

### Who is this guidance for?

This factsheet is for students on taught programmes (Undergraduate and Master level programmes), who believe that an error or misjudgement has been made with regards to their progress on their programme of study and provides information on the Academic Appeal process.

### What is an 'appeal'?

An appeal is how a student can challenge a decision of the Board of Examiners or the decision of a Mitigating Circumstances Panel.

If you wish to raise a late claim for mitigating circumstances (that is one that has not been submitted before) you must follow the mitigating circumstances process. Please note there is a deadline to do this of 10 working days from your official notification of results. Further details can be found in the [procedure](#).

An appeal is not the route to raise a concern about the level of service provided at the College, or to raise dissatisfaction about way your studies have been delivered. This is a Student Complaint. Details about complaints can be found in the [Student Complaints Procedure](#).

### First steps

If you have a concern, or don't understand the decision that has been made by the Board of Examiners, the first thing to do is talk to your tutor to get clarification.

If you think that there has been an error in the recording of your marks, you can request an 'arithmetical mark check'. This must be requested within 10 days of receiving your formal results. You should note that if an error is found that has given you a higher mark, this will be corrected to the correct, lower mark.

### How long do I have to prepare an appeal?

Any appeal must be submitted to [student.appeals@imperial.ac.uk](mailto:student.appeals@imperial.ac.uk) on the '[Formal Academic Appeal Submission Form](#)' within 15 College working days (excludes weekends and full college closure days such as bank holidays and between Christmas and New Year).

Appeals received after this period are likely to be rejected unless there is a clear and valid reason not to do so, such as evidence that you have been ill for a significant period. Not knowing about the deadline, or not reviewing your results in a timely manner will not be accepted as a valid reason.

### What are the permitted grounds for appeal?

The permitted grounds for appeal as listed in the procedure are:

1. that there has been a material procedural irregularity in the conduct of the assessment or the consideration of the student's academic profile, i.e. that the College has not followed its own procedures;
2. that there has been a material procedural irregularity in the conduct of the mitigating circumstances procedure;
3. that there is evidence of procedural unfairness in the conduct of the assessment or the mitigating circumstances procedure.

Examples of the formal grounds are:

- The regulations with regards progression to the next year or final classification are not followed correctly.
- A person involved in the decision could have been considered to have been biased, known as a 'reasonable perception of bias'.
- There were either people involved in the decision making that should have not been (they are not a member of the Board) or were not involved where they are required to be as part of the regulations (for example too few members of the Board were involved).

**You are not permitted to raise an appeal that challenges academic judgement.**

### What is 'Academic Judgement'?

Academic judgement is the decision of a member of academic staff of the standard of an assessment or other matter that is wholly in their discretion as an expert in their field. It can be likened to professional judgement or clinical judgement in other fields. Examples of academic judgment include the mark that a piece of assessment is awarded, performance in a presentation and classification decisions (where it is not a mathematical or criteria led decision).

Under College regulations you cannot challenge an academic judgement however, you can challenge a decision where the processes or procedures around this have not been followed correctly. So whilst you can't appeal on the grounds that others have told you that your assessment was worth higher marks, you could challenge where you believe that the marking, moderation or external examiner processes were not completed properly.

### Is there a 'best' way to present my case?

Each case is different but general advice is to:

- **Read the procedure and any guidance in full** before starting.
- **Write everything down** in a draft first statement to ensure that you have all the information about your appeal.
- **Don't withhold information because you are embarrassed or don't want to share it for whatever reason.** The panel can't consider what they don't know.
- **Don't include information that is irrelevant,** your main points could get lost.
- Use this information to **produce a timeline,** information presented chronologically is easier to follow.
- **Identify any documents/evidence** from your timeline that you will need to support the appeal.
- Once you have completed the form **run through the procedure again,** with your notes, to ensure that you have covered everything you needed to say.
- **Ask someone you trust,** such as a friend or relative or a member of the Imperial College Union Advice centre **to review your statement.**
- Remember that the panel/caseworker is not an expert in you or your programme. **You need to explain,** don't assume they will understand.
- **Make sure you meet the deadline.** If you are waiting for a document or information it is better to submit what you have and state when you expect to be able to send it on. Late appeals are likely to be rejected.

## Can someone submit an appeal on my behalf?

The College would encourage you to make your own appeal, with the appropriate support and guidance. As you are an adult, under UK law the College cannot discuss your case with anyone else including your parents, partner etc. unless we have your specific written permission to do so.

You are entitled to bring a 'friend' (see the definition in the procedure) to provide support at a hearing, and at the agreement of the panel Chair, they may be permitted to speak on your behalf. You would be expected to answer any questions of the panel, and it would be usual for you to make any opening or final comments.

Under the current College regulations you are not permitted to be legally represented at a panel hearing. An Academic Appeal is not a legal process, and does not work like a case in a court.

Please see the section of the procedure regarding support and representation.

## What are the stages of the appeal process?

There are 2 formal stages for the appeals process; 'formal' and 'review'.

### Formal stage: Eligibility review

Once you have submitted your formal appeal it will be reviewed by a caseworker to make a decision if it is eligible. They will write to you (by email) to explain their decision and what will happen next.

If your appeal has not been considered eligible you will be given one opportunity to amend your submission. It will be clearly explained what was considered to be incorrect/missing. For example you may not have provided supporting evidence, have tried to claim ineligible grounds, or your appeal was late.

You should note that the eligibility review does not make a judgment on the appeal for the purpose of upholding or rejecting the submission. For example they may note that you have provided evidence but the panel may consider that the evidence you have provided is not compelling.

If it is eligible, you and the department may be asked for more information to be presented to the panel who are responsible for considering your appeal. The caseworker will put together a pack of information about the appeal, this may also have a covering report providing specific information about your programme or specific regulations. You will be sent this before the panel hearing.

### Formal stage: Panel stage

The panel stage is where an independent group of College staff will consider your appeal. The panel will review your submission and the report from the caseworker to come to a decision as to whether it should be:

- **Upheld:** all parts of your submission have been found to be proven
- **Partially upheld:** parts of your submission have been found to be proven
- **Rejected:** your appeal has not been found to be proven.

There may be a formal hearing as part of this stage. This may be where the Chair considers that additional clarifications or questions need to be explored. The hearing is an opportunity for you to present your appeal in person to the panel. Whilst this is not a legal process, it is a formal meeting. Please be assured that the Chair will try to put you at ease.

The hearing is likely to follow the format below. Please note that there may be reasons to change the format.

- Private meeting of the panel, where the panel will agree what questions or clarifications they require
- Open meeting. You, any supporter, and a representative from the department will be present to make any statements or answer questions.
  - Introductions
  - Explanation of the format and decision making process
  - Invite you to make your case
  - Questions from the panel
  - Invite the department representative to respond
  - Questions from the panel
  - Opportunity for additional questions from you or department representatives
  - Closing statement from department representative
  - Closing statement from you
  - Confirmation of decision making process and explanation of how (and when) you will be informed of the outcome.
- Private meeting of the panel. The panel will discuss the evidence that they have been given and make their decision.

The decision will be sent to you, normally in five College working days, by email.

### **What happens if my appeal is successful?**

The panel will make recommendation(s) for action to the Board of Examiners or Mitigation Board in your department with regards to your appeal. This will take into account the College and any programme specific requirements/ regulations and therefore may not appear to directly correspond to any requests you have made.

### **What happens if my appeal is not successful?**

If your formal appeal is not successful, you may consider raising a request for a review (stage 2) of the appeals process if you think that your appeal has not been considered according to the procedure, or new material evidence has come to light.

### **How long will a formal appeal take?**

This will depend on the complexity of the appeal and the availability of the relevant staff. If it is being considered by a panel you should receive the full documents for this in about 15 working days (3 weeks) of the appeal submission for comment. The panel is normally within 40 working days of your initial appeal submission.

### **Review of Appeal stage**

The purpose of the review stage is to ensure that the Academic Appeals procedure has been followed correctly, or to consider any new material information that could not reasonably have been provided earlier.

The formal grounds on which a review can be requested as listed in the procedure are:

1. a student believes that a decision on their academic appeal has not taken account of all relevant information, or because additional material information has come to light;
2. a student believes that there has been a material procedural irregularity in the academic appeals process;

### **How can I request a review?**

To request a review you must write to the Head of the Central Secretariat, within 15 working days of receiving the outcome of the eligibility review (if considered ineligible) or of the panel's decision on your appeal being sent to you. Your submission must include the reason for your request (grounds) and provide any supporting evidence. Further information on the review stage can be found in the procedure. If your review is unsuccessful you may be eligible to make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA).

### **Where can I get support to make an appeal?**

There are a number of places you can seek support or advice such as your tutor, the Senior tutor or Faculty Senior Tutor, the [Disability Advisory Service](#) or the [Imperial College Union advice centre](#). Please ensure you access support as this may be the only opportunity for you to make an appeal, and you need to make sure you have completed it to the best of your ability.

### **What if I am still not happy at the end of the process?**

If you have got to the end of the procedure, you will have been issued with a 'Completion of Procedures' or CoP letter. This letter will explain the outcome of the appeal, and inform you of the possibility of raising a complaint (as it is termed) with the Office of the Independent Adjudicator for Higher Education (OIA). The OIA are an independent body that reviews decisions made by Higher Education Institutions and was initially founded by the Education Act (2004). More details on the scheme can be found on their website at [www.oiahe.org.uk](http://www.oiahe.org.uk).