



Student Academic Appeals Procedure

Published by SOAS University of London

Contents

| | |
|---|----|
| 1. Introduction | 3 |
| 2. Grounds for Appeal..... | 5 |
| 3. Procedure for Making an Appeal | 6 |
| 4. Formal Stage – Part 1 (Investigation)..... | 7 |
| 5. Formal Stage – Stage 2 (Appeals Panel)..... | 8 |
| 6. Review Stage | 10 |
| 7. Office of the Independent Adjudicator (OIA)..... | 11 |
| 8. Appeals timeline | 12 |

1. Introduction

1.1 Definition of an academic appeal

SOAS is committed to fairness in its academic judgements. We aim to make the right decision the first time, but acknowledge that this does not always happen. You can appeal against academic decisions if you believe that an error has occurred, or that an unfair or biased decision has been made. You can also appeal against an academic decision if you have evidence of relevant mitigating circumstances which you were unable to present before the decision was made.

You can appeal against decisions made by Boards of Examiners, Academic Misconduct Panels, PhD examiners and by PhD supervisory committees when they are deciding on upgrade from MPhil to PhD. Academic decisions which can be appealed include:

- (a) **Examination or assessment result** (i.e. taught module results, degree awards, research degree examination (viva) outcome.)
- (b) **Progression decision** (i.e. progress from one year of a degree programme to the next, upgrade from MPhil to PhD, move from full-/part-time to 'Continuation/Writing-Up' enrolment status.)
- (c) **Withdrawal from a programme of study on academic grounds** (i.e. enrolment on the programme of study is ended because progression requirements aren't met.)

1.2 All academic decisions are made under the authority of Academic Board. Academic Board has delegated authority for the approval of policies related to the Academic Regulations to Teaching, Learning and Student Outcomes Committee [TeLSOC]. TeLSOC therefore approves the Academic Appeals Policy, and receives reports on the number and outcomes of academic appeals each year. Operational responsibility for the appeals procedure sits with Registry for taught programmes, and the Doctoral School for research degrees. These procedures are in line with the expectations of the QAA UK Quality Code, and the OIA's guidance document entitled "[The good practice framework: handling student complaints and academic appeals](#)" published in December 2016.

1.3 Who does this policy apply to?

This policy and procedure applies to all current students registered for programmes or modules at SOAS University of London. This policy applies to you if you are enrolled on a SOAS programme or module, whether or not you are currently studying. If you are currently taking an interruption of studies or are on a temporary suspension/exclusion from the School, this policy still applies. If you have recently left the School, this policy still applies as long as you are within the time limit for making an appeal.

1.4 If you believe that a non-academic decision (for instance withdrawal for non-academic reasons) has been unfair, this is not the right policy to follow. You should contact the Student Casework team (studentcomplaints@soas.ac.uk) who can advise you on which policy to follow. There is also a separate policy for appealing against admissions decisions. At the end of this document, you will find a table setting out the various procedures you can use to raise concerns with us, along with details of where you can access advice about each one.

1.5 As part of our commitment to providing students with an excellent experience, SOAS aims to resolve academic difficulties between parties objectively and fairly, conducting the

appeals process in an effective and respectful manner. SOAS expects all staff and students who are involved in appeals procedures to follow the procedure and to treat each other with respect.

1.6 **Advice**

Students who are considering submitting an appeal may seek advice from their Department Office, Academic Advisor, the Student Hub, Registry or Doctoral School on the process involved and the procedures to be followed. You can also contact the Students' Union for advice and support.

1.7 If you consider yourself to have a disability or learning difficulty, additional support is available to assist you with submitting an academic appeal. Please contact the Student Advice and Wellbeing team.

1.8 **Deadlines for completing appeals**

SOAS aims to complete the appeals process in a timely manner. The OIA recommends that the procedure, including the review stage, should be completed **within a maximum of 90 calendar days** of the appeal being submitted by the student. The timeframes within this document have been set in order to achieve this except in exceptional cases, such as when SOAS is closed for several days (e.g. at Christmas). In this procedure we use 'working days' to let you know how long each step will take – this means days when SOAS' professional services are open, which don't include Saturdays, Sundays, UK public holidays and some other days, such as around Christmas and Easter. You can find the SOAS closure dates at <https://www.soas.ac.uk/about/keydates/>. If we ask you to respond to questions or provide additional evidence, you must do so promptly so that the procedure can move forward. If there is a good reason why you are unable to do so, please tell us. This might mean that the timeframe needs to be extended, and if so, we will let you know.

1.9 **Confidentiality**

Your privacy and confidentiality will be respected at all stages of the appeal process. All information submitted in relation to an appeal will be dealt with confidentially and will only be shared internally as is necessary to investigate the appeal. Anonymous data may be shared with internal and external parties for the purposes of conducting learning, evaluation and training, and if so the School will ensure compliance with the Data Protection Act (DPA) 2018 and General Data Protection Regulations (GDPR). Where something is disclosed that raises a safeguarding concern, the School reserves the right to liaise with the appropriate professionals.

1.10 **Legal representation**

The Appeals procedure is an internal process, not a formal legal one, though the School has legal and regulatory obligations which apply to it. The purpose is to establish the facts in light of evidence and the standard of proof applied is that of the balance of probabilities: i.e., that the claim is more likely to be true than not. Legal representation is not required and professional legal advisors will not be permitted to attend any meetings or hearing which are part of the appeals procedures.

1.11 **Appeals procedure or complaints procedure**

If an appeal is submitted which would be more appropriately dealt with under the

[School's Complaints Procedure](#) (or vice versa), the School will transfer the appeal or complaint to the correct procedure and inform you that this has happened. At the end of this document you will find a table of other related procedures and where you can find help with each of them.

1.12 **Stages of the appeals procedure**

There are two stages to the Appeals Procedure:

- Formal Stage – Investigation, which may include a panel hearing
- Review Stage – Which confirms whether due process has been followed and is not a re-examination of the case.

2. **Grounds for Appeal**

2.1 **Permissible grounds**

You can appeal on **one (or more) of the following grounds. The burden of proof is on you when you make an appeal: in other words, you need to prove with evidence that what you claim is more likely than not to be true.**

(a) Administrative or procedural irregularity/error

There is evidence that there was a procedural irregularity or administrative error in the conduct of assessment or in the process of reaching a progression, withdrawal or assessment decision.

Evidence: You must set out clearly and fully what you consider the irregularity/error to be, how and when this occurred and how it affected the assessment, progression or withdrawal decision.

(b) The presentation of new evidence of mitigating circumstances where, for good reason, the decision-making body was not made aware of these before making its decision

You must explain what the circumstances were and what their impact was. You must also provide a valid and compelling reason why this evidence was not made available to the decision-making body via the School's Mitigating Circumstances procedures before they made their decision.

Evidence: You should follow the guidance in the School's Mitigating Circumstances Policy for acceptable evidence.

(c) Prejudice or bias (actual or perceived) which can be proven

That there is evidence of prejudice or bias or the perception of prejudice or bias on behalf of the examiners and/or the decision-making body such that the result of the assessment, progression or withdrawal decision should not stand.

Evidence: You must set out clearly and fully the reasons for the claim of bias or perception of bias. This may include comments from a third party which records the comments or remarks made by others.

2.2 **Non-permissible grounds**

The following are **not grounds** for appeal and will be rejected:

(a) Academic judgement

Appeals against academic judgement (decisions where only the opinion of an academic expert will suffice) are not permitted. You cannot appeal against a decision simply because you are unhappy with the outcome. It has to be demonstrated that there are grounds for the appeal as set out in 2.1. If you believe that there has been an error in

calculating or recording marks, you can request a clerical check of marks via your Department Office, or the Doctoral School in the case of research degrees.

(b) Programme management

Problems that arise during the course of your studies, including problems with supervision, tuition or information provided, should be dealt with at the time they occur. Such matters should be raised, if necessary, through the School's Complaints Procedure.

(c) Vexatious appeals

Appeals which are vexatious will be rejected. In line with the [OIA's guidance](#), vexatious appeals include:

- Appeals which are obsessive, harassing or repetitive
- Pursuing appeals which are obviously invalid, and/or demanding unrealistic, unreasonable outcomes
- Pursuing appeals in an unreasonable manner, even where the appeal itself has valid grounds
- Appeals which are designed to cause disruption or annoyance
- Demands for redress which lack any serious purpose or value

If we reject your appeal because we consider it vexatious, and you feel that this is unfair or unjustified, you can submit a complaint under the Student Complaints Procedure.

3. Procedure for Making an Appeal

3.1 Informal resolution

You may be able to resolve the issue without making a formal appeal. For instance, you can ask your department office to carry out an administrative check, if you believe that your marks have been calculated or recorded wrongly. You can also speak to your Academic Advisor/Supervisor if you don't understand how or why the decision was made which you disagree with. They may recommend that you make an appointment with the Head of Department/Director of Doctoral Studies, or another member of staff who was involved in the decision.

3.2 Deadline for submission of appeal

Appeals must be submitted within **15 working days** of the formal notification of the assessment/progression/withdrawal decision. Appeals received after this deadline must include an explanation of the reason(s) for lateness, including evidence. Late appeals will only be considered if the reasons are found to be acceptable - we will follow the guidelines in the Mitigating Circumstances Policy for the types of circumstances which are acceptable. If we do not think you have a good reason for the lateness of the appeal, it will be rejected. You can request a review of that decision via the Review stage (see section 6.)

3.3 Appeals and third parties

Your appeal must be made by you, as the student affected by the decision or outcome, and not by a third party unless there are mitigating circumstances which prevent you from making the appeal. SOAS will not engage in correspondence with third parties regarding the appeal unless you have given written permission for us to do so. The School will then communicate with either you or your representative, but not both.

3.4 Appeals form

Appeals must be submitted on the Appeals Form which you can find at <https://www.soas.ac.uk/exams/appeals/>. They should clearly state the grounds for the appeal, a summary of the issues and the preferred outcome from the appeal.

Relevant documentary evidence should be provided with the form. Any evidence provided that is not in English must be accompanied by a certified translation. The appeal must also be accompanied by a copy of the official letter/email confirming the outcome which you are appealing against. Appeals which don't include these will be rejected.

4. Formal Stage – Part 1 (Investigation)

4.1 Initial evaluation criteria

When we receive your appeal, we will undertake an initial evaluation to check that it:

- has been submitted on the Appeals Form
- was submitted by the deadline, or includes satisfactory evidence of why it was not
- falls within the grounds for an appeal
- contains sufficient and adequate documentary evidence

4.2 Immediate rectifying action

Where the initial evaluation demonstrates that there is overwhelming evidence in support of the appeal or that a procedural error has clearly occurred, we may refer the matter directly to the decision-making body with a recommended course of action. If the decision-making body disagrees with that course of action, we will then refer the appeal to an Investigating Officer as outlined in 4.4.

4.3 Appeals which do not meet the initial evaluation criteria

We will let you know **within 10 working days** whether your appeal meets the initial evaluation criteria stated in 4.1, giving the reasons for this. You can resubmit the appeal if you can address the ways in which it didn't meet the criteria (e.g. by providing additional evidence). You have up to **10 working days** to do this, even if the original deadline is earlier. The timeframe of the procedure will begin again from when the appeal is resubmitted. We will check the resubmitted appeal based on the criteria above in 4.1. If the appeal does not meet these criteria for a second time, the appeal will be rejected we will inform you **within 10 working days** outlining the reasons for this. You may request a review of this decision under the Review stage of this procedure in section 6.

4.4 Investigating officer

If the appeal meets the initial evaluation criteria and immediate rectifying action has not been taken then the appeal will be passed to an Investigating Officer. The Investigating Officer will normally be a senior member of academic staff who is outside your department and does not have any previous involvement in the case.

4.5 Investigation process

The Investigating Officer will review the paperwork and will consult with the decision-making body or other key staff involved in the case if necessary (i.e. Chair of the Sub Board of Examiners, Chair of Mitigating Circumstances Panel, Module Convenor, PhD

Supervisors, PhD Examiners etc.) They may also confer with a second Investigating Officer if they find it helpful.

4.6 **Timeline for investigation process**

The Investigating Officer will respond within an appropriate timeframe so that we can inform you of their decision within **10 working days**, or sooner if we have agreed with you that the usual timeframe would seriously disadvantage you, for instance because of your health or external deadlines such as professional body requirements.

4.7 **Decisions from the investigation process**

The Investigating Officer will make one of the following decisions:

(a) *Reject the appeal.* We will let you know the reasons, and remind you that you can request a review of the decision via the Review stage (section 6).

(b) *Partially uphold the appeal* (possibly offering a revised outcome). We will let you know the reasons, and remind you that you can request a review of the decision via the Review stage (section 6).

(c) *Uphold the appeal.*

This might mean making a new or amended award, or providing a new attempt at assessment. For instance in a taught module you might be allowed an additional re-sit opportunity, without marks being capped. In the case of an appeal about a PhD viva attempt, you might be allowed a new examination, conducted by examiners who did not take part in the original examination and were not involved in the appeal. The examination will be conducted in accordance with the Regulations in place at the time you were originally entered for the examination. The examiners may make any of the decisions open to the original examiners. The examiners will not be given any information about the previous examination except that they are conducting a new examination following an appeal.

(d) *Refer the appeal to an Appeals Panel.* This will happen where the case is complex and/or contains contradictory evidence. (See section 5 for the conduct of the Appeals Panel).

We will communicate the decision to you along with information about the next steps in the process.

5. **Appeals Panel**

5.1 **Purpose of the appeals panel**

The purpose of the School Appeals Panel is to assess the validity of your appeal on the grounds set out in Section 2. The panel will not re-examine any part of your work as part of this process.

5.2 **Panel composition**

The Appeals Panel will consist of three members:

- Chair: An Associate Director, Head of Department, or another senior academic who has not previously been connected with the case.
- 2 members of SOAS staff who are not from your department and are unconnected with the case

A member of professional services staff will act as Secretary to the Panel. They will make all of the necessary arrangements for the Panel and take notes at the Panel Hearing.

5.3 **Companion at the appeals panel**

You may bring a companion to the Appeals Panel who can be a family member, a friend or member of the Students Union. They are there to provide support, and should not answer questions on your behalf. You should present your own case and answer the Panel's questions. Legal representation is not required and professional legal advisors will not be permitted to attend. If you are bringing someone with you to the Appeals Panel, please email appeals@soas.ac.uk to let us know.

5.4 **Dates for the panel**

If there are dates on which it is impossible for you to attend a meeting, please tell us as soon as possible. We will try to arrange a date which is convenient to all of those involved, however, if you are unable to attend the meeting in person the appeal can be conducted via Skype (on a working day, between 9am and 5pm). If neither option is possible then the appeal will be conducted in your absence, and you can submit evidence in writing. This is also what we will do if you plan to attend but then find you are unable to do so.

5.5 **Decision-making body representative(s)**

The Appeals Panel will request the attendance of representatives from the decision-making body to respond to the appeal. This will be a maximum of 2 people and may include external examiners in the case of appeals against PhD examinations. If these representatives are not able to attend, either in person or via remote conferencing, the hearing will go ahead without them. They may be asked to provide a written statement.

5.6 **Confirmation of attendance at the appeal panel**

We will give you at least 10 working days' notice of the date and time of the appeal hearing, and of the names of the panel members. We will ensure that the panel members have not previously been involved in the matters under appeal, and that they do not have any other conflict of interest to the best of our knowledge – but if you believe there is a conflict of interest with any of the Panel members please let us know as soon as possible. If such a conflict of interest exists, an alternative panel member will be found, but this may require the appeal hearing to be re-scheduled to a later date.

5.7 **Right to call witnesses**

We do not usually expect that additional witnesses will be called to present evidence at appeal panels, unless a third party was present at the time when the decision in question was made (for instance, if a Chair was present at a PhD viva). If you do wish to invite a witness, please let us know as soon as possible. The Chair of the panel will decide whether to allow this.

5.8 **Documentation**

The same documentation will be sent to all of those involved in the appeal hearing, i.e. you, the Panel members and the decision-making body representative(s), as follows:

- The written submission you gave us
- The written submission of the decision-making body representative(s)
- PhD Appeals (not examinations) only - The abstract of the thesis (to give the Panel some idea of the subject matter of the thesis)
- PhD Appeals (examinations) only - The final report(s) and the preliminary independent reports of the examiners

- Any other documentation the Appeals Panel considers relevant to the appeal

5.9 **Further written evidence**

After receiving the documentation, you and the decision-making body representative(s) may provide further written evidence in response to the documentation but this must be received by the Panel secretary within **5 working days** before the hearing. The additional paperwork will be sent electronically to all those listed in 5.8.

5.10 **Appeals panel procedure**

An indicative procedure for the meeting is as follows – this can be altered at the discretion of the Chair where appropriate:

- The Appeals Panel members will meet prior to the start of the appeal to agree the questions they would like to put to you and to the decision-making body representative(s).
- The Chair explains the purpose of the hearing and asks all those present to introduce themselves
- The Chair will invite you to give a brief summary (no more than ten minutes) of the main grounds for your appeal
- The Chair will invite the decision-making body representative(s) to give a brief summary (no more than ten minutes) of their position on the appeal
- If you or the decision-making body representative(s) have asked to call other people to present evidence, the Chair will decide when and if it is appropriate to call them into the hearing. They will only be permitted to attend the Panel when asked to give evidence and may not stay for the entire proceedings.
- The Appeals Panel will put questions to both you and the decision-making body representative(s) as appropriate
- The Chair may permit either you or the decision-making body representative(s) to put questions to each other at any stage of the hearing, however, all questions must be put through the Chair.
- The Chair will ask you if you want to make any concluding remarks before the Panel retires to consider its findings
- The Chair will draw matters to a close and the panel will retire to make its decision
- The Chair has the discretion to vary the procedure in any case where they consider it appropriate and just to do so. Any variation must be recorded in the notes of the meeting and must be in accordance with the Appeals Procedure.
- The Chair has the right to adjourn the hearing until a future date or time in exceptional circumstances.

5.11 **Appeals panel decisions**

The Appeals Panel can make the same decisions as are set out in 4.7, i.e.:

- Uphold the appeal
- Partially uphold the appeal
- Reject the appeal

5.12 **Communication of the appeal panel's decision**

We will let you know the outcome of the formal stage of the procedure within **5 working days**. Clear and concise reasons for each decision will be provided.

If the outcome is (b) or (c), we will remind you of:

- your right to take the appeal to the review stage (see section 6)
- The grounds on which you can request a review
- The time limit for requesting a review and the procedure to follow

6. Stage 2: Review

6.1 Deadline for submission of review

A student who believes they have grounds for a review as set out in 6.2 may request a review of the formal stage within **10 working days** of receiving the formal notification of the appeal outcome. You must submit this to appeals@soas.ac.uk, outlining the grounds for the review. The outcome of the original appeal will be forwarded to the review stage along with all the relevant documentation.

6.2 Grounds for review

The grounds for the review of the appeal are limited to the following:

- A review of the procedures followed at the formal stage of the appeal
- A consideration of whether the outcome was reasonable
- New material evidence which you were unable to provide, for valid and over-riding reasons, for the original appeal

6.3 Aim of the review

The Review stage will not reconsider the appeal afresh or conduct a further investigation. The aim of the review will be to establish whether the School followed its procedures correctly and the outcome was reasonable under the circumstances.

6.4 The reviewer

The Reviewer will normally be a senior member of staff such as a Head of Department, Pro-Director or Deputy Director, and will not have been involved previously.

6.5 Review decisions

The reviewer can make one of the following decisions:

- Reject the review due to insufficient grounds.
- Refer the matter back to the appropriate formal stage for reconsideration (this will be the stage at which the appeal decision was made).

6.6 Communication of the reviewer's decision

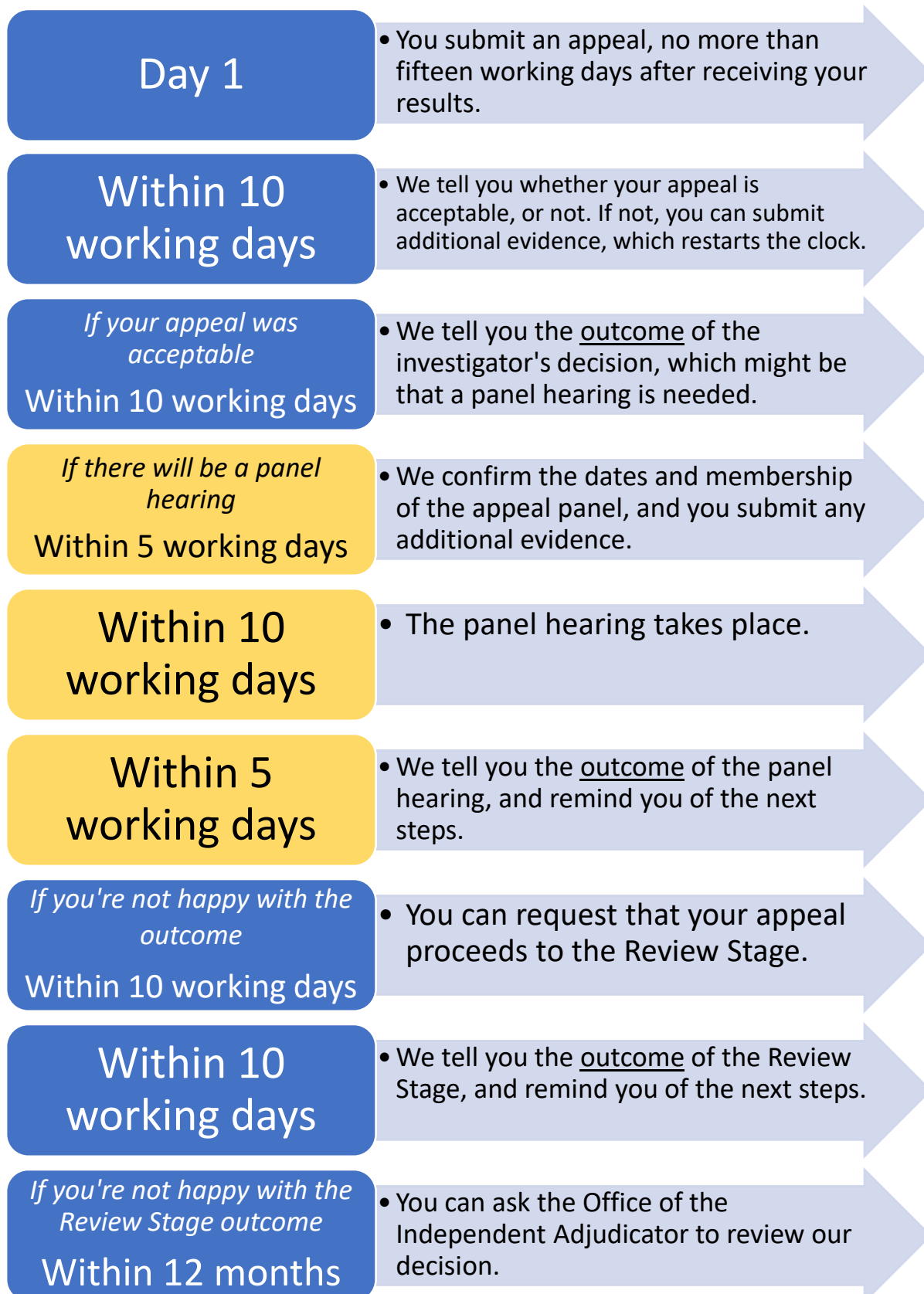
We will let you know the outcome of the review stage within **10 working days** giving the reasons for each decision clearly and concisely. We will remind you that you have now exhausted SOAS' internal procedures, and can now contact the Office of the Independent Adjudicator: this is the letter known as a Completion of Procedures (see section 7).

7. Office of the Independent Adjudicator (OIA)

- 7.1 At the end of the internal review procedure, you have the right, if you wish, to submit a request for the School's decision to be reviewed by the OIA. The OIA provides an independent scheme for the review of student complaints under the Higher Education Act 2004.

- 7.2 The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. SOAS University of London is a member of this scheme. If you are unhappy with the outcome of your academic appeal, you may be able to ask the OIA to review it. You can find more information about the OIA, what it can and can't look at and what it can do to put things right here: <https://www.oiahe.org.uk/students>.
- 7.3 You normally need to have completed this procedure (the SOAS Academic Appeals Procedure), before complaining to the OIA. SOAS will send you a letter called a "Completion of Procedures Letter" (COP) when the end of the procedure has been reached and there are no further steps that you can take internally. If your academic appeal is not upheld, SOAS will issue you with a Completion of Procedures Letter automatically. If your appeal is upheld or partly upheld, you can ask for a Completion of Procedures Letter if you want one. You can find more information about Completion of Procedures letters and when you should expect to receive one here: <https://www.oiahe.org.uk/providers/completion-of-procedures-letters>.
- 7.4 A student wishing to submit their case for independent external review to the OIA must do so within 12 months of receiving the 'Completion of Procedures' letter.

Appeals Timeline



'Working days' means days when SOAS Registry is open. We are closed on Saturdays, Sundays, UK Bank Holidays and some additional days around Christmas and Easter: see <https://www.soas.ac.uk/about/keydates/>.

Other related procedures

SOAS has a range of procedures, each designed to consider complaints and concerns as fairly and efficiently as possible. The table below summarises the circumstances in which each procedure applies. If an academic appeal is submitted which would be more appropriately dealt with under one of the following, the Registry will inform you of the change in procedure and of where you can access advice and guidance about it.

| Subject | Procedure name | Team Responsible | Link to procedure |
|---|---|---|---|
| Failure to provide or deliver a service | Student Complaints procedure | Student Casework Team | https://www.soas.ac.uk/students/complaints/ |
| Appeal against Academic assessment | Academic Appeals | Registry | https://www.soas.ac.uk/exams/appeals/ |
| Harassment by a student against another student or against a member of staff | Dignity@SOAS or | Equality, Diversity and Equality Team or | https://www.soas.ac.uk/equalitydiversity/dignity/ |
| | Student Disciplinary procedure | Student Casework Team | https://www.soas.ac.uk/students/disciplinaries/ |
| Harassment by a member of staff against a student | Dignity@SOAS or | Equality, Diversity and Equality Team or | https://www.soas.ac.uk/equalitydiversity/dignity/ |
| | Student complaint procedure | Student Casework Team | https://www.soas.ac.uk/students/complaints/ |
| Complaint about an external contractor working at SOAS | Write to the Director of Estates and Facilities | Estates Team | campusservices@soas.ac.uk |
| Complaints about the Students' Union, its societies or staff members | Student Union Complaints Procedure | Student Union | https://soasunion.org/pageassets/yourunion/policy/SOAS-SU-Complaints-students-2015.pdf |
| To raise concerns of a general rather than specific nature | Module evaluation questionnaires National Student Survey | Department Managers Departmental student representatives Student Union Sabbatical Officers | https://soasunion.org/ |
| Complaint about the student admissions process | Feedback and complaints procedures: admissions process | Admissions Team | https://www.soas.ac.uk/infocomp/admissions-process/ |
| For investigating alleged research misconduct | Investigating Allegations of Research Misconduct | Research Ethics Office | https://www.soas.ac.uk/research/ethics/file143469.pdf |
| Report + Support provides staff and students with the opportunity to report anonymously and to make an informed decision about their options for taking up an | Report + Support | Legal and Governance Directorate | https://reportandsupport.soas.ac.uk/ |

| | | | |
|---|--|--|--|
| official complaint about harassment or bullying | | | |
|---|--|--|--|

Document Version

| Valid from | Author | Changes | Published |
|-------------------|---|--|------------------|
| 2015/16 | John Peck, Head of Registry and Quality, Jenni Rhodes, Quality Assurance Manager | New Appeals Procedure Policy devised in accordance with OIA framework for good practice. | 27 May 2015 |
| 2019/20 | Jenni Rhodes, Academic Registrar, in consultation with the SU and the Clement Review Steering Group | Amendments in line with the Clements Review recommendations. | 20 April 2020 |