

Academic Appeal Procedure

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| <i>Note: All policies must be read in conjunction with all other SOAS policy, procedure and guidance documents. Printed copies of policies may not be the most up to date, therefore please refer to the policy pages on the SOAS external website or intranet for the latest version.</i> | | | |

1. Introduction

- 1.1. SOAS is committed to fairness in its academic judgements. The University aims to make the right decision the first time but acknowledges that this does not always happen. Students can appeal against academic decisions if they believe that an error has occurred, or that an unfair or biased decision has been made. Students can also appeal against an academic decision if they have evidence of relevant mitigating circumstances which they were unable to present before the decision was made.
- 1.2. Students 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 are not met.)
- 1.3. All academic decisions are made under the authority of Senate. Senate has delegated authority for the approval of policies/procedures related to the academic regulations to the Teaching, Learning and Student Outcomes Committee [TelSEC]. TelSEC therefore approves the Academic Appeal Procedure 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 Quality Assurance Agency (QAA) UK Quality Code, and the Office of the Independent Adjudicator for Higher Education's good practice framework.

Who does this policy apply to?

- 1.4 This policy and procedure applies to all current students registered for programmes or modules at SOAS, University of London. This policy applies to students who are enrolled on a SOAS programme or module, whether or not they are currently studying. If the student is currently taking an interruption of studies or are on a temporary suspension/exclusion from the University, this policy still applies. If the student has recently left the University, this policy still applies as long as the student is within the time limit for making an appeal.
- 1.5 If the student believes that a non-academic decision (for instance withdrawal for non-academic reasons) has been unfair, this is not the right policy to follow. The student should contact the Student Casework team (studentcomplaints@soas.ac.uk) who can advise on which policy to follow. There is also a separate policy for appealing against admissions decisions.
- 1.6 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.

Advice

- 1.7 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. Students can also contact the Students' Union for advice and support.
- 1.8 If a student considers themselves to have a disability or learning difficulty, additional support is available to assist them with submitting an academic appeal. Please contact the Student Advice and Wellbeing team on studentadviceandwellbeing@soas.ac.uk.

Deadlines for completing appeals

- 1.9 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. In this procedure the Student Casework team use 'working days' to let students know how long each step will take – this means days when SOAS' professional services are open, which does not include Saturdays, Sundays, UK public holidays and some other days, such as around Christmas and Easter.

Confidentiality

- 1.10 The student's 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 University 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 University reserves the right to liaise with the appropriate professionals.

Legal representation

- 1.11 The appeals procedure is an internal process, not a formal legal one, though the University 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.

Appeals procedure or complaints procedure

- 1.12 If an appeal is submitted which would be more appropriately dealt with under the student complaints procedure (or vice versa), the University will transfer the appeal or complaint to the correct procedure and inform the student that this has happened.

Stages of the appeals procedure

- 1.13 There are two stages to the appeals procedure:
- Stage 1 - Formal Stage - this is an investigation which may include a panel hearing
 - Stage 2 - 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: the student must set out clearly and fully what they 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**

The student must explain what the circumstances were and what their impact was. The student must also provide a valid and compelling reason why this evidence was not made available to the decision-making body via the mitigating circumstances procedures before they made their decision.

Evidence: The student should follow the guidance in the 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 (decisions where only the opinion of an academic expert will suffice) are not permitted. The student 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 the student believes that there has been an error in calculating or recording marks, they can request a clerical check of marks via their Department Office, or the Doctoral School in the case of research degrees.

(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, if necessary, through the Student 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 the University rejects the student's appeal because it considers it vexatious, and the student feels that this is unfair or unjustified, the student can submit a complaint under the Student Complaints Procedure.

3. Procedure for making an appeal

3.1 Informal resolution

The student may be able to resolve the issue without making a formal appeal. For instance, the student can ask their department office to carry out an administrative check, if they believe that their marks have been calculated or recorded wrongly. The student can also speak to their Academic Advisor/Supervisor if they do not understand how or why the decision was made which they disagree with. They may recommend that the student makes 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 - the University will follow the guidelines in the Mitigating Circumstances Policy for the types of circumstances which are acceptable. If the Student Casework team do not think the student has a good reason for the lateness of the appeal, it will be rejected.

3.3 Appeals and third parties

The student's appeal must be made by the student, as the student affected by the decision or outcome, and not by a third party unless there are mitigating circumstances which prevent the student from making the appeal. SOAS will not engage in correspondence with third parties regarding the appeal unless the student has given written permission for the Student Casework team to do so. The University will then communicate with either the student or their representative, but not both.

3.4 Appeals form

Appeals must be submitted on the appeals form via the Student Information Desk (SID). The form should clearly state the grounds for the appeal, a summary of the issues and the preferred outcome from the appeal. Relevant documentary evidence must 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 the student is appealing against. Appeals which do not have this information will normally be rejected.

4. Formal stage

4.1 Initial evaluation criteria

When the Student Casework team receives an appeal, an initial evaluation will be taken 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 Appeals which do not meet the initial evaluation criteria

We will let the student know **within 10 working days** why the appeal has not met the initial criteria. A student can resubmit the appeal if they can address the ways in which it did not meet the criteria (e.g. by providing additional evidence). The student has up to **5 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. The Student Casework team will check the resubmitted appeal and confirm if it meets the criteria. If the appeal does not meet these criteria for a second time, the appeal will be rejected and we will inform the student **within 10 working days** of the reasons for this.

4.3 Investigating Officer

If the appeal meets the initial evaluation criteria, then the appeal will be passed to an Investigating Officer (IO). The IO will normally be a senior member of academic staff who does not have any previous involvement in the matter.

4.4 Investigation process

The IO will review the paperwork and consult with any relevant staff members, if necessary. The Student Casework team will normally communicate the IO decision **within 10 working days**, this period may take longer depending on the complexity of the matter.

4.5 Decisions from the investigation process

The IO will make one of the following decisions:

- (a) **Reject the appeal**
- (b) **Partially uphold the appeal**
- (c) **Uphold the appeal.** This might mean making a new or amended award or providing a new attempt at assessment.
- (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).

The outcome will confirm the details of the next steps in the process.

5. Appeals panel

5.1 Purpose of the appeals panel

The purpose of the appeals panel is to assess the validity of the appeal on the grounds set out in section 2. 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:

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

A member of the Student Casework team will act as Secretary to the panel. They will make the necessary arrangements for the panel and take notes at the panel hearing.

5.3 **Companion at the appeals panel**

The student may bring a family member, a friend or a member of the Students' Union. This person is for the purpose of providing support and should not answer questions on behalf of the student. The student should present their own case and answer any questions that the panel may ask. Legal representation is not required and professional legal advisors will not be permitted to attend. If the student intends to bring someone with them they should email the Student Casework team, via appeals@soas.ac.uk, to confirm the details.

5.4 **Dates for the panel**

Attempts will be made to provide a convenient date for all parties however, if the student is unable to attend in person, then the panel will be held online. If neither option is possible then the appeal will be conducted in the student's absence and the student will have an opportunity to provide evidence in writing. This will also be the position when a panel is scheduled and a student is unable to attend.

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

The appeals panel may request attendance of representatives from the decision-making body to respond to the appeal. If the person is unable to attend in person, they may attend via online or by providing a written statement.

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

The student will normally be provided **with 5 working days' notice** of the date and time of the panel and be provided with the names of the panel members. The Student Casework team will ensure that the panel members have had no prior involvement with the matters subject to the appeal.

5.7 **Right to call witnesses**

Witnesses will not normally be present at appeals 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 a student wishes to invite a witness, they should inform the Student Casework team as soon as possible. The Chair of the panel will decide whether to allow this.

5.8 **Documentation**

The documentation will be sent to all those involved in the panel. This will normally be:

- The written submission (appeal form) provided by 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

The student should ensure all written evidence is provided to the panel, via the Student Casework team, **within 5 working days** before the hearing.

5.9 Appeals panel procedure

The following procedure will normally be completed:

- (a) The Chair explains the purpose of the hearing and asks all those present to introduce themselves
- (b) The Chair will invite the student to give a brief summary (no more than ten minutes) of the main grounds for their appeal
- (c) 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 in attendance.
- (d) The appeals panel will put questions to the student and the decision-making body representative(s) as appropriate
- (e) The Chair will ask the student to make any concluding remarks before the panel retires to consider its findings
- (f) The Chair will draw matters to a close and the panel will retire to make its decision
- (g) 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.
- (h) The Chair has the right to adjourn the hearing until a future date or time in exceptional circumstances.

5.10 Appeals panel decisions

The appeals panel can make the same decisions as set out in 4.5.

5.11 Communication of the appeals panel's decision

The Student Casework team will inform the student of the outcome normally within **5 working days**. The outcome will provide the details of any available next steps.

6. Stage 2 - review

6.1 **Deadline for submissions of review**

A student who believes they have grounds for a review may request a review of the formal stage within **10 working days** of receiving the formal notification of the appeal outcome. A student must email the request for review to appeals@soas.ac.uk, outlining the grounds and basis for the review.

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 University 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, Director or Deputy Director, and will not have been involved 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 decision was made).

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

The student will be informed of the outcome of the review stage **within 10 working days** giving the reasons for each decision clearly and concisely. The Student Casework team will remind the student that they have now exhausted SOAS's internal procedures, and can now contact the Office of the Independent Adjudicator for Higher Education (OIA): this is the letter known as a 'completion of procedures'.

7. Office of the Independent Adjudicator for Higher Education (OIA)

- 7.1 At the end of the internal review procedure, a student has the right, if they wish, to submit a request for the University decision to be reviewed by the OIA. The OIA provides an independent scheme for the review of student complaints and appeals under the Higher Education Act 2004.
- 7.2 The OIA runs an independent scheme to review student complaints. SOAS University of London is a member of this scheme. If a student is unhappy with the outcome of their academic appeal, they may be able to ask the OIA to review it. More information about the OIA can be found at: <https://www.oiahe.org.uk/students>.
- 7.3 A student will normally need to have completed this procedure (the Academic Appeals Procedure) before complaining to the OIA. SOAS will send the 'completion of procedures' letter when the end of the procedure has been reached and there are no further steps that can be taken internally. If the academic appeal is not upheld, SOAS will issue a 'completion of procedures' letter. If the appeal is upheld or partly upheld, a student can ask for a 'completion of procedures' letter if they want one. More information about completion of procedures can be found at: [Completion of Procedures Letters - OIAHE](#).