



LONDON SCHOOL
OF SCIENCE & TECHNOLOGY

ACADEMIC APPEALS POLICY & PROCEDURE

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1. Definition

An academic appeal is a request for a formal review of an academic decision the College has made about a student's assessment (e.g. examination or status), discretionary progression within or completion of a programme of study, or termination of studies on academic grounds.

2. Limitation

The policy applies to all enrolled students of London School of Science & Technology (LSST), whether studying via full time, part time, or distance learning modes. It also applies to students who have left the college within the last 40 working days (including recent graduates). Only in exceptional circumstances will appeals be considered outside of this timescale.

This policy does not apply to:

- (a) Those applying to study at the college (see Admissions Policy, Procedure and Regulations) and
- (b) Third parties wishing to raise an appeal on behalf of a student. This includes parents, guardians, relatives or the spouse or partner of a student.

3. References

3.1 This policy and procedure has been written with regard to the QAA Quality Code Chapter B9: Academic appeals and student complaints which require higher education providers to meet the following expectation:

Higher education providers have procedures for handling academic appeals and student complaints about the quality of learning opportunities; these procedures are fair, accessible and timely, and enable enhancement.

3.2 As a provider of higher education courses designated for public funding, LSST has been a member of the Office of the Independent Adjudicator scheme ('OIA') since 1st September 2015. Accordingly, LSST has adopted (and mapped this procedure against) the OIA's guidance on complaints handling. LSST will attempt to resolve all complaints within 90 days of the Appeal being submitted by the student, and where this is not possible (for example in some cases where an Appeal is sent back to the Appeal Panel for reconsideration after the Review) will explain to the student in good time where there is a delay.

4. Scope

Assessments for all of LSST's courses are undertaken through LSST, acting on behalf of an external awarding body such as a validating university (e.g. University of West London or London Metropolitan University), or Edexcel/Pearson.

4.1 Right to Appeal

Students have the right to appeal to the Academic Appeals Panel for a review of the following decisions:

- (a) a particular assessment result (only if based on a claim of procedural irregularity, as defined in paragraph 4.2);
- (b) a decision by the college Assessment Board;
- (c) a decision by the Mitigating Circumstances Panel;
- (d) a decision that a student is withdrawn from the college because s/he has failed to satisfy the attendance requirements.

4.2 Appeals against assessment results

An appeal against a decision under 4.1. b) above, will only be accepted on the following limited grounds:-

- a) bias (where supported by compelling third-party evidence only);
- b) omission of an assessment or mark, or part of an assessment wasn't marked;
- c) where someone has made an error in adding up different marks;
- d) incorrect application of any special assessment conditions or penalties that may apply to the case;
- e) incorrect application of published assessment schemes;
- f) non-compliance with published documentation;
- g) mitigating circumstances that could not be raised prior to the assessment deadline in accordance with the Mitigating Circumstances Policy e.g. where there is clear evidence the student fell ill during an exam/class presentation, or was in no fit state to judge their fitness to sit at the time of the assessment.

4.2.1 Please note that complaints about quality of tutor support, communication of instructions etc. will not be considered under this procedure. They should be made under the Student Complaints Procedure within 10 working days of the incident complained about rather than the assessment results, to allow the issue to be resolved before it affects assessment performance.

4.2.2 Appeals against a marker's or tutor's assessment of the quality of the student work, will not be considered (as these are a matter of academic judgement), except where there is clear, third-party, evidence of bias.

4.3 Appeals against decision of college Assessment Board

The following are decisions of the college Assessment Board which may be appealed against under 4.1(a):

- a) that a student is not allowed to progress to the next stage of a taught course
- b) that a student is not allowed to repeat a year;
- c) that a student's registration with the college is terminated.

5 Deadline for appeal

5.1 Appeals will only be accepted if submitted within 10 working days of the student receiving notification by letter or email of the decision they wish to appeal against (or publication of results) unless not authorized.

5.2 A student, who is unable to lodge an appeal within the 10 working day period shall, within that period, submit a declaration of intent by letter/email to do so with the Registry Office, who may impose a time limit for the submission of the full appeal. Any appeal submitted beyond these limits must include reasons and evidence showing why, through no fault on the part of the student, the request could not have been made within the time limit.

If, in the opinion of the Registrar, these reasons are not valid, the appeal will be rejected summarily and the student will be informed by letter/email of the reasons. Any such decision will be made within 10 working days of receipt of the appeal.

6 Applications for Appeal

6.1 All appeals shall be made on Application for Appeal Form and submitted to the Registry Office and shall include a statement indicating which of the grounds set out in paragraph 7 below the candidate relies on and a statement of the facts that constitute the basis for the appeal.

6.2 If the relevant Registry Officer considers that these facts are not adequately stated, they may require the candidate to submit a further statement and may prescribe time limits within which any such statement shall be submitted. Any such response will be made within ten working days of receipt of the appeal.

6.3 Applications for appeal can only be made on the grounds set out in paragraph 7 below.

7 Grounds for Appeals

7.1 It is for the student to establish their case and only claims for one or more of the following will be considered as grounds for appeal:

- (a) That their performance had been adversely affected by illness or by other factors (e.g. family crisis) *which, in exceptional circumstances, they were unable or for valid reason unwilling to*

disclose to the college before it made its original decision. An appeal can usually only be considered where the student has been unable to follow the normal procedure for submitting evidence to the Mitigating Circumstances Panel, and it would not be reasonable to have expected them to have done so; and/or

(b) That there has been significant failure of due process in the making of the original decision (including but not limited to irregularity in the procedures of the college or significant computational or administrative errors of fact in results published), which the student believes affected the college's original decision. It is not enough to show that an error has taken place - it will be necessary to show that the error resulted in an incorrect decision being made. If the error is clearly demonstrable, it can often be corrected without the necessity to go through a formal appeal process, so students are advised to seek urgent advice from their Personal Tutor in the first instance; and/or

(c) There exists clear and compelling evidence of prejudice or bias on the part of an examiner. An appeal brought on these grounds should clearly identify the particular individual(s) considered to have shown prejudice or bias, and should be supported by *third-party* evidence; and/or

(d) That they possess new substantive information supported by evidence which was not known by the student and/or the evidence could not reasonably have been obtained by the student in time to present to the board or panel of the college which made the original decision against which the student is appealing.

7.2 The following circumstances will not be considered grounds for appeal:

(a) Perceived past shortcomings in tuition, supervision or support not previously raised with the college cannot be considered as grounds for appeal. Students should use the college's Complaints procedures to address these issues as they arise.

(b) An Appeal may not be made to question the academic judgment of an Assessment Board or individual, and the student will not be permitted to argue the academic merits of his/her work. The student's feeling that the result unfairly reflects the merit of their work or their ability is not a ground of appeal.

8 Appeals procedure

8.1 Once the relevant information has been gathered together and advice sought, a decision will be taken as to whether the appeal is admissible. A decision on whether or not an appeal is admissible will be made by the Registry Office on the basis of the evidence available and advice from relevant officers within 20 working days of receipt of the appeal, and the student notified of the outcome by letter/email.

8.2 If it is clear the circumstances claimed by the student do not constitute sufficient grounds for an appeal, the case will be considered to be inadmissible. This includes instances where:

(a) the student has provided no substantial, relevant evidence of a procedural irregularity or no third-party evidence has been provided of prejudice or bias.

(b) the procedural irregularity claimed by the student clearly could not have affected the decision

against which the appeal is being made to an extent that would have led to a different decision.

(c) no substantive reasons have been provided for regarding the decision as manifestly unreasonable.

8.3 If the appeal is considered to be inadmissible, a letter/email with the reasons for the decision will be sent to the student.

8.4 Where it is believed that there may be grounds, the appeal will be considered to be admissible and it will be considered by the Academic Appeals Panel, and the student notified of the outcome of the Academic Appeal Panel's decision by letter/email within 20 working days of the referral by the Registry Office.

9 Advice and Guidance

9.1 Independent, non-judgmental advice on these procedures is available from Student Support staff or the student's Personal Tutor can advise students on the application and operation of the policy.

10 Appeals Panel

10.1 The Academic Appeals Panel comprises of the following (at least 3 of whom must attend a meeting of the Panel):

- a) the Registrar (Chair);
- b) Assistant Registrar
- c) Programme Leader (elected on rotation);
- d) Head of Assessments
- e) Senior Assessments Officer;
- e) Head of Student Support;
- f) Attendance Officer.

To ensure that the case is heard by staff who are impartial, no one who has too close a personal or professional association with the student or the subject of the appeal shall be eligible to serve as a member of the Academic Appeals Panel. Students will not be able to attend the meeting of the Panel.

10.2 After it has considered the case the Panel will normally reach one of three decisions:

(a) **REJECT**: If the Panel believes that the original decision was fair and does not contravene college regulations or policy the appeal will be rejected. An appeal may also be rejected because the grounds for appeal are not clearly stated or the appeal has been received late.

(b) **UPHELD**: If the Panel believes that the original decision was unfair or contravened college

regulations it will decide to uphold the appeal. If this happens, the Panel will write to the relevant academic committee recommending a course of action to resolve the situation. You should note that when an appeal is upheld the Panel cannot substitute any mark with one of its own, make a judgment on the quality or standard of a student's work.

(c) DEFER: If the Panel believes that further information is required before it can make a decision it will defer the case and ask the relevant Registry Officer to write to the college and/or student requesting more details. Where a case is deferred, every effort will be made to obtain the additional information in time for the case to be considered at the next meeting.

10.3 Where a case is rejected, the reasons for the decision will be conveyed by letter/email to the student and, where appropriate, other parties.

11 Review Stage

11.1 If a case is rejected by the Academic Appeal Panel, a student may submit a revised case to the Registry Officer in the same format as the original appeal under paragraph 6, within 20 working days of receiving notification of the outcome of their appeal.

11.2 An application for review can only be made in the following circumstances:-

- if the student has new evidence *that was not available or could not reasonably have been obtained in time for consideration by the Academic Appeals Panel*;
- there was a procedural error in the consideration of the appeal by the Academic Appeals Panel that contravenes this policy.

11.2 Where a request is received within 10 working days of the original decision, it will be referred to the Principal. Within 20 working days of receiving the revised case the Principal will either:-

a) refer the matter back to the next Academic Appeals Committee for reconsideration at the earliest opportunity (within 30 days of the application under paragraph 6 where practical to do so), with his comments (usually in the case of new evidence);

b) overturn the decision and substitute his own; or

c) refuse the appeal and issue a Completion of Procedures Letter (within 28 calendar days of the decision); and notify the student by letter/email.

11.2.1 Where the appeal relates to a student on a course awarded by a validating university, the Principal will instead refer cases falling under 11.2 b) or c) above to the Head of Academic Registry of the University of West London, or the University Secretary of London Metropolitan University, accordingly.

11.2.2 For appeals where 11.2.1 above applies, where in the Principal's opinion a review would otherwise have been refused on the basis of it being:-

a) frivolous or vexatious;

b) an appeal against academic judgement; or

c) would otherwise not be eligible for consideration under the validating university's regulations; the referral by the Principal will be accompanied by his written statement to that effect, with itemised reasons.

12 OIA Complaints and Awarding Body Appeals

12.1 For courses where assessments are provided by the college on behalf of another awarding body, including validating universities, and you have made the appeal internally, a right of appeal may also exist to the awarding body under their Appeals Policy on completion of our Appeal's procedure.

12.2 There is no right of appeal to the Office of the Independent Adjudicator in relation to matters of 'academic judgment'.

12.3 Should no right of appeal from the decision of the College exist under the awarding body's Appeals Policy, the college will issue you a Completion of Procedures Letter within 28 days of that decision. Where a right of appeal exists to the awarding body, the awarding body will issue the letter on conclusion of their appeals process. You may raise a complaint with the OIA only if you are a student of a higher education course or receive public funding (HND or higher), and the college appeals procedure above has been fully exhausted and a Completion of Procedures letter has been issued by us or the awarding body.

12.4 A complaint to the OIA must be made within 12 months of the date of the Completion of Procedures Letter, and should be made on their complaints form <http://oiahe.org.uk/making-a-complaint-to-the-oia/oia-complaint-form.aspx>

Notes:

1 In these procedures a working day is any day when the College's offices are normally open. This excludes Sundays and all Bank Holidays and any other designated periods of closure.

2. The member of staff responsible for investigating a complaint at any stage described in the procedure may request the complainant to attend an interview as part of the investigative procedure. The member of staff will agree a date, time and location with the student and confirm this in writing. The student has the right to be accompanied by a friend or representative, and must give notification in advance of the meeting of the name of the person who will accompany them at the interview.

3. Any member of staff involved in the complaint who is also to attend the interview must be identified in advance to the student. The member of staff may also be accompanied by a representative.