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LONDON SOUTH BANK STUDENTS' UNION

# ADVICE SERVICE

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GUIDE TO ACADEMIC APPEALS

## **Academic Appeals**

If you are unhappy with an academic decision made by the University (usually through the Examination Board), you can use the appeals process to contest it in certain circumstances.

If you think you may wish to appeal a decision, please seek advice as early as possible. The Students' Union Advice Service is here to help!

### **Grounds for Appeal**

Essentially, the only ground for appeal is that there is new information that was not available to the Board, but if it had been it is likely to have changed their decision. The University's regulations say this new information must show that either:

- The University made a material error, i.e. an arithmetical or administrative error or an error of fact (but not academic judgment) in the results published following the decision of the Examination Board; or
- The Examination Board acted unreasonably when it considered your extenuating circumstances claim in accordance with the Extenuating Circumstances Procedure; or
- There was a material defect or irregularity in the conduct of the assessment which can be shown to have had an adverse effect on your performance.

If you do not meet one of these grounds, your appeal will be rejected.

Any submissions must be supported by valid evidence. The University state it is your responsibility to demonstrate what has happened, so it is very important that you include evidence and explain how you have been disadvantaged.

### **Undisclosed Extenuating Circumstances**

The University will consider any appeal based on extenuating circumstances under a 2- part test:

1. Are there valid and evidenced reasons for you not to have disclosed your extenuating circumstances before your appeal?
2. Are there valid and evidenced extenuating circumstances?

A successful appeal will need to satisfy both parts of this test. The University do not consider simply not knowing about their regulations/procedures or being too embarrassed/ashamed as a valid reason not to have made a claim or disclosed this by the relevant deadline. You should be aware that the longer you take to make the University aware of any extenuating circumstances, the greater you risk it being considered out of time or unconvincing.

## **Academic Judgment**

You cannot appeal because you simply think your mark is too low, because you are disappointed or because you disagree with a result or decision. The University consider this to be 'academic judgment' and it cannot be appealed. Academic judgment is when a decision is made about a matter by an academic expert in that subject.

You also cannot appeal because you didn't understand or weren't aware of University procedures and regulations. For example, students are expected to find out how to seek an extension for a submission, make a claim for extenuating circumstances, find out their results or formally interrupt their studies if they need to. Not knowing how to do this is not grounds for appeal.

## **The Appeals Process**

### **Stage 1 – Preliminary Review Meeting**

To start an appeal, you need to book an appointment with your Course Director to discuss the decision you want to challenge. You have 10 working days to contact your Course Director (usually by email) from the date of your result or decision. If you do not make contact within 2 weeks, you may not be able to start the appeal process.

You should be invited to a face-to-face meeting with your Course Director within 5 working days of your request. You would normally meet your Course Director alone, unless you have a good reason that you would need to be accompanied (which you could evidence).

In the meeting, your Course Director should discuss your situation, explain any relevant University policies or procedures and direct you to the University's support services if necessary. You should take all evidence that you feel supports your case to the meeting so that your Course Director can review it and do their best to resolve your issue.

The Course Director will then take one of the following steps:

- Correct the decision informally, for example because there is a clear error that can be rectified without the need to convene an Appeals Panel;
- If the matter cannot be resolved informally, recommend that the matter be referred to the Appeals Panel for formal consideration;
- Reject the appeal. An appeal can be rejected for a number of reasons, but commonly it is because the issue is not one that falls within the grounds, it is not supported by relevant evidence, has no merit or has been submitted outside of the time limit without good reason.

You will receive a system-generated email documenting your discussion with your Course Director and detailing the outcome within 5 working days of your meeting. This is just their recommendation, so if you are unhappy with what your Course Director has suggested you may still take your appeal to Stage 2. However, the recommendation may be an indication as to whether your appeal would be successful, so you should consider this carefully and may want to gather further evidence to support your case.

## **Stage 2 – The Appeals Panel**

Once you have received the email from your Course Director, if you are unhappy with the outcome of Stage 1 you can submit a formal appeal in Stage 2. The University email sent to you at the end of Stage 1 will give you information about how to access the online appeal form via the 'My Appeals' section under 'My Course' in myLSBU.

You must complete the form in full and upload scanned copies of your evidence within 5 working days of receiving the Stage 1 email. The University expect you to use the electronic form wherever possible, but exceptions can be made for students with disabilities who require a reasonable adjustment and those who cannot access myLSBU (because they are studying at a partner institution or because their access has been withdrawn).

Once your appeal has been submitted, an Academic Appeals caseworker will be appointed to decide whether it will go to the Appeals Panel. They will confirm if your appeal has been accepted or rejected within 15 working days.

The Appeals Panel is made up of experienced academic staff from across the University. An elected officer from the Students' Union is also invited to attend. Once the Appeals Panel has reviewed your case and made a decision, the caseworker will write to you within 5 working days to tell you the outcome and its impact. The decision will be one of the following:

- The Panel's recommendation is referred to the Examination Board to change its decision
- The appeal is rejected
- Further investigation is required

If further investigation is needed, the caseworker could contact anyone involved (including you) to ask for more information. Any information gathered from University staff will be provided to you at least 5 working days before the next Panel meeting, and you can submit a written response at least 3 working days before the meeting for the Panel to also consider.

If you are unhappy with the decision, you can request that your appeal be considered at a Stage 3 review.

## **Stage 3 – Formal Review**

This is the last and final part of the University's appeals process. To progress to Stage 3, you must make your request within 10 working days of the Stage 2 decision. You must submit your request to an Academic Reviewer by emailing [appeals@lsbu.ac.uk](mailto:appeals@lsbu.ac.uk) under the heading 'Stage 3 Review Request'. You should include your full name and student number in the subject line of your email.

The grounds to request a formal review are:

- There was a material and identifiable **procedural irregularity** by the University in its conduct of the appeal at Stage 2;
- The outcome or decision at Stage 2 was **unreasonable** and could not be justified by the evidence;
- There is **new, relevant evidence** of procedural irregularity and/or unreasonableness in relation to the original decision that was not known to the Panel at Stage 2, and you have good reason why you could not have provided the evidence before.

These are quite restricted grounds, which means you have to be very clear and provide evidence to show what went wrong with your appeal at Stage 1 or Stage 2 as well as how this put you at a disadvantage. The University consider a decision to be reasonable if all factors have been considered in a balanced way. You cannot simply say you disagree with it, you must explain why it is unreasonable.

The Academic Reviewer will write to you within 10 working days to tell you that either:

- Your request will be referred for consideration by a Panel (usually held within 15 working days of the Academic Reviewer's letter/email)
- Your request is not eligible for review because you do not meet the grounds, have not supported your claim with evidence or submitted your request out of time. In this case, you will be sent a Completion of Procedures letter.

The Review Panel will be made up of the Pro Vice Chancellor (or their nominee), 2 senior academics and usually the President of the Students' Union. You will be invited to attend this meeting and can take a friend or advisor from the Students' Union with you. You should be given access to copies of all documentation at least 5 working days before the Panel meeting.

The Review Panel will take one of the following decisions:

- Reject the review;
- Uphold the review and substitute its decision for that of the Appeals Panel at Stage 2.

The decision of the Review Panel is final. You should receive the decision in writing and with reasons, usually within 10 working days of the meeting. If the decision is in your favour, the University will not send you any further communication unless you specifically request a Completion of Procedures letter. If the decision is not favourable to you, you will receive a Completion of Procedures letter automatically within 28 days of the decision.

If you remain unhappy with the outcome, you are entitled to take your matter to the Office of the Independent Adjudicator (OIA) for their consideration. You must do this within 12 months of the date of your Completion of Procedures letter.

## FAQs

### **My appeal relates to issues with my Course Director, do I have to contact them at Stage 1?**

If your problem involves your Course Director, you should make contact with your Head of Department or Head of Division within 10 working days instead.

### **I can't attend a Preliminary Review meeting; does this mean I can't appeal?**

If you're not in the country or can't attend a meeting in person, you can ask for this meeting via email, phone or Skype. However, if you do not have some form of meeting with your Course Director, you may not be able to progress further with the appeals process.

### **What happens if my Course Director doesn't offer me a Preliminary Review meeting or send me the email?**

If your Course Director fails to take all the steps in Stage 1 within the set timeframes, the University will consider you to have entered Stage 2 of the appeals process. You should contact the Appeals team at [appeals@lsbu.ac.uk](mailto:appeals@lsbu.ac.uk) to tell them the problems you have had in Stage 1 and they will direct you to the online form you need to complete for Stage 2.

### **How long does an appeal take?**

The University aim to complete all internal processes within 90 calendar days of the appeal being submitted at Stage 2. However, this does require you to engage with the process, meet any deadlines for submission of information and attend any meetings scheduled.

### **I've submitted my appeal but it's taking a long time, is there any way to speed up the process?**

Unfortunately not. Appeals are dealt with by the University in the order they are submitted, so the best way to get a quicker response is to submit your appeal and evidence as soon as possible.

### **Can anyone help me submit an appeal?**

Yes. The Students' Union Advice Service can help and advise you on the best way to put forward your case. We can go through the appeal form with you if you are unsure about how to complete it. We can also discuss what evidence you should try to include in your appeal. However, we cannot write the appeal for you. This is your appeal and must be in your own words.