

**Procedural Guidance**

**Taught Academic Appeals Procedure 2019/2020**

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This document has been produced to guide and advise staff on the Academic Appeals policy and procedure for appeals against decisions related to academic year 2019/2020. If there are any additional questions or areas of clarification needed following reading this guidance, please contact [Kirstie Ward](#), the Assistant Registrar (Academic Standards) for support in the first instance.

## Introduction

1. The procedure was developed by the cross-College working party following a review of current protocols, feedback and casework outcomes, and with reference to recognised sector best practice, such as that published in the Office of the Independent Adjudicator for Higher Education (OIA) in [The Good Practice Framework: Handling Complaints and Academic Appeals](#) and with due reference to that of the Quality Assurance Agency (QAA), Quality Code Advice and Guidance [Concerns, Complaints and Appeals](#).
2. This guidance is designed to give detailed information to support those responsible for responding to, or supporting students through, an Academic Appeal. It may also be referred to by students for further information about the appeals process.
3. Regular reviews of the documentation and casework outcomes may lead to updates to this guidance.

## Scope

4. The updated procedure applies to all taught programme students from 14 May 2018. Academic Appeals received before this date were considered under the previous process. This version of the guidance is specifically for appeals raised against Board of Examiners (or Mitigating Circumstances decisions) from academic year 2019/2020 onwards.

## Confidentiality and GDPR

5. By their nature, appeals, particularly in relation to late mitigating circumstances claims, are likely to contain sensitive as well as personal information. It is important that this is acknowledged by ensuring that all submissions are considered in a confidential manner and that due care and attention is paid to the secure storage and timely destruction of papers, in both hard and electronic form.
6. On submission of the appeal, students will be asked to confirm that they understand that their information will be shared only so far as it is necessary to fully consider the appeal.
7. Whilst it is expected that most appeals, should they go to a panel, will be conducted face-to-face, it may be necessary to consider/ share information 'virtually'. The documentation must not be shared outside the EU (as it currently applies), must be deleted as appropriate from any electronic devices used to view it and/or any email accounts. Please be aware that sharing applies to the server/ service provider as much to the physical location of the person accessing the information. If there is any doubt of compliance to the relevant Data Protection legislation, an alternative method should be sought.
8. All College members should note any changes to GDPR legislation that may occur as a result of Great Britain's exit from the European Union (Brexit) and how this would impact on the consideration of claims above.
9. Students should also be encouraged as much as possible not to provide sensitive and personal data about 3<sup>rd</sup> parties. Where 3<sup>rd</sup> party data is supplied and is not

necessary to the appeal it will be returned or redacted, and measures should be taken to limit any further dissemination. Further guidance on this can be sought from the Student Casework team in Registry, the local data protection coordinator or the College Data Protection Officer.

### *Parents, partners and friends*

10. An individual has the right to confidentiality after the age of 16 under UK law. This means that we cannot share information with any third party without consent, unless we are under an obligation to do so (HESA returns, legally made police requests etc.). College policy is that this should be in writing, which can then be kept with the case file for future reference.
11. Students should be advised to be clear when agreeing for someone to be contacted on their behalf the scope of that permission. For example, is it limited to the submission that has been made, or for a specific period of time.
12. Therefore, you should ensure that:
  - a. The person that you are communicating with (by phone or by email) is the student, for example by using the email address that they have supplied or by confirming their identity on the phone.
  - b. Correspondence is clearly directed to the student.
  - c. Where you are approached by a third party, no details are provided and that they are clearly informed that without consent, no information will be provided.
13. This does not mean that you cannot discuss generalities or procedures. For example you might explain the College procedure for marking, or the role of the External Examiner. You might explain how the degree classification system works, or what the uplift process is.

### Reasonable Adjustments for students with a disability

14. Whilst the College is committed to ensuring that its processes and procedures are inclusive, there may be occasions in which changes need to be made to support a student with a disability. When a student makes an appeal they will be asked to provide confirmation if they are requesting adjustments to the procedure. The College then will consider any requests they make and takes steps as appropriate in order to ensure that students with a disability are not disadvantaged.
15. There are a range of adjustments that may be considered appropriate, which will be dependent on the impact of the disability on the student. Examples include but are not limited to:
  - a. Extensions to deadlines
  - b. Amendments to the format for submissions or procedural documentation
  - c. Provision of additional support at a hearing (for example a disability advisor)
  - d. Change of venue to improve access

- e. Schedule adjustment to specific time periods for any hearing (mornings only for example) or additional breaks
16. Each request will be considered on its merits by the College. Where requested adjustments are not granted, or alternatives are offered, the reasons for this will be clearly explained.
17. If a student makes a request for adjustments but they are not registered as having a disability, the College reserves the right to seek evidence to support that this is the case.
18. The outcome letter at each stage of the appeals process will clearly explain any reasonable adjustments to the process that have been made.

## Student first steps

### Informal resolution

19. Where a student has a concern about the outcome of the Board of Examiners, they should also seek clarification/ further information from the Department. This may help the student to understand how the classification was made for example, or how the marking and moderation processes is completed. This is not a formal part of the process, but staff are encouraged to facilitate these queries, as often concerns such about the way the final classifications have been agreed are caused by a misunderstanding of the processes that are used.
20. Where a concern shows that there has been an error, for example that the regulations were misinterpreted in some way, it is expected that this will be corrected immediately, limiting the impact on the student and not forcing the student into making a formal appeal submission.

### Arithmetical Marks Check

21. The OIA, in the *Good Practice Framework*, stipulate that providing students with the opportunity to confirm that their marks have been recorded correctly is best practice.
22. This facilitated by allowing students to request an *Arithmetical Marks Check*. This is not grounds for a formal appeal and forms part of the informal resolution a student may pursue. Students should make the request in writing, and it must be within **10 working days** of the publication of results. As each department has different arrangements for the administration of their programmes, the guidance provided to students at the department level, for example in the programme handbook, should provide instruction on how a request can be made.
23. Whilst not specifically stated in the procedure, as requests must be made within 10 days of the board (and in previous years this was a grounds for appeal), **students may not request backdated marks checks relating to former years**, as any request regarding those marks should have been raised at the time.
24. Where an error is found as a result of the marks check, the profile of the student must be updated. This includes cases where the error was previously in favour of the student, i.e. where their mark is lowered as a result of the marks check. Students are

advised of this in the procedure, but it is good practice to remind them at the time of the request that marks can go down as well as up where an error is found.

25. As students have a time limit to submit a formal appeal, departments are advised that responses to informal queries and requests for Arithmetical Marks Checks need to be dealt with in a timely manner.
26. Providing course-specific explanations of the marking, moderation and classification process will help students understand how their marks have been awarded and the decisions that have been made regarding their academic profile. This will likely reduce the number of appeals and marks checks requested.

## Appeal stages

27. There are 2 stages to the appeals process.
  - a. Formal Appeal
  - b. Review of Appeal
28. The formal appeal stage is the investigatory part of the process. The review stage should only consider if the formal stage has been conducted correctly, or to consider new material evidence (see review of appeal section).

## Appeal submission

29. Students must submit an appeal within **15 working days** of the publication of results. They must complete the Formal Appeal Form in full, and supply the relevant evidence/documentation.
30. Students are reminded of the procedure and the deadline in the official notification of their results from the Student Records Team.
31. The statement from the student should clearly outline the reasoning for the grounds of their appeal.
32. Eligible grounds are:
  - a) 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;
  - b) that there has been a material procedural irregularity in the conduct of the mitigating circumstances procedure;
  - c) that there is evidence of procedural unfairness in the conduct of the assessment or the mitigating circumstances procedure.
33. A material procedural irregularity is where the defined policies and procedures of College have not been followed, and which may have had an impact on the decision making process. For example whilst sending the outcome of the Early Stage Assessment to the student 1 day after the normal timeframe is a procedural irregularity (as the College procedures have not been followed), it is not material to

the decision, and would not have had an impact on the outcome. Examples of material procedural irregularities include:

- a. Insufficient notification of an assessment or examination date
  - b. Failure to ensure that the assessors/examiners/reviewers are appropriate to undertake the assessment in line with policy documents.
  - c. Documentation required for the assessment not being made available in a timely manner.
34. Procedural unfairness in this cases refers to the reasonableness of the decision, when the presented documentation and the regulations and policy is taken in to consideration. Could the decision that was made be considered reasonable, based on what was known at the time?
35. It is the responsibility of the student to complete the form in full and to provide supporting evidence. A failure to understand the process or to provide the correct evidence when it is or could reasonably be expected to be available will not be grounds for a subsequent request for review.
36. All students are strongly encouraged to seek advice and support if they are considering making an appeal. This may be from a trusted member of academic staff such as their supervisor, the Faculty Senior tutor or Postgraduate tutor, or it may be from the Imperial College Union (ICU) Advice Centre. Details of the advice centre can be found on the ICU website at <https://www.imperialcollegeunion.org/advice>.
37. Currently the College does not permit students to be supported or represented in hearings in its casework proceedings by someone acting in a legal capacity.

#### *Eligibility Review*

38. All submissions will be reviewed for eligibility by a member of the QA team. They will not make a judgment of whether the *substance* of the appeal should be upheld or not. The review will be to decide if the appeal:
- a. is 'on time' (or where late that there is 'good' reason)
  - b. is on a fully completed form
  - c. grounds cited are eligible and explained
  - d. there is supporting evidence, where necessary
39. If one or more of the above is not met, the student will be given an explanation as to why, and deadline in which to submit an amended submission. If this resubmission is ineligible the formal appeal will be rejected.
40. Students that provide appeals that are rejected as ineligible as they are considered out of time without good reason are then considered to have completed the procedures of the College and will be provided with a Completion of Procedures letter (see Completion of Procedures section).
41. For all other ineligible appeals, the student will be informed by Registry that they may ask for a review of this decision under the standard grounds (see Review of Appeal).

## Consideration of eligible formal appeals

42. If the appeal is eligible a caseworker will be assigned to collate any relevant information about the appeal. This will normally include requesting a response from the relevant Board of Examiners/Department.
43. In completing a response to the appeal, it is not necessary for a department to convene a sub panel of the board to consider the case. The response should explain the decision that has been made and respond to the points in the appeal. With the response they should provide any documents to support the points that they make in the appeal, such as the student handbook, emails or letters, reference to specific regulations.
44. If at this stage, the department decides that there has been an error, for example they realise in the review of the submission that a mistake in consideration has been made, it should inform the caseworker and take the relevant corrective action (fresh decision by the Board of Examiners). The appeal will then be formally closed by the Registry.
45. Following the collation of supporting documentation for the case, the Caseworker will produce a short overarching report for the Academic Appeals Panel. This report will be factual and should not make a judgement on the appeal. The role of the report is to provide a clear picture of the submission that has been raised, any counter arguments or clarifications that have been put forward and to cross reference the documentary evidence provided. The report should also provide any relevant signposting to relevant College regulations and procedures.
46. On completion of the report, the full file (report and any supporting documentation) will be provided to the appellant. The appellant will be given 5 working days to make any final comments or raise concerns with regards to factual accuracy. Following this period, an Academic Appeal Panel will be convened to consider the case.

## Academic Appeals Panel

47. The Academic Appeals Panel will normally be Chaired by a Consul, with two additional members drawn from the Academic Appeals list, confirmed each year by Senate.
48. The Panel may decide to hold a full hearing with the student and a department representative present however, this may not always be required. The appellant may state that they wish for a full hearing to be held. If it is requested by the appellant a full hearing will always be convened.

### *Where a full hearing is not held*

49. All panel members will be provided with the case file electronically. A member of Registry will act as secretary to the panel to support the panel in their deliberations.
50. The panel will be given a period for review, normally 5 working days. They will agree an outcome on the appeal collaboratively. This may be at a meeting or over email. The exact method will depend on the complexity of the case and the relative availability of the panel members to meet together.

51. The Chair, with the secretary, will ensure that each point of the appeal is considered, and that clear reasoning is given for accepting or rejecting any points raised. The secretary will be responsible for collating a final outcome report, to be agreed by the panel.
52. Once the outcome of the appeal is decided, the secretary will draft the outcome letter to the appellant, to be agreed by the Chair of the panel. This should be within 10 working days of the appeal submission being provided to the panel for their deliberations.
53. The secretary will then provide the appellant the outcome (letter and panel report) and advise them of any next steps that may be taken and the timescales for this. For example that the student may request a review, or that the outcome will be provided to a Board of Examiners to ratify a fresh decision on the matter. The department will be provided the outcome with the appellant.

*Where a full hearing is held*

54. Where a full hearing is held, the normal hearing procedure will be followed. The appellant will normally be given 10 days' notice of the date of the hearing. The appellant may bring a supporter to the hearing. This would be another member of the College community such as a tutor, fellow student or an adviser from the Imperial College Union Advice Centre. As part of any reasonable adjustments to process permission may be granted for a supporter to attend that is not a member of the College community. Under no circumstances will the appellant be permitted to be represented by anyone in a legal capacity. A representative from the department will also be invited to attend.
55. The purpose of the hearing is to explore the issues of the appeal, particularly where there are differences in opinion or interpretation of events/procedure. The panel will agree on the questions that need to be raised in a private meeting before the hearing.
56. The hearing is likely to follow the format below. There may be reasons to change the format which will be clearly articulate to all parties at the beginning of the open meeting.
  - a. Introductions
  - b. Explanation of the format and decision making process
  - c. Invitation to the appellant to outline their case
  - d. Questions from the panel
  - e. Invitation to the department representative to respond
  - f. Questions from the panel
  - g. Opportunity for additional questions from the appellant or department representative
  - h. Closing statement from department representative

- i. Closing statement from the appellant
- j. Confirmation of decision making process and explanation of how (and when) the appellant will be informed of the outcome.
- k. Private meeting of the panel. The panel will discuss the evidence that they have been given and make their decision.

57. The secretary will prepare a report which will include the details of the hearing. This will not be a verbatim record of the hearing. The secretary will also prepare the appeal outcome letter to go to the student, copied to the department. This will normally be within 5 working days of the hearing.

*Where an appeal is rejected*

58. When an appeal is rejected the student will be informed of the next stage of the appeal process, the grounds, procedure and timescale to do so. They will also be informed that if they chose not to request a review, they may request a letter to confirm that:

- a. They have not completed the procedures of the University
- b. Details of the Office of the Independent Adjudicator for Higher Education (OIA) complaint scheme.

This letter is known as a 'Non-CoP CoP'. It must be requested within 6 weeks of the outcome of the formal stage.

59. If a request for a review is not raised within the required timescale the College will close the case and no further action will be taken.

*Where an appeal has been upheld*

60. When an appeal has been upheld, the student will be informed of the steps that the College will be taking in response to this decision and the expected timescales for this.

61. Normally this would mean that an appeal case is closed however, the student would still be able to request a Non-CoP CoP should they so wish.

*Where an appeal is partially upheld*

62. A partially upheld appeal will prompt a hybrid outcome letter. This will explain what areas have been upheld and which rejected, with the reasons for this. The appellant would be able to able to:

- a. Request a review of those areas that have not been upheld
- b. Request a Non-CoP CoP

63. They will be informed of the steps that the College will be taking in response to the parts of the appeal that have been upheld and the expected timescales for completion.

64. It is important to note that dissatisfaction of the outcome of an appeal may occur even where it has been upheld in full. The appellant may therefore chose to escalate

their appeal to the review stage or to make a complaint to the OIA about the handling of their appeal. This may be, for example, due to the offered resolution not meeting the appellant's expectations or due to the appeal not being considered in a timely manner in the opinion of the appellant.

65. It should be noted that a decision of the Academic Appeals panel cannot be challenged by the Department/Centre, but only by the student.

## Review of Appeal stage

66. If dissatisfied with the outcome of the appeal, the appellant may request a review by writing to the Head of the Central Secretariat within 15 working days of the outcome of the formal stage.
67. A review of appeal is not a reconsideration of the original decision, the purpose of the review is to ensure that the appeals process has been followed fairly and correctly.
68. The submission must include the grounds for the request and where any new relevant evidence is provided it must explain the reason it was not available earlier in the process.
69. The accepted grounds to request a review are:
- a. a student believes that there has been a material procedural irregularity in the academic appeals process;
  - b. a student believes that a decision on their academic appeal has not taken account of all relevant information;
  - c. additional material information has come to light that could not reasonably have been provided previously.
70. With regards to point c above, for additional information to be considered 'material' it means that if it had been available at the time of the original decision, it may have changed the outcome. It must also be clear why it could not have been provided in the formal appeal submission. Information that could have been provided at the time will not be accepted at this stage.
71. The request will be reviewed for eligibility, in the same way as the formal stage, by the Head of the Central Secretariat (or a nominee).
72. Within 5 working days the appellant will normally be informed if the request was considered eligible. If it is not considered eligible a Completion of Procedures letter will be issued. If the submission is eligible, an Academic Appeals Review Panel will be convened, normally in 15 working days.
73. The normal panel hearing procedure will be followed, as outlined in the formal stage guidance above, though the department representative will be replaced with a representative from the Academic Appeals Panel (normally the Chair).
74. The outcome of the Academic Appeals Review Panel deliberations will be that either:
- a. the original decision in respect of the appeal should be overturned and the review panel will make a recommendation of resolution, or

- b. there are no valid grounds and the appeals decision stands.
75. The outcome letter will give clear reasoning for the decision that has been made. As this is the final stage of the College's appeal process they will also be issued a Completion of Procedures letter. This may be combined if appropriate.

## Completion of Procedures

76. As required as part of UK Higher Education legislation, the College is a member of the Office of the Independent Adjudicator for Higher Education (OIA) complaints scheme ('the scheme').
77. The scheme provides an independent, non-legal route for decisions made by providers of Higher Education in England and Wales to be reviewed. There are separate schemes for Northern Ireland and Scotland.
78. Once a student has reached the end of relevant procedures of the College (Academic Appeals, Academic Misconduct, Student Complaints, Student Discipline and Fitness to Practice Medicine) it is required to provide the student with a Completion of Procedures (CoP) letter. There is a template for these letters from the OIA which must be followed and they may only be issued by specific members of the College, as outlined in their roles in managing student casework.

## Non-Completion of Procedures – Non CoP CoP letters

79. Students may decide before they complete the full procedures of the College that they do not wish to continue to pursue the issue internally. This may be for a number of reasons including that the grounds for the stage are considered by them to be too restricted or that it appears that consideration of their case has stalled.
80. Where the formal stage of the process has been completed, students may request a special letter that explains what part of the process they have completed and what has been considered. The letter also provides details of the OIA complaints scheme. This is referred to as a "non-CoP, CoP" letter. They would request this letter in order to take their complaint straight to the OIA under their scheme.
81. It should be noted that the OIA would not normally review a case where the full procedures of the College have not been completed, but will do so where they consider it appropriate to do so. Students will be reminded of this when they request a non-CoP CoP letter.
82. Given the specific nature of a non-CoP CoP letters, these must also be produced by specific members of the College in line with the OIA guidance.

## Monitoring and review

83. Registry will maintain case records in line with the retention schedule.
84. Anonymised data will be utilised to identify any trends or patterns in the data, put in place any actions that are required where there are clear issues, both in year, and across previous years.
85. This information and feedback received from those using the process will also inform any review of procedures and practice to enhance the provision.

86. Departments should note of the quantity and types of queries that are received at the informal stage. This basic recording will allow them to see if there are any areas in which improved processes and procedures, or student and staff guidance documents.

### Case escalation beyond Imperial College London

87. Where a student escalates a complaint to the OIA, or on rare occasion seeks to make a legal claim against the College, this will be managed by the Central Secretariat.
88. As a student may take up to 12 months to submit a claim to the OIA under the scheme, it is important that the documents that make up the complete case file are held securely for the relevant period, before destruction under the College retention policy.
89. Normally all the required information will be held as part of the appeal case file, but occasionally the OIA may request additional documentation such as student handbooks or other guidance that has been provided to them. In these cases the Central Secretariat may need to contact the department for this information.
90. Where any letter purporting to represent a student in a legal matter is provided outside the Central Secretariat, it should be acknowledged as received, and immediately passed to the Central Secretariat for any formal response or action.