

## 10.4 Procedures for Appeal (against decisions of Assessment Boards/Termination of Student Status)

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### Introduction

- 1 These Procedures are intended to:
  - protect students in University examinations and/or course assessments, including APL assessment, against the possibility of unfair assessment resulting from omission or error on the part of the appropriate University authorities, or from unforeseen circumstances affecting a student, and/or;
  - provide a process whereby a student can appeal against a decision to terminate their student status (e.g. discontinuation of studies).
- 2 No student appealing under these Procedures, whether successfully or otherwise, shall be treated less favourably than would have been the case had an appeal not been made.
- 3 If a student wishes to present a complaint about the University, its courses or services or the individuals concerned in their delivery, the Student Complaints Procedure should be used. In cases where delay has occurred as a result of confusion over which is the correct procedure to follow, the date of the first enquiry shall be considered to be the date on which the appeal was lodged.
- 4 Research degree students should use the appeals process outlined in the Research Degree Regulations. Students who wish to appeal against an Academic Misconduct decision should refer to the appeals section of **those** procedures. Students enrolled on a course of the University delivered via a collaborative arrangement by another institution shall be subject to these Procedures unless otherwise specified.
- 5 The Academic Registrar has overall responsibility for the Procedures for Appeal.

### Appeal Procedures

- 6 These procedures are to be used to:
  - 6.1 Appeal against a decision of an assessment board<sup>1</sup> (refer to PART 1 and PART 2 of these procedures); or,
  - 6.2 Appeal against the University's decision to terminate a student's status or enrolment (refer to PART 1 and PART 3 of these procedures).

If when appealing against termination of student status the appellant also believes they may have grounds for appeal against a decision of an assessment board, these details should be included in the appeal against termination of student status, as in 6.2 above.

### PART 1: Validity and Invalidity for all appeals

- 7 An appeal in respect of an academic judgment arrived at through due process shall be deemed invalid.
- 8 For an appeal to be valid it must:

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<sup>1</sup> Assessment Board' means the relevant Awards Board or the relevant Subject Standards Board, depending on the context

- 8.1 Be made in writing on the appropriate Appeal Form<sup>2</sup>;
  - 8.2 Include all relevant, independent, supporting evidence, as appropriate;
  - 8.3 Be dated and bear the full name, student number and signature of the student;
  - 8.4 Be received within **five** working days of the date of publication of the result(s) of the assessment(s) concerned or the date of notification of the termination of status, as appropriate. (Appeals received after this deadline will be deemed invalid unless the appellant has demonstrated good reason for any period of delay);
  - 8.5 Be submitted in person at an Undergraduate or Postgraduate Office. If submitted by post, 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.)
- 9 For appeals against decisions of Assessment Boards the appeal must also 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.
- 10 The Student Casework Office shall check each appeal against the criteria listed in 7 - 9 above. Any appeal that does not meet these criteria shall be deemed invalid.

## **PART 2: APPEALS AGAINST DECISIONS OF ASSESSMENT BOARDS**

### **Grounds of appeal against decisions of Assessment Boards**

- 11 An appeal against a decision of an Assessment Board can only be made on the following grounds:
- 11.1 that the University did not act in accordance with the relevant Regulations and/or Procedures in the provision and execution of the assessment process and that this, in turn, had a significant impact on the student;

*Such appeals must be made on a Procedural Defect Appeal Form and must:*

- *identify the Regulations and/or Procedures concerned;*
- *explain the way in which the University's actions differed significantly from those set out under those Regulations and/or Procedures,*
- *include independent third party evidence which corroborates the claim*

- 11.2 that the student had been affected by mitigating circumstances which prevented him or her from submitting an item of assessed work by the due deadline or attending an examination, to which the student was unable, for good reason, to draw proper attention via the University's Mitigating Circumstances Procedures\*.

*Such appeals must be made on a Mitigating Circumstances Appeal Form and must:*

- *explain why the student was unable to submit a claim of Mitigating Circumstances via the University's standard procedure for such claims;*
- *explain the circumstances which occurred and show how these prevented the student from*

<sup>2</sup> Appeal Forms can be downloaded from [www.londonmet.ac.uk/appeals](http://www.londonmet.ac.uk/appeals)

- submitting the item(s) of assessed work by the due deadline or from attending the examination(s) in question;*
- *include independent third party evidence which corroborates both of the above claims.*

\* Appeals made on grounds of mitigating circumstances will be assessed against the criteria set down in the Procedures for submission of Mitigating Circumstances.

- 11.3 that the student's academic performance\*\* in an examination or in an item of coursework submitted by the due deadline, had been significantly impaired by mitigating circumstances which occurred immediately prior to the assessment date.

*Such appeals must be made on an Academic Performance Appeal Form and must:*

- *explain the circumstances which occurred and how these would have significantly impaired the student's academic performance in the item of assessment;*
- *include independent third party evidence which corroborates the claim.*

\*\* Before submitting an appeal in respect of impaired academic performance, it should be noted that, if successful: (i) the student shall surrender any mark achieved for the item of assessment concerned (see **13.2**, below) and (ii) a student may have a mitigating circumstances/academic performance claim accepted on two occasions only for a particular item of assessed work. A mark of zero will be awarded for that item of assessed work with no further entitlement to be reassessed, if it is not then attempted at the next available opportunity.

### **Consideration of appeals against decisions of Assessment Boards**

- 12 The Student Casework Office shall review each application and determine its validity. Where an application is invalid the appeal shall not be considered.

- 13 The Student Casework Office shall consider each valid application and determine whether the ground(s) listed in 11 above has/have been clearly demonstrated. In such cases the appeal shall be upheld and the Assessment Board shall be advised of the action to be taken.

- 13.1 For successful appeals made on grounds of procedural defect or mitigating circumstances the outcomes will normally be as follows:

- Late coursework accepted as if submitted by its due date; or,
- A further assessment or reassessment opportunity granted in place of the affected attempt.

- 13.2 For successful appeals made in respect of impaired academic performance the outcome shall be as follows:

- The assessment/reassessment concerned will be voided and any mark achieved **must be surrendered**. The student will then be granted a further assessment/reassessment, at the next available opportunity, in place of the voided attempt.

- 14 In cases where an appeal has not clearly demonstrated that the ground(s) of appeal have been met; the appeal shall be rejected. The student shall be informed of this

decision and granted a further ten working days in which to submit relevant additional evidence to clearly demonstrate the ground(s) on which the appeal has been made.

- 15 The Student Casework Office shall consider any further relevant additional evidence submitted for the deadline set down in 14 above, and determine whether the grounds have been clearly demonstrated. In cases where the additional evidence clearly demonstrates that the grounds have been met, the appeal shall be upheld and the Assessment Board shall be advised of the action to be taken, as in 13 above.
- 16 In cases where the additional evidence does not clearly demonstrate that the grounds of appeal have been met, the appeal shall be rejected and the student shall be informed of this decision. The student shall also be informed that the University's internal procedures for appeal have been exhausted.

### **Common reasons why appeals against decisions of Assessment Boards are unsuccessful**

- 17 The following list is not exhaustive but details the most common reasons why appeals are rejected or deemed to be invalid.
  - 17.1 The appeal was received outside the deadline of five working days from the publication of the result(s) concerned 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.)
  - 17.2 The student claims that a computational error occurred in arriving at a final mark but did not query this by submitting a Module Query Form (MQF) to the appropriate Undergraduate or Postgraduate Office for the specified deadline, and the appeal does not include good reason and evidence for their failure to do so.
  - 17.3 The student claims that a computational error occurred in arriving at a final mark, despite having already queried this via a Module Query Form and having received a clear response from Registry within 20 working days.
  - 17.4 The appeal is made on grounds of mitigating circumstances but does not meet the criteria set down in the Procedures for the submission of Mitigating Circumstances. (Students who wish to appeal on grounds of mitigating circumstances are strongly advised to familiarise themselves with these criteria).
  - 17.5 The appeal does not relate to decision of an Assessment Board
  - 17.6 The student's claim of mitigating circumstances could, in the opinion of the University, have been disclosed via the Mitigating Circumstances Procedure.
  - 17.7 Although frequently cited in appeal applications, the following situations do not constitute valid grounds for appeal:
    - 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.)*

- The student was ignorant of the published assessment regulations and procedures, including deadlines for the submission of assessments, claims of Mitigating Circumstances and Appeals against decisions of Assessment Boards.
- The student's academic performance was affected by poor teaching, supervision or guidance. *(In such circumstances the student should submit a complaint in accordance with the Student Complaints Procedure).*

### **PART 3: APPEALS AGAINST TERMINATION OF STUDENT STATUS**

#### **Grounds of appeal against termination of status as a student**

- 18 Where a student's status has been terminated in accordance with the Academic Regulations (Section 9.1 19, 42 – 48) they have the right to submit an appeal to the Student Casework Office on the grounds that:
- The University did not act in accordance with the relevant Regulations and/or Procedures in terminating the student's status and/or;
  - The student had been affected by mitigating circumstances which had a significant long-term impact, but which, for good reason, they had previously been unable to disclose via the appropriate University procedures.
- 19 All valid representations against termination of student status will be considered on the basis of the appellant's written statement and supporting evidence, except where the Vice-Chancellor determines that, in an individual case, it would not be in the interests of fairness to do so. In such a case the appellant may be invited to present their case orally.

*Such appeals must be made on a Termination of Student Status Appeal Form and must:*

- *identify the Regulations and/or Procedures concerned;*
- *explain the way in which the University's actions differed significantly from those set out under those Regulations and/or Procedure and/or;*
- *explain the circumstances which occurred and show how these significantly affected the student for a substantial period of time and why the student was previously unable to disclose these circumstances via the Procedures for claims of Mitigating Circumstances or appeal;*
- *include independent third party evidence which corroborates the claim*

- 20 Appeals against termination of student status shall be considered by the Vice-Chancellor, or nominee, as appropriate.
- 21 Having fully considered an appeal against termination of student status the Vice-Chancellor may:
- 21.1 revoke the termination of the student's status; or,
  - 21.2 request further information and/or evidence;
  - 21.3 set conditions that the student must meet before the termination is revoked; or;
  - 21.4 confirm the decision to terminate the student's status as a student.

- 22 The Vice-Chancellor's decision shall be final. The Student Casework Office shall inform the student of the Vice-Chancellor's decision.

**Concluding remarks**

- 23 Under the Higher Education Act 2004 the University subscribes to the independent scheme for the review of student complaints. If a student is dissatisfied with the outcome of her/his appeal s/he may be able to apply for a review of their appeal to the Office of the Independent Adjudicator for Higher Education (OIA) providing that the complaint s/he takes to the OIA is eligible under its Rules. The University will confirm in writing to students, by way of a Completion of Procedures email/letter, when they have exhausted the University's internal procedures. At this point students may apply to the OIA if they wish.
- 24 Should compelling new evidence come to light, the Vice-Chancellor shall on behalf of the University, have the authority to re-open any appeal where it would be in the interests of fairness to do so. This authority shall normally only be exercised within six months of the conclusion of the relevant proceedings.

**Note**

- 25 Fraudulent claims will lead the University to take action under its disciplinary procedures.