

 <b>Leeds Trinity University</b>	<b>Academic Appeals Policy and Procedure</b>
	Approved by: Academic Quality and Standards Committee Approval date: 09/12/2022 Review date: 2024/25

## **Scope**

1. This procedure applies to students who are registered on Leeds Trinity taught undergraduate and postgraduate programmes, recent graduates and students whose registration has been interrupted on a temporary basis.
2. For students on Leeds Trinity awards at collaborative partners this policy will apply with the following modifications:
  - i) For institutions with indirect<sup>1</sup> students – partner to adopt LTU policy and adapt LTU procedure to own structures.
  - ii) For institutions with direct students - Early Resolution will be conducted solely by the partner; Stage 1 Formal Appeal will be conducted by the partner but involving the Liaison Tutor; Stage 2 Review will be conducted by LTU with contributions from the Academic Partnerships Unit and the Partner.
3. 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.
4. An academic appeal is a request for a review of a decision of the academic body, the Progression and Award Board, which takes decisions on your assessment, progression and award. It is separate and different to the Mitigating Circumstances procedure in that it applies after marks have been applied to assessment and after those marks have been confirmed by the Progression and Award Board.
5. Under this procedure the Academic Board has empowered the Director of Academic Quality and Standards or nominee and the Deputy Vice-Chancellor to vary or amend a decision of the Progression and Award Board insofar as the Taught Programme Academic Regulations and adherence to University policies and procedures allow.
6. This process is not a method of circumventing or setting aside the professional academic judgement of examiners. It is a way of ensuring that relevant circumstances affecting your academic performance is taken into account. You are not permitted to appeal against a decision of the Progression and Award Board solely because you are dissatisfied with the outcome. Such appeals will be rejected, and you will be advised to seek feedback from the examiner about the grades awarded.
7. This procedure refers to an individual student throughout but can apply to a group of students. 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 they have 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 their behalf.

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<sup>1</sup> Indirect students are those partnership arrangements where the students are the partner's, direct arrangements the students are the University's.

8. Students wishing to complain about any of the following should follow the Complaints Procedure, available from MyLTU:
- 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 estate/facilities of Leeds Trinity University.
9. If you submit a complaint under the Complaints Procedure at the same time as an academic appeal, or the appeal includes an aspect of a complaint, 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 you wish to pursue a complaint which has not already been addressed you may do so via the Complaints Procedure.
10. The University monitors annually the application of this procedure and presents to the Academic Quality and Standards Committee a report which details, amongst other information, the number of appeal applications it receives and the grounds for those appeals. Through both that report, and individual cases, the University seeks to identify where it needs to make changes to ensure an equitable and fair student experience that enables students to have the best opportunity to succeed in their programme of study.

### **Grounds for appeal**

11. You may appeal on the following grounds:
- (i) **new** evidence regarding Mitigating circumstances which you could not have reasonably supplied to the University, for instance via the Mitigating Circumstances Procedure, Student Support or speaking with your Personal Tutor, prior to the decision of the Progression and Award Board.
  - (ii) breach of regulation/procedure;
  - (iii) discrimination/bias;
  - (iv) administrative error.
12. You may not appeal against the classification of your award or the results awarded for an assessment unless evidence is submitted under one of the above grounds.
13. If you wish to appeal against a decision of the Mitigating Circumstances Panel, as notified through the Progression and Award Board, you may only do so under the above grounds.

### **Conditions of appeal**

14. An appeal against a decision of the Progression and Award Board will be considered only if it is initiated by you personally unless you are 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 17 below).

15. For current students, an appeal will normally only be considered if it is submitted **within 10 working days of the notification of assessment results via your e:Vision account**. If you are a graduate or have withdrawn and wish to appeal on the above grounds it must be submitted within two months of your graduation or withdrawal date.
16. All sections of the Academic Appeal Form must be completed as fully as possible, following the guidance notes within the form, and should include:
- The grounds under which the appeal is being submitted (see 11 above) 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 17 below)
  - an indication of the outcome you are seeking (see 35 below).
17. An appeal will be considered only if it is supported by documentary evidence which clearly relates to the grounds of the appeal and which shows the material effect on the assessment results in question.
- An appeal on the ground of new evidence regarding mitigating circumstances must normally be supported by medical certification (signed by a medical practitioner) or other relevant, authentic, third party evidence. Thus, for instance a note from Student Support or your Personal Tutor or other tutor which corroborates the likely impact of the circumstances on your academic performance is acceptable, but a note from a family member is not.
18. Copies of documents are permitted, as are documents submitted electronically, however the University retains the right to request sight of original documentation.
19. It is your responsibility to ensure that you raise all relevant issues and provide all relevant information and documentation at the point of submission. If you are unable to secure the necessary evidence by the submission deadline you 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 in securing the evidence were unavoidable. Acceptance of late evidence will be at the discretion of the Academic Quality Office which deals with the processing of academic appeals. Receipt of subsequent evidence must be no later than 10 working days after the deadline for the submission of an appeal.
20. Completed Academic Appeal forms should be submitted via this email address: [appeals@leedstrinity.ac.uk](mailto:appeals@leedstrinity.ac.uk)

### **Confidentiality and integrity of the procedure**

21. The University endeavours to carry out these procedures fairly, consistently and impartially and in accordance with the Equality, Diversity and Inclusion Policy of the University. By lodging an appeal you will not be disadvantaged in any way in terms of your assessment or your programme of study.
22. The information provided by you will remain confidential and will only be made available to necessary staff in order to progress the appeal.
23. 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, you will be contacted before disclosure to confirm that you wish to proceed with the appeal.

24. Where an appeal is being conducted by a third party on health grounds on your behalf we will ensure that the necessary permissions are secured from you prior to accepting the appeal and/or disclosing any personal data.

### **Support and advice**

25. Students and staff can obtain advice on the interpretation and operation of the procedure from the Academic Quality Office.
26. Advice and support on completion of the Academic Appeal Form can be obtained from Student Support and/or Leeds Trinity Students' Union.
27. If you are attending a Stage 2 Appeal Review Panel meeting you may be accompanied by one third party supporter of your choice, on condition that you provide the name and capacity in which the supporter is attending to the Deputy Vice Chancellor in advance (e.g. member of staff or LTSU, friend or relative). The supporter cannot be someone who has taken a part in the decision against which you are appealing.
28. The supporter will not be permitted to represent you and will not normally speak at the hearing unless specifically requested to do so by the Appeal Review Panel. It is your responsibility to notify the supporter of the time and place for the meeting and to provide them with any documentation. You will be responsible for the conduct of the supporter at the meeting.
29. There is no entitlement to legal representation at any stage in the process. Following completion of University procedures, you may apply to the Office of the Independent Adjudicator (OIA), free of charge, for external review subject to the rules set by the OIA as published on its website. <https://www.oiahe.org.uk/>

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

30. If you submit an appeal you should not assume it will be upheld. Pending the outcome, you should prepare for any re-assessments, as previously determined by the Progression and Award Board.
31. If you submit an appeal the outcome of which may affect your final award, you may still attend the relevant award ceremony for which you are currently eligible for, pending the consideration of your appeal.

### **Communication and Change of personal details**

32. We will communicate with you about the appeal via your Leeds Trinity email address with a hard copy of such communications sent to your term time or home address depending on the time of year. You have a responsibility to keep the University informed of any changes to your personal details and should update your 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**

33. 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.

## **Appeal Outcomes**

34. There may be reasons why your appeal is not progressed for consideration, these will normally be because:

- 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.
- it is received after the deadline for appeals without reason.

If one of these reasons apply you will be advised that the appeal has not been progressed.

35. If your appeal is progressed for consideration, there are a range of possible outcomes as follows:

Outcome 1	Extension to the submission date for assessment(s)
Outcome 2	Alternative form of assessment
Outcome 3.1	A further opportunity for (re)assessment in module(s)
Outcome 3.2	Fail mark(s) are expunged and further first attempt(s) be allowed
Outcome 3.3	Submission penalties in one or more modules be reversed.
Outcome 4	Restart the year (NB: additional fees will apply).
Outcome 5	Suspend studies and return the following academic year
Outcome 6	Mark(s) to be condoned
Outcome 7	Consider the effect on award classification
Outcome 8	Appeal not upheld

36. No academic marks will be changed as a direct result of an appeal. If the circumstances require it completed work may be referred to the relevant Chair of the Progression and Award Board to be remarked; the mark will be subject to ratification by the external examiner. Any change to the decision of the Progression and Award Board will be reported to its next meeting.

37. The Director of Academic Quality and Standards or nominee or the Deputy Vice Chancellor has discretion to make decisions regarding appeal outcomes which may be different to those listed above if the circumstances and evidence are of a significant and substantial nature and where a different decision would be considered to be in your best academic interest.

## **Early Resolution**

38. If you consider that you may have grounds to appeal against a decision of the Progression and Award Board, you are strongly advised to seek informal resolution prior to submitting an appeal in order to clarify the situation. You should contact the Student Records and Assessment Team or your Personal Tutor, who will help you contact the relevant Chair of the Assessment Panel (or nominee) to discuss your appeal.

39. Early resolution is particularly relevant if, for instance, there appears to have been an administrative error as this may be quickly rectified or for very obvious matters of mitigation which are very recent. The Chair of the Assessment Panel will liaise with the Chair of the Progression and Award Board to ratify any changes to your assessment outcome. Confirmation of any changes to outcomes will be notified to the student by Student Records and Assessment Team.
40. The Chair of the Progression and Award Board should complete a 'record of Early Resolution' form available from the *Academic Quality* (Campus Services) intranet page and return it to the Academic Quality Office.
41. If matters are not resolved through early resolution you may proceed to Stage 1 Formal Appeal.

## **FORMAL STAGES**

### **Stage 1 Formal Appeal**

42. If you wish to appeal against a decision of the Progression and Award Board you must submit a fully completed, signed and dated Academic Appeal Form available at MyLTU to be received normally **no later than 10 working days** after the notification of results via e:Vision.
43. It is essential that you provide supporting evidence to substantiate the grounds on which you are appealing (See 17 above). If you are not able to provide all the evidence in sufficient time to meet the submission deadline you should explain this in the form and the steps you are taking to secure the evidence. (Appeals may not be considered if sufficient and appropriate evidence is not provided.)
44. 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](mailto: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**

45. The Academic Quality Office will undertake an initial evaluation to check:

- your appeal falls within the permitted grounds,
- that it is submitted by the deadline,
- that it is in the required format
- that it is supported by the necessary evidence.

If the above criteria are met the Academic Quality Office will make a recommendation, with a draft outcome, to the Director of Academic Quality and Standards or nominee for the appeal to be considered.

46. An appeal may not be progressed for consideration 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.
- it is received after the deadline for appeals without reason.

If the appeal is rejected, you will be informed in writing of the outcome of preliminary consideration of the appeal. You may request that this decision is reviewed under Stage 2 of this procedure.

### **Consideration of an appeal**

47. The Director of Academic Quality and Standards or nominee will consider academic appeal submissions referred by the Academic Quality Office. They may seek the views of such persons as are necessary in considering the case.
48. The Director of Academic Quality and Standards or nominee will write to the student, **normally within 10 working days of receipt of the appeal submission from the Academic Quality Office** with one of the following outcomes:
  - that the appeal has been upheld or partially upheld and the resulting consequences;
  - 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. An indicative deadline for the conclusion of the investigation will be included in the notification.
49. Where an Investigating Officer (IO) is appointed to investigate an appeal, the IO will be a senior member of academic staff who has not been involved in the matter to date. The terms of the investigation shall be determined by the Director of Academic Quality and Standards or nominee and will include an indicative schedule. The schedule will include a date for report back to the Director of Academic Quality and Standards or nominee 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**. You will be informed of these details if your appeal is referred for investigation.
50. The Investigating Officer shall conduct the investigation under the terms set out by the Director of Academic Quality and Standards or nominee. They will make notes of any meetings held which will inform a final report to the Director of Academic Quality and Standards or nominee, 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 2 review;
  - any remedial action to be taken by the University.
51. 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.
52. The Director of Academic Quality and Standards or nominee will inform the relevant Head of School of any remedial action to be taken, along with any timescale for implementation.
53. In making a decision, the Director of Academic Quality and Standards or nominee 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.

## **Stage 2 Review of an appeal decision**

### **The procedure for review of an appeal decision**

54. If you wish to request a review of the Stage 1 appeal decision you should write to the Deputy Vice Chancellor, normally **within 7 working days** of the notification of the outcome from the Director of Academic Quality and Standards or nominee.
55. 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**.
56. A review of an appeal decision may be conducted either via written correspondence or via an Appeal Review Panel to whom you would present your case in person. In your submission of a request for review you should indicate how you wish to proceed should it be necessary.
57. 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 if that could not have reasonably been supplied as part of the Stage 1 appeal. The acceptance or discounting of such evidence will be at the discretion of the Deputy Vice Chancellor / Appeal Review Panel, depending on the circumstances.
58. A review of the appeal, whether conducted by the Deputy 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.
59. The Deputy Vice Chancellor (or nominee) may seek further information to inform their consideration of the request for review by writing 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**.

### **Conduct of a review of an appeal by the Deputy Vice Chancellor via written correspondence**

60. If you have indicated that you wish the review to be to be conducted via written correspondence you will be sent the formal written response(s) to the review request if this has been requested. You will be invited to submit any concluding comments. The correspondence will include a time schedule for consideration and conclusion of the review.
61. The Deputy Vice Chancellor shall consider all the appeal review evidence once received and will inform you and the Academic Quality Office:
  - 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**

62. If you have requested that you wish an Appeal Review Panel to be convened it shall have the following membership:

- Chair – Deputy 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)
63. You will be sent the details for the meeting including date, time and place and the protocols for the conduct of the meeting as summarised here. You must attend an Appeal Review Panel meeting in person and may be accompanied by a supporter (see section on 'Support and advice' above).
64. If you fail to attend the meeting without a satisfactory written explanation, then the hearing will proceed provided that the Panel is satisfied that you were given enough notice of the meeting.
65. You 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 any formal written responses received in relation to the review request.
66. At the hearing the Appeal Review Panel will hold a preliminary private meeting and then the hearing will be an open meeting with yourself and your supporter, where applicable, and a school representative present throughout the inquiry section of the meeting.
67. Where a third party has been called to give evidence, their contribution will be decided on a case-by-case basis by the Deputy Vice Chancellor and you will be notified of the arrangements in advance of the meeting.
68. You may make a statement to the Panel. If this is read from a prepared text, you must bring four copies of the text to the hearing to be given to the Panel.
69. Members of the Panel may question you and the school representative, who may respond. You may confer with your supporter, however, neither yourself, nor your supporter, nor the school representative may question the Panel, except about the conduct of the appeal review.
70. Following the enquiry stage, you, your supporter (if applicable) and school representative shall then withdraw.
71. The Panel shall consider the case based on the evidence presented 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.
72. The judgement of the Appeal Review Panel shall be communicated by the Deputy Vice Chancellor to you within **10 working days** of the meeting.

### **Case closure**

73. 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, a student will be issued with a **Completion of Procedures** notice and informed about the process to be followed if they wish to take their appeal to external review with the Office of the Independent Adjudicator (OIA).

## **Monitoring and evaluation of the procedure**

74. The outcomes of individual cases are reported to the Progression and Award Board to be included in its decisions on progression and award, as appropriate, and with regard to its remit on oversight of assessment results.
75. The Academic Quality and Standards 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.
76. Collaborative partners are required to submit an anonymised record of all cases conducted under their application of the procedure. (See 2 above.)

## **Timeline for the conduct of appeals**

77. 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) is not within the jurisdiction of the University and are governed by the OIA's rules.

<b>PROCEDURE</b>	<b>TIMESCALE</b>
<b>Publication of assessment results</b>	
Informal Resolution	10 working days from receiving results
<b>Stage 1 Formal Appeal</b>	
Submission of appeal by student	10 working days from receiving results
	<b>Timescale starts here</b>
Consideration of the Appeal by the Director of Academic Quality and Standards or nominee and Investigating Officer, where appointed, and student informed of outcome	+ 25 working days from submission of appeal.
<b>Stage 2 Request for Review of Appeal Outcome</b>	
Submission of review of appeal request by student	+ 7 working days from communication of outcome from Stage 1
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 Deputy Vice Chancellor or Appeal Review Panel	<i>Schedule to be notified on case-by-case basis</i>
Appeal Review Panel outcome communicated to student	+ 10 days from conclusion of consideration by Vice-Chancellor or meeting of Appeal Review Panel.