

Appeals Procedure

2015-2016

This document includes both the policy and the procedure to be followed for dealing with academic appeals. The right of students to appeal against academic decisions is governed by the *General and Admissions Regulations for Students*.

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1. **INTRODUCTION**

1.1 **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, who want to appeal against an assessment, progression or withdrawal decision made by an academic body at SOAS (known as the “decision-making body”). A current student includes those enrolled on programmes or modules, those on an interruption of studies, those on a temporary suspension/exclusion from the School and those who have recently left the School and are within the time limit for making an appeal. Students who are withdrawn for non-academic reasons, such as not enrolling on time for not following procedures, cannot use the appeal procedure. They must follow the [School's Complaints Procedure](#).

1.2 **School decision-making body**

For the purposes of this policy, a School academic decision-making body is limited to the following:

- School Board of Examiners
- Academic Misconduct Panel
- PhD Upgrade/Supervision Committee
- PhD Viva Examination

1.3 **OIA guidance on appeals**

The policy has been produced with reference to the Office of the Independent Adjudicator's (OIA) guidance document entitled “[The good practice framework for handling complaints and academic appeals](#)” published in December 2014.

1.4 **Deadlines for completing appeals**

The School aims to complete the appeals process in a timely manner. The OIA recommends that the procedure, including the review stage, should be completed **within 90 calendar days** of the appeal being submitted by the student. This is dependent on the student meeting any School deadlines for the submission of appeals and/or evidence. There may be occasions where this timeframe may need to be extended with good reason. Where this occurs, the School will keep the student updated on the appeal's progress.

1.5 **Decisions which an appeal can be submitted against**

Students may appeal against one or more of the following decisions:

- (a) **Examination or assessment result** (i.e. taught module results, degree awards, research degree viva outcome.)
- (b) **Progression decision** (i.e. progress from one year of a degree programme to the next, upgrade from MPhil to PhD.)

- (c) ***Withdrawal from a programme of study on academic grounds*** (i.e. student's enrolment on the programme of study is terminated due to not meeting progression requirements. Students withdrawn for non-academic reasons, such as failing to enrol, must follow the [School's Complaints Procedure](#) and not the Appeals Procedure.)

1.6 **Legal representation**

The School's Appeals procedure is an internal process the purpose of which is to establish the facts in light of evidence and on the balance of probabilities. The procedure is not an adversarial one, therefore legal representation is not required by any of the parties involved and will not be permitted.

1.7 **Appeals form**

The procedure requires the student to make their case on the School Appeals Form, outlining their grounds for appeal and providing sufficient and adequate documentary evidence in support of their appeal.

1.8 **Appeals procedure or complaints procedure**

Where a student submits an appeal 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 the student that this has happened.

1.9 **Advice**

Students who are considering submitting an appeal may seek advice from the Faculty Office, the Registry or the Doctoral School on the process involved and the procedures to be followed. Students who are seeking advice and support with making their appeal should contact the Students' Union.

1.10 **Stages of the appeals procedure**

There are three stages to the Appeals Procedure:

- Formal Stage 1 – Investigation
- Formal Stage 2 – Appeals Panel
- Review Stage – Which confirms whether due process has been followed and is not a re-examination of the case.

1.11 **PhD viva examinations**

Where appeals against the PhD viva examination are upheld then a new examination should be 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 the student was 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.

2. **GROUNDS FOR APPEAL**

2.1 **Permissible grounds**

Students can appeal on **one or more of the following grounds**:

(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: The student must set out clearly and fully what they consider the irregularity/error to be, how and when this occurred and how it may have or did affect 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**

The student must explain what the circumstances were and what their impact was. They must also provide a valid and over-riding reason why this evidence was not made available to the decision-making body via the School's procedures at the time the circumstances occurred.

Evidence: Taught and research students 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: The student 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 are not permitted. Students cannot appeal against a decision simply because they are unhappy with the outcome. It has to be demonstrated that there are grounds for the appeal as set out in 2.1. If a student believes that there has been an error in calculating or recording marks, they can request a clerical check or marks via their Faculty Office.

(b) **Programme management**

Problems that arise during the course of a student's studies, including problems

with supervision, tuition or information provided, should be dealt with at the time they occur. Such matters should be raised through the School's Complaints Procedure (for taught students) or the Code of Practice for Research Degrees for postgraduate research students. An appeal can be submitted if it can be demonstrated that the School has not followed its procedures in dealing with the problem or the student had a valid and over-riding reason for not raising the matter at the time it occurred.

(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 non-meritorious appeals and/or demanding unrealistic, unreasonable outcomes
- Pursuing appeals in an unreasonable manner, even where these may be meritorious
- Appeals which are designed to cause disruption or annoyance
- Demands for redress which lack any purpose or value

3. PROCEDURE FOR MAKING AN APPEAL

3.1 Deadline for submission of appeal

The student must submit their appeal within **21 calendar days** of the formal notification of the assessment/progression/withdrawal decision. Appeals received after this deadline must include a statement from the student explaining the reason(s) for lateness. Late appeals will only be considered if the reasons are found to be acceptable by the appropriate Registry Manager receiving the appeal. If not, the student will be written to explaining why their appeal has been rejected and they can request a review of that decision via the review stage (see section 6.)

3.2 Appeals and third parties

Appeals must be made by the student and not by third parties unless there are mitigating circumstances which prevent the student from making the appeal. In order to comply with Data Protection legislation, the School will not engage in correspondence with third parties regarding the appeal unless the student has given written permission for them to do so. The School will then communicate with either the student or the third party but not both.

3.3 Appeals form

Appeals must be submitted on the School's Appeals Form and clearly state the grounds for the appeal, a summary of the issues and the preferred outcome from the appeal. Sufficient and adequate documentary evidence must be provided if appropriate. The appeal must also be accompanied by a copy of the official letter/email confirming the outcome that the student is appealing against. Appeals not submitted in accordance with

this procedure will be rejected by the Registry Manager.

3.4 **Who to submit the appeal to**

The Appeal must be submitted to the appropriate Registry Manager:

- Undergraduate/Taught Postgraduate (Examinations and Assessment Manager)
- Postgraduate Research (Doctoral School Manager)

4. **FORMAL STAGE - PART 1 (INVESTIGATION)**

4.1 **Initial evaluation criteria**

The Registry Manager receiving the appeal will undertake an initial evaluation to check that the appeal:

- Has been submitted on the Appeals Form by the deadline
- Falls within the grounds for an appeal
- Contains sufficient and adequate documentary evidence (if appropriate)
- Includes evidence to submit late submission of the appeal (if appropriate)

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 occurred, the Registry Manager can 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, the appeal should be referred to an Investigating Officer as outlined in 4.4.

4.3 **Appeals not meeting the initial evaluation criteria**

If the appeal does not meet the initial evaluation criteria stated in 4.1, the student will be informed **within 7 calendar days** outlining the reasons for this. The student will be permitted the opportunity of resubmitting the appeal **within 7 calendar days** if they can provide clear grounds for the appeal, further documentary evidence or a valid and overriding reason why the appeal was not submitted on time. The start of the procedure will begin from when the appeal has been resubmitted. The Registry Manager will undertake a further initial evaluation check 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 and the Registry Manager will inform the student **within 7 calendar days** outlining the reasons for this. The student has the right to 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 the student's home faculty and does not have any previous involvement in the case.

4.5 **Investigation process**

The Investigating Officer will review the paperwork and may need to contact the decision-making body or other key staff involved in the case for written feedback if this is deemed necessary (i.e. Chair of the Sub Board of Examiners, Chair of Mitigating Circumstances Panel, Module Convenor, PhD Supervisors, PhD Examiners etc.) If reports are required from external examiners in relation to PhD vivas, this should be requested via the Doctoral School Manager.

4.6 **Timeline for investigation process**

The Registry Manager will ask the Investigating Officer to respond within an appropriate timeframe so that the Registry can inform the student of the outcome within **21 calendar days** or sooner if the appeal requires swift action (i.e. where the student has severe health issues or there are external deadlines such as professional body requirements).

4.7 **Decisions from the investigation process**

The Investigating Officer will make one of the following decisions and report this back to the Registry Manager:

- (a) ***Reject the appeal due to insufficient grounds.*** The reasons will be communicated to the student by the Registry Manager and they will be advised of their right to request a review of the decision via the review stage (section 6).
- (b) ***Make a recommendation on the appeal for the decision-making body to consider.*** The decision-making body can:
 - (i) Uphold the appeal
 - (ii) Partially uphold the appeal (possibly offering a revised outcome)
 - (iii) Reject the appeal

Outcome (i): The School will consider the matter closed.

Outcomes (ii) and (iii): The student may request an Appeals Panel if they are unhappy with the outcome

- (c) ***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).

4.8 **Communication of the decision to the student**

The Registry Manager will communicate the decision to the student along with information about what next steps they can take in the process.

5. **FORMAL STAGE - PART 2 (APPEALS PANEL)**

5.1 **Purpose of the appeals panel**

The purpose of the School Appeals Panel is to assess whether the student has valid grounds for their appeal. The panel will not re-examine any part of the student's work as part of this process.

5.2 **Panel composition**

The Appeals Panel will consist of three members of academic staff:

- Chair: An Associate Dean from outside the student's home faculty and not connected with the case /Head of the Doctoral School (if not connected with the case) or nominee
- 2 members of SOAS academic staff who are not from the same department as the student and are unconnected with the case

The Registry Manager (or nominee) will act as Secretary to the Panel and will make all of the necessary arrangements for the Panel and take notes at the Panel Hearing.

5.3 **Student companion at the appeals panel**

The student may be accompanied to the Appeals Panel by a companion who can be a family member, a friend or member of the Students Union who is there to provide support but is not permitted to address the panel. The student is expected to present their own case and answer the Panel's questions. The name and details of the companion must be sent to the Registry Manager at least **7 calendar days** before the meeting of the Appeals Panel.

5.4 **Dates for the panel**

If there are dates on which it is impossible for a student to attend a meeting, they should inform the Registry Manager as soon as possible. Every attempt will be made to arrange a date which is convenient to all of those involved, however, if the student is unable to attend the meeting in person it may be possible to arrange for the appeal to be conducted via Skype during School working hours. If neither option is possible then the appeal will be conducted in the student's absence.

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 (although the external examiners are not obliged to attend).

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

Once the date and time of the appeal hearing has been agreed, formal notification will be sent to the student by the Secretary at least **14 calendar days prior to the appeal hearing** and will include the names and roles of the Panel members and the decision-

making body representative(s). The student will be asked to confirm their attendance at the hearing and they should inform the Secretary at the earliest opportunity if they believe there is a conflict of interest with any of the Panel members. If such a conflict of interest exists, an alternative panel member will be found. This may require the appeal hearing to be re-scheduled to a later date.

5.7 Right to call witnesses

The student and the decision-making body representative(s) have the right to call other people to attend the hearing to present evidence only if they have obtained the approval of the Chair of the Appeals Panel in advance.

5.8 Documentation

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

- The written submission from the student
- 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, the student 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 **7 calendar days** before the hearing. The additional paperwork will be sent electronically to all those listed in 5.8.

5.10 Absence of appeal panel member

If any member of the Appeals Panel is absent on the day of the hearing due to unforeseen circumstances, the student will be asked if they wish to proceed with the hearing or if they would like to reschedule the hearing to an alternative date.

5.11 Absence of student/decision-making body representative(s)

The absence of the student and/or the decision-making body representative(s) at the appeal hearing will not invalidate the proceedings and the appeal will be heard in their absence.

5.12 Panel conducted in the presence of all parties

If both the students and the decision-making body representative(s) are present the Appeals Panel will be conducted in the presence of both parties and the student's companion until the Panel retires to consider its findings.

5.13 Appeals panel procedure

The procedure for the meeting is as follows:

- (a) The Appeals Panel members will meet for an hour prior to the start of the appeal to agree the questions they would like to put to the student and the decision-making body-representative(s).
- (b) The Chair explains the purpose of the hearing and asks all those present to introduce themselves **(5 minutes maximum)**.
- (c) The Chair invites the student to give a brief summary of the main grounds for their appeal **(10 minutes maximum)**.
- (d) The Chair invites the decision-making body representative(s) to give a brief summary of their position on the appeal **(10 minutes maximum)**.
- (e) If the student or 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.
- (f) The Appeals Panel will put questions to both the student and the decision-making body representative(s) as appropriate **(40 minutes for the student and 40 minutes for the decision-making body representative(s) maximum)**.
- (g) The Chair may permit either the student 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.
- (h) The Chair will ask the student if they want to make any concluding remarks before the Panel retires to consider its findings **(10 minutes maximum)**.
- (i) The Chair will draw matters to a close and the panel will retire to make its decision **(5 minutes maximum)**.
- (j) 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.
- (k) The Chair has the right to adjourn the hearing until a future date or time in exceptional circumstances.

5.14 Appeals panel decisions

The Appeals Panel can make one of the following decisions:

- (a) Uphold the appeal
- (b) Partially uphold the appeal
- (c) Reject the appeal

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

The outcome of the formal stage of the procedure must be communicated to the student and the decision-making body representative(s) in writing by the Registry Manager within **7 calendar days**. Clear and concise reasons for each decision will be provided along with a copy of the notes from the hearing. The student and/or the decision-making body representative(s) may inform the Secretary of any errors/omissions in the notes and an amended copy of the notes will be provided if the amendments are approved by the Chair.

Outcomes (b) and (c). The registry Manager will advise the student of:

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

6. **REVIEW STAGE**

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 **14 calendar days** of receiving the formal notification of the appeal outcome. They must submit this to the appropriate Registry Manager, outlining the grounds for the review. The Registry Manager will forward the appeal to the review stage along with all documentation associated with the appeal.

6.2 **Grounds for review**

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

- (a) A review of the procedures followed at the formal stage of the appeal
- (b) A consideration of whether the outcome was reasonable
- (c) New material evidence which the student was 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 member of the Directorate and will not have been involved in the appeal previously.

6.5 **Review decisions**

The reviewer can make one of the following decisions:

- (a) Reject the review due to insufficient grounds.
- (b) Refer the matter back to the appropriate formal stage for reconsideration (this will be the stage at which the appeal was rejected or partially upheld).

6.6 **Communication of the reviewer's decision**

The outcome of the review stage of the procedure must be communicated to the student in writing by the member of the Directorate within **7 calendar days** giving the reasons for each decision clearly and concisely. The student will also be advised of:

- Their right to make a complaint to the Office of the Independent Adjudicator (see section 7)
- The time limit for submitting the complaint

7. **OFFICE OF THE INDEPENDENT ADJUDICATOR (OIA)**

7.1 **Right of review by the OIA**

At the end of the School's Appeal procedure the Student has the right to submit a request for the School's decision to be reviewed by the Office of the Independent Adjudicator (OIA). The OIA provides an independent scheme for the review of student grievances under the Higher Education Act 2004.

7.2 **Completion of Procedures Letter**

Once the School's Appeal procedure has been completed the School will issue a Completion of Procedures letter (CoP) informing the student that the internal procedures of SOAS have been exhausted and of their right to submit a complaint to the OIA in accordance with the guidance from the Office of the Independent Adjudicator (OIA). Further information can be found on the OIA website here: <http://www.oiahe.org.uk/>.

7.3 **Deadline**

The OIA Complaint Form must be received by the OIA within **three months** of the date of the Completion of Procedures Letter.

Document Version

Version	Author	Changes	Date
1.0	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