appeals will normally only be considered for assessments undertaken in the same academic year in which the INAR was issued.
8. A student may submit an appeal against a mitigating circumstances decision on the grounds that:
 - 8.1. The University did not act in accordance with the relevant regulations and/or Procedures and failure to do so made the decision unfair;
 - 8.2. There is evidence that could not be made available when the claim for mitigating circumstances was submitted that would have significantly affected the outcome.
9. A student may submit an appeal against the decision to terminate their registration on the grounds that:
 - 9.1. The University did not act in accordance with the relevant [Academic/General Student Regulations](#) and/or Procedures in terminating the student's registration and failure to do so made the decision unfair;
 - 9.2. they had been affected by circumstances which had a significant impact, but which, for good reason, they had previously been unable to disclose via the appropriate University procedures.

Matters excluded from this procedure

10. Under this Procedure the University will not consider:
 - 10.1. An appeal in respect of an academic or professional judgment; that is, a decision made by an academic staff/examiner on the quality of an assessment or the criteria being applied to mark the work, when arrived at through due process;
 - 10.2. An appeal in respect of termination of a student's registration under Section 16 – Student Conduct of the Academic Regulations. In such cases, a student will be informed of their option to appeal under Section 16;
 - 10.3. An appeal in respect of termination of a student's registration under Section 5 – Fitness to Study of the Academic Regulations. In such cases, a student will be informed of their option to appeal under Section 5;
 - 10.4. A complaint about the University, its courses, services, or individuals concerned in their delivery. In such cases, a student will be informed of their option to submit a complaint under Section 14 – Complaints of the Academic Regulations. Where the Student Casework Office considers that a student's appeal in part or whole would be more appropriately considered under the Complaints Procedure, the student will be informed of this. The student will be invited to submit a [Formal Complaint Form](#) to clarify the nature of their complaint, should they wish to do so. The appeal, in part or whole, will be reclassified as a complaint and forwarded on to the relevant [complaint handler](#).

11. Students from collaborative/partner institutions who have exhausted the appeals procedures of their institution have a right to request a review of the process of the appeal outcome reached by the institution. Students from collaborative/partner institutions should follow the review stage process.

The Procedure

Appeal Stage

12. For an appeal to be valid it must be received within 10 working days of the date of publication of the result(s) of the assessment(s) concerned, the date of notification of the termination of registration or mitigating circumstances outcome. Appeals received after this deadline will be deemed invalid unless the student has demonstrated good reason for any period of delay.
13. An appeal must be submitted in writing on the prescribed [Appeal Form](#) completing all relevant sections including; full name, student number; signature of the student and date.
14. In respect of a procedural defect appeal, the Regulations and/or Procedures concerned must be identified and an explanation given to the way in which the University's actions differed significantly from those set out under the Regulations and/or Procedures;
15. In respect of mitigating circumstances, the ground(s) of appeal must be identified and an explanation given to the way the University's actions differed significantly from those set out under the Regulations and/or Procedure; and/or a reason as to why the evidence was not available at the time to support the claim.
16. In respect of a termination of registration appeal, the grounds for termination must be identified, asserting the existence of mitigating circumstances. The student must explain and demonstrate how the circumstances significantly affected them and the reasons they were unable to previously disclose these circumstances via the appropriate University Procedures, for instance under Section 12 Mitigating Circumstances;
17. The student must include all relevant, independent, supporting evidence, as appropriate to support their appeal. Examples of the evidence that can be provided include but are not limited to relevant correspondence with University staff i.e. University Counsellor, course or module information, expert or professional letters or reports for instance from a General Practitioner (GP) or medical consultant.
18. For appeals against decisions of Assessment Boards the appeal must list the title, code and affected component(s) of the module(s) concerned and specify the assessment period and academic year in respect of which the appeal is being made.
19. Appeals should be submitted in person at a School Office (formerly known as the Student Hub); by email directly to casework@londonmet.ac.uk or if submitted by post, it must be addressed and sent directly to the Student Casework Office. The University does not accept responsibility for the receipt or late delivery of appeals submitted by post or email.

Consideration of Appeal

20. The student will receive an automatic response as acknowledgment of receipt. The Student Casework Office will reply if necessary, within 5 working days.
21. The Student Casework Office shall check each appeal against the criteria in paragraphs 7- 9 in addition to the requirements listed in the appeal stage above. An appeal that does not meet these criteria and requirements shall be deemed invalid.
22. Where the appeal is considered frivolous or vexatious or where the appellant engages in unacceptable behaviour, the appeal may be dismissed, or conditions imposed on how the student can conduct the appeal. Examples can include appeals which are harassing, designed to cause disruption or annoyance, demand for redress lacking any serious purpose or value and /or have unrealistic expectations and/or unreasonable outcomes. If the outcome is to reject the appeal the appellant may request a review within 10 working days from the date of the decision.
23. The student, their representative and staff members should act reasonably and fairly towards each other and are expected to treat the processes themselves with respect. Where the outcome is to reject the appeal referred to in paragraph 27, the student's access to staff, University premises, or procedures may be restricted and considered under a different process or procedures,
24. If two procedures are to be pursued at the same time, then one procedure may be suspended pending the completion of another. In this instance, the Student Casework Office will inform the student or their representative of the procedure that will be pursued and the procedure that will be suspended.
25. An appeal shall usually be considered within 25 working days of the receipt of a duly completed relevant form. There may be circumstances where, for good reason, the University needs to extend this timeframe; if this occurs the University will advise the student of this. Circumstances that may delay completion of the procedures (appeal and review) include but are not limited to:
 - 25.1. Incomplete forms;
 - 25.2. Lack of clarity regarding the grounds relied upon;
 - 25.3. Consideration being put on hold to allow for matters being considered as part of another procedure, for instance a student complaint. Any period during which the appeal is put on hold to allow for consideration of another procedure shall not be included in the 25 working days period referred to in paragraph 25 above.
 - 25.4. Delays in requesting a review.
26. The Student Casework Office shall consider each valid application on the basis of the student's written statement and supporting evidence. Information from staff members, other students or outside agencies may also be sought, as appropriate, by the Student Casework Office when considering an appeal. A student can respond to the additional evidence by way of written representation at the review stage.

27. The Student Casework Office shall determine whether the ground(s) listed in paragraphs 7-9 have been clearly demonstrated and whether it is reasonable to uphold or reject the appeal. The list below (which is not exhaustive) sets out common reasons why appeals are unsuccessful:

- 27.1. the appeal was received outside the deadline without good reason and evidence for the delay (In cases where a delay is unavoidable, the appeal must be submitted as soon as possible after the deadline and must include an explanation and independent supporting evidence covering the entire period affected).
- 27.2. the University is not aware of a disability, there is no independent evidence to support the appeal and the student has indicated a disability on the appeal form. The Student Casework Office will exercise discretion where there is good reason, supported by evidence for any period of delay, or consider making reasonable adjustments to the procedure. Advice may be sought from the University Disability and Dyslexia Service where appropriate.
- 27.3. the student disagrees with the academic judgement of an Assessment Board in assessing the merits of an item of academic work or the classification of a final award, where the Board's decision was reached in accordance with the regulations. (In such circumstances the student should request feedback from the relevant tutor /module tutor.)
- 27.4. the student's academic performance was affected by poor teaching, supervision, service delivery or guidance. In such circumstances the student should submit a complaint in accordance with the Student [Complaints Procedure](#).
- 27.5. the student was ignorant of the published assessment regulations and procedures, including deadlines for the submission of assessments, appeals against decisions of Assessment Boards, mitigating circumstances, terminations and procedural defects.
- 27.6. the appeal does not relate to decision of an Assessment Board, mitigating circumstance, procedural defect or a decision to terminate a student's registration.

Appeal Outcome

28. The student will be given a clear reason for any decisions reached. Where an appeal in respect of an Assessment Board is upheld, the Student Casework Office shall notify the Assessment Board and the student shall be provided with a further assessment or reassessment opportunity in accordance with the Academic Regulations.
29. Where the appeal has been upheld on grounds set out in paragraph 7.2 the further assessment/reassessment opportunity provided in paragraph 28 shall take due regard of their INAR and the highest mark achieved for that component of assessment shall be credited to the student's record. In all other cases, the further assessment/reassessment opportunity provided in regulation 28 shall stand in place of the affected attempt.

30. Where an appeal in respect of a research degree is upheld, the Student Casework Office will seek advice from the Chair of the Research Degrees Sub-Committee as to an appropriate outcome. This may include, but is not limited to:
 - 30.1. the examiners being invited to reconsider their decision; or
 - 30.2. the appointment of new examiners
 - 30.3. a successful appeal cannot set aside a decision of the University Awards Board and recommend the award of a degree.
31. Where an appeal in respect of mitigating circumstances is upheld, the original decision will be set aside leading to a new outcome being determined.
32. Where an appeal in respect of the decision to terminate a student's registration is upheld, the Student Casework Office shall:
 - 32.1. revoke the termination of the student's registration; or,
 - 32.2. request further information and/or evidence; or
 - 32.3. set conditions that the student must meet before the termination is revoked; or
 - 32.4. refer the decision back for consideration.
33. The student will be given a clear reason for any decisions reached. Where an appeal is not upheld and is rejected, the decision being appealed against shall stand.
34. The Student Casework Office notify students of the outcome of their appeal by email; this will normally be within 25 working days of the University receiving the appeal. However, where this proves not to be possible, the student will be notified of the progress of the consideration of the appeal.
35. Appeals that do not proceed to the Review Stage within 10 working days of the appeal decision(s) being sent will be considered as closed. A Completion of Procedures letter can be provided upon request, although students should be aware that the University's internal processes are not complete at this stage.

Review Stage

36. The review will not entail a reconsideration of the claim it will consider whether the appropriate procedures were followed and that the decision to reject the appeal was reasonable. The student may ask the Pro Vice-Chancellor to review the decision(s) of the on the grounds that:
 - 36.1. there was a serious procedural error (whether of this procedure prescribed by these regulations or of the requirements of natural justice) or other irregularity in the decision(s) reached that makes the decision unfair;
 - 36.2. the outcome did not take into consideration all the circumstances in which the student could appeal against.
 - 36.3. the student has new evidence that they could not reasonably have provided when submitting an appeal which would probably have an important influence on the appeal outcome.
 - 36.4. the student is providing additional evidence by way of written representation in

response the information sought by the Student Casework Office at the appeal stage.

37. In such instances the student is expected to provide an explanation as to why the evidence is being submitted at this late stage of the procedure. Other than this the Pro Vice-Chancellor shall not consider any evidence that was not provided when the appeal was submitted, and a decision was reached.

Submitting a Review

38. A request for a review must be submitted to the Executive Office in writing within 10 working days of the appeal decision(s) being sent and must be on the prescribed [Appeal Review Form](#). All relevant sections must be completed including; full name, student number; signature of the student and date.
39. The student must state the grounds on which the decision(s) should be reviewed.

Consideration of Review

40. The Executive Office shall determine whether the ground(s) listed in Regulation 36 above have been clearly demonstrated and whether it is reasonable to consider the review.
41. Where the review is considered frivolous or vexatious or where the student engages in unacceptable behaviour, the review may be dismissed, or conditions imposed on how the student can conduct the review.
42. Where there are acceptable grounds. A review shall usually be considered within 25 working day of the receipt of a duly completed appeal review form. However, where this proves not to be possible, the student will be notified of the progress of the consideration of the review.

Review Outcome

43. The Executive Office shall review the appeal decision and may:
 - 43.1. uphold or partially uphold the student's appeal and agree to implement the outcome that they are seeking; or
 - 43.2. uphold or partially uphold the student's appeal and implement an alternative outcome(s). The Executive Office may consult with the Chair of the Assessment Board where it is considered appropriate. This would normally be solely for the purpose of ensuring consistency of fairness and treatment with other student outcomes; or
 - 43.3. reject and not uphold the student appeal. Students will be issued with a Completion of Procedures (COP) letter.
44. Students can request a COP letter where a review outcome decision is upheld. A COP letter will not automatically be issued to students following on from an upheld outcome.
45. At this point, students who remain dissatisfied with the outcome have the right to submit

a complaint to the Office of the Independent Adjudicator (OIA) for Higher Education. Students should refer to the [OIA Website](#) to establish whether their complaint is something that the OIA would consider. A complaint must be submitted to the OIA within 12 months of the University's final decision. The OIA cannot consider complaints about:

- 45.1. Admissions, unless the person complaining is a former student of the University who is applying for re-admission, and the complaint is directly connected to their time as a student;
- 45.2. Academic judgment;
- 45.3. Student employment;
- 45.4. Something that has already been the subject of legal proceedings in a court or tribunal unless those proceedings are put on hold;
- 45.5. Something that has already been considered by another alternative dispute resolution body.

Confidentiality and Reporting

46. The University will process all information in accordance with its [Student Privacy Notice](#) and the principles of the General Data Protection Regulation (GDPR). Appeals will be handled with an appropriate level of confidentiality and by trained staff. With information released only to those who need it for the purposes of investigating or responding to the appeal. No third party should be told any more about the appeal than is necessary in order to obtain the information required from them.
47. The outcomes and recommendations from appeals may be shared across the University for institutional learning and reporting purposes, for instance to Academic Board and Board of Governors. However, personal information will be removed and handled in accordance with the University's Privacy Notice.