

LEEDS TRINITY UNIVERSITY

Academic Appeals Procedure

Scope

1. This procedure applies to students who are registered on taught undergraduate and postgraduate provision, recent graduates and students whose registration has been interrupted on a temporary basis, irrespective of location.
2. A separate procedure is in place for Leeds Trinity students registered on a University of Leeds research degree. Postgraduate research students should consult the Research Student Handbook.
3. An academic appeal is as a request for a review of a decision of the academic body, the Board of Examiners, which takes decisions on student progress, assessment and awards. It is separate and different to the Extenuating Circumstances procedures in that it applies after marks have been applied to assessment and after those marks have been confirmed by the Board of Examiners.
4. Under this procedure the Academic Board has empowered the Deputy Vice-Chancellor and the Vice-Chancellor to vary or amend a decision of the Board of Examiners insofar as the application of the Taught Course Academic Regulations currently in force and adherence to the University's policies and procedures allow. No academic marks will be changed as a direct result of an appeal although the work in question may be referred to the relevant Chair of the Panel of Examiners to be remarked and the mark will be subject to ratification by the external examiner. Any change to the decision of the Board of Examiners will be reported to its next meeting (see 62 below).
5. This process is not a method of circumventing or setting aside the professional academic judgement of examiners on the performance of students. It is a way of ensuring that relevant circumstances affecting a student's academic performance, or results as recorded, are taken into account. A student appealing against a decision of the Board of Examiners solely because he/she is dissatisfied with the outcome will have his/her appeal rejected. In such circumstances a student is advised to seek feedback from the examiner about the grades awarded (see Stage 1 Seeking early resolution).
6. The procedure refers to an individual student throughout but can apply to a group of students.
7. Students wishing to complain about any of the following should follow the Complaints Procedure, available from the intranet through the University Intranet:
 - a fellow student;
 - a member of Leeds Trinity University staff or member of external training provider;
 - the standard of academic provision, including Library and Learning Resources and training provided by external institutions contracted by Leeds Trinity;
 - a Leeds Trinity University service;
 - the fabric of Leeds Trinity University.
8. If a student submits a complaint under the Complaints Procedure concurrently with an academic appeal, or includes any aspect of a complaint within his/her academic appeal, the academic appeal element will take precedence and be investigated first. In the course of the appeal process it may be found that the complaint aspect can be dealt with simultaneously because of the circumstances of the appeal. On conclusion of the appeals process, if a student wishes to pursue a complaint aspect which has not already been addressed he/she may do so via the Complaints Procedure.

Grounds for appeal

9. A student may appeal on the following grounds:
 - (i) **new** evidence regarding extenuating circumstances which the student could not have reasonably supplied to the University prior to the decision of the Board of Examiners.
 - (ii) breach of regulation/procedure;
 - (iii) discrimination/bias;
 - (iv) administrative error.
10. Students may not appeal against the classification of their award or the results awarded for an assessment unless evidence is submitted under one of the above grounds.
11. Students wishing to appeal against a decision of the Extenuating Circumstances Panel, as notified through the Board of Examiners, may only do so under the above grounds.

Conditions of appeal

12. An appeal against a decision of the Board of Examiners will be considered only if it is initiated and conducted by a student personally unless the student is unable to submit the application personally on health grounds. Such grounds must be stated in the appeal submission and supported by independent medical evidence (see 14 below).
13. An appeal will normally only be considered if it is submitted **within 10 working days of the notification of assessment results via the student's e:Vision account**. All sections of the Academic Appeal Form must be completed as fully as possible, following the guidance notes within the form, and should include:
 - under which of the permitted ground(s) (as shown in 9 above) the appeal is being submitted
 - clearly stated facts that support the appeal, confined to matters directly related to the grounds for appeal
 - sufficient evidence to support the case being made (see 14 below)
 - an indication of the outcome the student is seeking.
14. An appeal will be considered only if it is supported by documentary evidence clearly referenced to the relevant ground(s) which shows the material effect on the assessment results in question. An appeal on the ground of new evidence regarding extenuating circumstances must normally be supported by medical certification (signed by a medical practitioner) or other relevant, authentic, third party evidence. All evidence should be the originals of the documents, wherever possible and students are advised to keep a copy of any original documentation submitted as they will not normally be returned. Where evidence is submitted electronically the University reserves the right to request sight of original paper copies of the documents.
15. It is the student's responsibility to ensure that he/she raises all relevant issues and provides all relevant information and documentation at the point of submission. Students who are unable to secure the necessary evidence by the submission deadline should nevertheless submit an Academic Appeal Form by the due date and include a statement about why the supporting evidence will be late and the date on which it will be submitted. The statement should demonstrate that the circumstances which caused the delay were unavoidable. Acceptance of late evidence will be at the discretion of the Head of Academic Quality. Receipt of subsequent evidence must be no later than 10 working days after the deadline for the submission of an appeal.
16. Where an appeal is submitted collectively by a group, the group must identify one spokesperson and correspondent. Each member of the group must be able to demonstrate in the written submission that he/she has been individually and materially affected by the matter which is the subject of the appeal. All students involved in the submission of the appeal must agree, in writing, to the spokesperson acting on his/her behalf.

Information for appellants

- **Confidentiality and integrity of the procedure**

17. The University endeavours to carry out these procedures fairly, consistently and impartially and in accordance with the Equality and Diversity Policy of the University. By lodging an appeal students will not be disadvantaged in any way in terms of their assessments or their programme of study.
18. The information provided by students will remain confidential and will only be available to necessary staff in order to progress the appeal.
19. Where it is necessary to seek evidence from a party external to the University in order to progress the appeal, and where this might mean disclosure of information to that third party, the student will be contacted before disclosure to confirm that he/she wishes to proceed with the appeal.
20. Where an appeal is being conducted by a third party on health grounds of the student (see 12 above) the University will ensure that the necessary permissions are secured from the student prior to accepting the appeal and/or disclosing any personal data.

- **Support and advice**

21. Students and staff can obtain advice on the interpretation and operation of the procedure from the Head of Academic Quality.
22. Advice and support to students on their individual circumstances and on completion of the Academic Appeal Form can be obtained from Student Support and/or Leeds Trinity Students' Union. Specialist additional support is available from the Dyslexia and Disability Support Office, where required.
23. A student who is attending a Stage 3 Appeal Review Panel meeting may, if he/she so wishes, be accompanied by one third party supporter of their choice, on condition that the student provides the name and capacity in which the supporter is attending to the Vice-Chancellor in advance (e.g. member of staff or LTSU, friend, relative, or employed counsel). The supporter cannot, however, be someone who has taken a part in the decision against which the student is appealing.
24. The supporter will not be permitted to represent the student and will not normally speak at the hearing unless specifically requested to do so by the Appeal Review Panel. It is the responsibility of the student to notify the supporter of the time and place for the meeting and to provide them with any documentation. The student shall be responsible for the conduct of the supporter at the meeting.
25. There is no entitlement to legal representation at any stage in the process and students are advised that external review is available free of charge via the Office of the Independent Adjudicator (OIA) following completion of the University's procedures, subject to the rules set out by the OIA and published on its website.

- **Action prior to the outcome of an appeal**

26. A student who submits an appeal should not assume it will be upheld. Pending the outcome of an appeal, a student should prepare for any forthcoming re-assessments, as previously determined by the Board of Examiners.
27. In respect of an appeal which affects a final award, a student may attend the award ceremony if he/she is already eligible for an award pending the consideration of their appeal.

- **Change of personal details**

28. Students have a responsibility to keep the University informed of any changes to personal details and should update their information via e:Vision as soon as there are any changes. The University shall not be responsible for correspondence sent to a non-current postal or email address.

- **Costs**

29. The University does not charge a fee for the consideration of an appeal. As a general rule, nor does the University reimburse any expenses incurred by a student in pursuing an appeal.

Stage 1 Seeking early resolution

30. If a student considers that he/she may have grounds to appeal against a decision of the Board of Examiners, he/she is strongly advised to seek informal resolution prior to submitting an appeal in order to clarify the situation. The student should contact the Academic Administration Office, which will facilitate contact with the relevant Chair of the Panel of Examiners (or nominee). If, for instance, there appears to have been an administrative error, this may be quickly rectified. The Chair of the Panel of Examiners will liaise with the Chair of the Board of Examiners to ratify any changes. Confirmation of any changes to outcomes will be notified to the student by Student Administration.
31. If the outcome of Stage 1 does not provide a response that is satisfactory to the student, he/she may proceed to Stage 2 Formal Appeal.

Stage 2 Formal appeal

32. Students who wish to appeal against a decision of the Board of Examiners must submit a fully completed, signed and dated Academic Appeal Form to Student Administration to be received normally **no later than 10 working days** after the notification of results via e;Vision. Supporting evidence must be attached as outlined in the 'Conditions of appeal' above. Forms are available from Student Administration, Student Support and the Academic Administration Office, as well as from the intranet through the Student Administration pages.
33. Academic Appeals Forms and supporting evidence may be submitted to Student Administration by hand, by post or by email provided that all the supporting evidence is included. Emails should be sent to appeals@leedstrinity.ac.uk. Where evidence is submitted electronically the University reserves the right to request sight of original paper copies of documentation.

- **Preliminary consideration of grounds for appeal**

34. The Head of Academic Quality will undertake an initial evaluation to check that the student's academic appeal falls within the permitted grounds, is submitted by the deadline, is in the required format and is supported by the necessary evidence.
35. If it is decided that a case has been made the appeal submission will be referred to the Deputy Vice-Chancellor for consideration.
36. An appeal will be rejected if:
 - it is considered that a case has not been made, or that the appeal is vexatious (solely to cause annoyance) or frivolous (not serious or sensible).
 - there is no relevant supporting evidence.
37. If the appeal is rejected the student will be informed in writing of the outcome of preliminary consideration of the appeal. The student may request that this decision is reviewed under Stage 3 of the procedure.

- **Consideration of an appeal**

38. The Deputy Vice-Chancellor will consider academic appeal submissions referred by the Head of Academic Quality. The DVC may seek the views of such persons as are necessary in considering the case.
39. The Deputy Vice-Chancellor will write to the student, **normally within 10 working days of receipt of the appeal submission by the Head of Academic Quality**, with one of the following outcomes:

- that the appeal has been upheld or partially upheld;
 - that it has been found that there are no or insufficient grounds to uphold the appeal;
 - that the appeal requires further investigation and that an Investigating Officer has been appointed. The name of the Investigating Officer and an indicative deadline for the conclusion of the investigation will be included in the notification.
40. Where an Investigating Officer (IO) is appointed to investigate an appeal, the IO will be a senior member of academic staff who has had no involvement in the matter to date. The terms of the investigation shall be determined by the Deputy Vice-Chancellor and will include an indicative schedule. The schedule will include a date for report back to the DVC and a date by which a response is to be sent to the student. The response to the student shall **normally be within 25 working days of receipt of the appeal submission**.
41. The Investigating Officer shall conduct the investigation under the terms set out by the Deputy Vice-Chancellor. He/she shall make notes of any meetings held which will inform a final report to the Deputy Vice-Chancellor, who will decide whether the appeal is to be upheld and will inform the student of:
- whether the appeal has been upheld, partially upheld or it has been found that there are no or insufficient grounds to uphold the appeal;
 - the student's right to take the appeal to Stage 3 review;
 - any remedial action to be taken by the University.
42. The report from the Investigating Officer and any pertinent information gathered as part of the investigation will be sent to the student with the outcome letter.
43. The Deputy Vice-Chancellor will inform the relevant Head of School of any remedial action to be taken, along with any timescale for implementation.
44. In making a decision the Deputy Vice-Chancellor shall consider whether the outcome of the appeal has any implications for other students and, if so, make recommendations to appropriate bodies to ensure consistency and fairness.
45. **Stage 3 Review of an appeal decision**
- **The procedure for review of an appeal decision**
46. Students wishing to request a review of the Stage 2 appeal decision should write to the Vice-Chancellor, normally **within 7 working days** of the notification of the outcome from the Head of Academic Quality or Deputy Vice-Chancellor. The written correspondence to request a review of the decision may be submitted by letter or email and should clearly outline the grounds for a review of the appeal and should include whether the student wishes the review to be conducted via written correspondence or whether he/she wishes to present their case in person to an Appeal Review Panel.
47. A review of the appeal will not consider new matters that have not been raised in the original appeal, although new evidence may be provided that could not have reasonably been supplied as part of the Stage 2 appeal. The acceptance or discounting of such evidence will be at the discretion of the Vice-Chancellor / Appeal Review Panel, depending on the circumstances.
48. A review of the appeal, whether conducted by the Vice-Chancellor or by an Appeal Review Panel, has the power to overturn appeal decisions and make decisions on progression and award on behalf of the University.
49. The Vice-Chancellor (or nominee) shall write to the relevant Head of School, and any other staff as appropriate, requesting a formal written response to the review request **within 5 working days**. Upon receipt of the response the Vice-Chancellor may either find in the student's favour, and notify the student accordingly, or may continue with the review process.

- **Conduct of a review of an appeal by the Vice-Chancellor**

50. Where a student wishes the review to be conducted via written correspondence he/she will be sent the school's formal written response to the review request and will be invited to submit any concluding comments. The correspondence will include a time schedule for consideration and conclusion of the review.
51. The Vice-Chancellor shall consider all the appeal review evidence once received and will inform the student and the Head of Academic Quality:
 - whether the appeal has been upheld, partially upheld or not upheld;
 - any remedial action to be taken by the University;
 - that the University's internal procedures have been completed.

- **Conduct of a review of an appeal by an Appeal Review Panel**

52. Should the student request that an Appeal Review Panel be convened it shall have the following membership:
 - Chair – Vice-Chancellor;
 - One Head of School (or nominee) from a subject area independent from the appeal under consideration;
 - One member of the LTSU Executive
 - In attendance: a member of the Academic Quality Office (Secretary)
53. The student may not be represented by proxy. He/she must attend in person and may be accompanied by a supporter (see section on 'Support and advice' above).
54. If the student fails to attend the meeting without a satisfactory written explanation then the hearing will proceed provided that the Panel is satisfied that the student was given sufficient notice of the meeting.
55. The student will be provided with information about the hearing arrangements, including details of those to be present and all the documentary evidence to be considered by the Panel **at least 5 working days** in advance of the meeting. The documentation will include the school's formal written response to the review request.
56. At the hearing the Appeal Review Panel will hold a preliminary private meeting and then the hearing will be an open meeting with the student and his/her supporter, where applicable, and a school representative present throughout the inquiry section of the meeting.
57. Where a third party has been called to give evidence their contribution will be decided on a case-by-case basis by the Vice-Chancellor and the student will be notified of the arrangements in advance of the meeting.
58. The student may make a statement to the Panel. If this is read from a prepared text, the student must bring four copies of the text to the hearing to be given to the Panel.
59. Members of the Panel may question the student and the school representative, who may respond. The student may confer with their supporter. Neither the student, the supporter nor the school representative may question the Panel, except with regard to the conduct of the appeal review. The student, supporter and school representative shall then withdraw.
60. Following the withdrawal of the student, supporter and school representative, the Panel shall consider the case on the basis of the evidence taken prior to making its decision. The Panel will decide whether there is sufficient evidence to substantiate that, on the balance of probabilities, the student's claim is more likely to be the case than not.
61. The judgement of the Appeal Review Panel shall be communicated by the Vice-Chancellor to the student within **10 working days** of the meeting

Case closure

62. The outcome of a Review of an Appeal is final and completes the University's internal procedures for consideration of an appeal. At the conclusion of the internal procedures for appeals within the University, the student will be issued with a Completion of Procedures letter and informed about the process to be followed if he/she wishes to take his/her appeal to external review with the Office of the Independent Adjudicator (OIA).

Monitoring and evaluation of the procedure

63. The outcomes of individual cases are reported to the Board of Examiners to be included in its decisions on progression and award, as appropriate, and with regard to its remit on oversight of assessment results.
64. The Learning and Teaching Committee has responsibility for the Academic Appeals Procedure and receives an annual report of cases, which includes statistical data, a summary of decisions made and makes recommendations for enhancement of the procedure, its operation and the general management of assessment processes.

• **Timeline for the conduct of appeals**

65. There are four routes that can be taken to resolve an academic appeal and these are illustrated in the Summary of Academic Appeals Procedure flow chart. The following timeline will normally apply to University's internal procedure following the date of publication of assessment results to students via E:Vision. The timescale for external review by the Office or the Independent Adjudicator (OIA) are not within the jurisdiction of the University and are governed by the OIA's rules.

PROCEDURE	TIMESCALE
Publication of assessment results	
Stage 1 Seeking early resolution	10 working days from receiving results
Stage 2	
Submission of appeal by student	10 working days from receiving results
	Timescale starts here
Consideration of the Appeal by the Deputy Vice-Chancellor and Investigating Officer, where appointed, and student informed of outcome	+ 25 working days
Stage 3	
Submission of review of appeal request by student	+ 7 working days
Identification of further evidence required	+ 5 working days
Submission of School response	+ 5 working days
Submission of concluding comments by student	+ 5 working days
Consideration of the appeal review evidence by the Vice-Chancellor or Appeal Review Panel	<i>Schedule to be notified on case-by-case basis</i>
Appeal Review Panel outcome communicated to student	