



Document Title	Appeals Procedure
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<p><u>Description</u></p> <p>This document seeks to ensure that all appeals submitted by students are investigated thoroughly, dealt with promptly and processed with due regard to equality and diversity.</p>	

STUDENT APPEALS POLICY AND PROCEDURE

1 POLICY

Amity University [in] London is committed to providing a high level of service to its students at each stage of their relationship with the University, from time of application until graduation. In particular, it is committed to excellence, fairness and equality, and continuous improvement of quality. It also believes that this relationship is one of a partnership with each student in accordance with the Amity Student Charter.

However, the University recognises that there may be occasions when students may consider that they have grounds to appeal against an academic decision.

The University's Policy and Procedures on Student Appeals are underpinned by the following principles:

- Clarity and Simplicity
- Confidentiality
- Fairness and adherence to processes and academic standards
- Timeliness/early resolution
- User-focused and accessible

Students should be aware of the distinction between an academic appeal and a complaint. An academic appeal occurs where a student seeks to review an academic decision whereas a complaint is more general in nature and occur where students feel an issue has not been dealt with properly, information given to them was incorrect or that there has been an unacceptable delay. For information about making a complaint please refer to the Complaints Policy and Procedures.

Students should note that appeals against a decision which has involved academic judgment are limited to the grounds stated at 2.1 below. Students should be aware that any appeal is confidential and will not lead to them being treated less favorably.

The University expects students and staff to act reasonably and fairly towards each other at all stages of the Appeals Procedure

2 DEFINITIONS OF GROUNDS

2.1 WHAT IS AN ACADEMIC APPEAL?

An academic appeal is where a student seeks review of a decision made by the University with regard to his or her:

- Admission or re-admission
- Assessment
- Degree or programme award
- Class certificate
- Progression within a postgraduate programme of study

- Termination of studies on academic grounds
- Outcome of disciplinary hearings under the Code of Practice of Student Discipline
- Decisions taken by the Undergraduate Students' Progress Committee (SPC)

Academic appeals will only be considered on grounds where:

- i) it is believed that the University's procedures were not followed; or
- ii) it is believed that the person or body making the decision did not have the authority to do so; or
- iii) it is believed that the person or body making the decision did not act impartially; and
- iv) a student considers that they have suffered, or could suffer, material disadvantage as a result.

Those involved in considering academic appeals will not pursue an appeal that does nothing more than question the academic judgment exercised. For example, a student cannot appeal simply because they are unhappy or disagree with a CAS mark awarded. Academic judgment is a matter solely for the relevant School(s) and the Examiners.

2.2 WHO CAN MAKE AN APPEAL?

The appeals process is open to all current students as well as students who have recently left their programme. Appeals can also be made collectively by a group of current or recent students. The group should nominate a single spokesman who will be the main point of contact point during the appeal. A meeting will be called before the appeal is processed to ensure that the appeal fairly represents the views of all members of the group.

2.3 UNIVERSITY STUDENTS' Union

The Student Union can provide independent advice, assistance or support to students at every stage of the appeals process, including accompany or representing students at meetings or hearings. They can provide procedural advice which would outline the stages of the appeal process and advocacy and support at any stage of the process.

3. EXTENUATING OR MITIGATING CIRCUMSTANCES

If a student believes that a medical condition or other personal circumstances have affected their performance in an assessment or prevented them from taking an examination or meeting a deadline for submission of coursework they must notify the principal. This must be done in writing, not more than three days after the date of submission of the assessment or the exam concerned.

Where a student has not given notice of such extenuating or mitigating circumstances within the permitted timescale, they cannot be accepted as evidence in support of an appeal unless a satisfactory explanation for the delay in providing the information can be given. If those circumstances are raised for the first time at the Initial Stage (i.e. with the Head of Student Service) the principal (or their nominee) will decide whether it is appropriate to take them into account.

If raised, or raised again, at the Further Stage it will be for the Grounds to Proceed Panel to decide whether there are grounds on which to accept late notification. They will make this

decision having regard to the timescale for submission of evidence and the reason for the delay. Their decision will be final.

4 EQUALITY AND DIVERSITY

The University is committed to promoting equality and diversity in all its activities. Any appeal which involves any allegation of discrimination against another student or a member of staff will be taken very seriously. Any allegation must be substantiated with evidence and will be investigated. Unsubstantiated claims will not be considered. Any allegation of discrimination that is found to be vexatious may result in disciplinary procedures.

The University will monitor appeals to ensure that no discrimination exists either in the actions of the University which have resulted in the case being brought, or in the manner in which the case is handled by the University.

5 DISCIPLINARY MATTERS

If an appeal raises any issue which is appropriate for review under the relevant University codes of practice and policies covering student or staff discipline these issues will be considered taking account of the relevant policy. Separate proceedings under a disciplinary policy may be triggered as a consequence of such an appeal. The ongoing appeal process will continue wherever possible and the student who initiated the appeal will be informed that other procedures have been engaged. Where separate procedures are started, for example a staff or student disciplinary process, any evidence (or findings) from the appeal that is relevant to the other process may be submitted. Where appropriate a member of the University's Human Resources section may be invited to attend as an observer at a hearing of an Appeal Panel.

Where a separate disciplinary process is required, an Appeal Panel, having considered the evidence presented to it, may choose to allow a student to progress or to continue their studies pending completion of the separate process. This will not prejudice the outcome of the appeal or any further investigation that may be required as part of a separate procedure (e.g. disciplinary procedures). Should the outcome of a disciplinary process subsequently determine that claims made were not proven, the University retains the right to reverse a previous decision in regard to progression or continuation of studies.

6 MEDIA INVOLVEMENT

All University staff and students involved in an appeal process must respect confidentiality. This includes neither party contacting or involving the media (*e.g. radio, newspaper journalists*) until the University's internal process is complete. The University aims to ensure that a student can complete this process in a timely manner, and cannot be held responsible for any delay which may arise from it having to deal with media enquiries linked to an appeal. Where media involvement so undermines the appeal process, the University reserves the right to suspend or abandon the process. The University will seek to avoid this however, and will ensure that a student's rights under all other processes are not affected.

7 EXTERNAL LEGAL ADVISERS AND COSTS

Students, who begin an alternative external legal process, e.g. by raising a Court action against the University, should recognise that the University will NOT reimburse any legal expenses incurred by the student in relation to such action regardless of outcome, unless ordered by

aUK court. Students are strongly encouraged to seek assistance from the University Students' Association before contacting a legal adviser.

8 SIMILAR APPEALS

If the University receives a number of appeals relating to the same or a similar issue, in the interests of achieving a timely resolution of the matter, the University reserves the right to deal with such cases together and to apply its decision to all related cases.

The University will ensure that there is no disadvantage to those students whose cases are considered together. Where the University chooses to take such an approach, those students concerned will be informed that this is the approach being proposed and will have the right to request that their case be heard separately.

9 APPEALS PROCEDURE

9.1 CLARITY AND SIMPLICITY

The University aims to make its Appeals Procedure clear and simple and to deal with cases as quickly as possible to reduce any stress or uncertainty for students or staff members. Recognising that problems are often most easily and quickly resolved informally, at or close to the point of origin, the procedures provide an opportunity, before a student formalises an appeal, to seek informal resolution. There is, however, a time limit on this.

The procedures provide, exceptionally, for a student to move immediately to the formal stages of the process should they feel this is necessary. Students are, however, normally expected to seek informal resolution in the first instance and may be asked to explain why they have not done so.

9.2 FAIRNESS AND STATUS OF STUDENTS PENDING OUTCOME

Students who submit an appeal will not suffer any disadvantage as a result of doing so and their student status will not normally be affected during their appeal.

The Academic Appeals Panel, the student and the School Representative will all have access to the same documentary and verbal evidence.

Students have the right to expect that everyone who responds to, investigates, or adjudicates upon an appeal will do so impartially. No individual will be permitted to act in any manner in a case in which they have a material interest or in which any actual or potential conflict of interest may arise. The student's privacy and confidentiality will be respected at all stages of the process. However, it must be accepted that limited disclosure will be required to enable investigation of the case to proceed.

9.3 TIMELINESS/EARLY RESOLUTION

A timeline is given for each stage of the process to assist students in obtaining an outcome as quickly as possible. It is the responsibility of all parties to ensure that the timelines are adhered to as closely as possible. It should be recognised, however, that to ensure a thorough review of a submission it may, by exception, be necessary to take a case beyond the standard timeline. In such circumstances all parties will be notified of this in writing.

Appeals should be made as soon as possible after their cause (e.g. the date of notification of an exam result or the date of an incident of poor service) and no later than 10 working days after the cause occurred or became known to the student. The date of the cause and the date it was raised informally must be stated on the Appeal or Complaint Form.

To comply with the Office of the Independent Adjudicator regulations, the Appeals process will be completed within 90 calendar days of the start of the formal stage.

10. UNACCEPTABLE BEHAVIOUR IN APPEALS

It is recognised that people may act out of character in times of trouble or distress. The circumstances leading to an appeal may result in the appellant acting in an unacceptable way. Appellants who display unacceptable behaviour may still have a legitimate case, and the University must therefore treat all appellants seriously and assess them properly.

The University places the same expectations in regard to behaviour on appellants as it does with its staff and students and all others who interact with the University. The University also has a duty of care to ensure the safety and welfare of all staff and students. Consequently, the University will not tolerate appellants behaving in an unacceptable manner.

Appellants should feel able to raise any matter of concern without any risk of disadvantage, however, where the University deems an appellant's behaviour to be unacceptable the University take appropriate action as necessary, for example:

In the case of an **applicant**, unacceptable behaviour may result in consideration of an application being terminated or an offer of admission being withdrawn;

In the case of a **student**, unacceptable behaviour may be dealt with under the Code of Practice on Student Discipline;

Where it is deemed necessary to take steps to address unacceptable behaviour, the appellant will be advised of this and attempts will nevertheless be made to complete the investigation of the appeal although contact with the appellant may be restricted.

11. SUBMITTING AN ACADEMIC APPEAL

11.1. Students should submit Academic Appeals on the template forms provided by the University and by the deadline for Academic Appeals advertised by the University. Academic Appeals that are submitted after the published deadline will not normally be considered.

11.2 Students should submit documentary evidence in support of their Academic Appeal. This should normally be submitted with their Academic Appeal submission. However, where this is not possible due to circumstances outside of the student's control, the Academic Appeal should be submitted prior to the published deadline together with a clear statement that evidence has been requested by the student.

11.3 Appeals should be submitted electronically or in hard-copy to the head of Students Services or the Principal. Where official documents form part of the evidence, the originals should normally be submitted in hard-copy. Students are advised to take copies of all documentation prior to submission.

- 11.4 The head of Students Services or the Principal will normally acknowledge receipt of the Academic Appeal within five working days.

12 CONSIDERATION OF AN ACADEMIC APPEAL

- 12.1 On receipt of the Academic Appeal, the principal will consider whether the appeal is made on one or more of the grounds specified earlier. If this test fails, the student will normally be notified within ten working days of the appeal being received that the appeal is not eligible, with reasons given.
- 12.2 If the Academic Appeal is considered by The head of Students Services or the Principal to have been made on one or more of the grounds set out earlier, then the head of Students Services or the Principal will appoint an Investigating Officer. The student will be informed of the identity of the Investigating Officer. Where possible, an Investigating Officer will not have been involved in the appeal prior to their appointment.
- 12.3 The Investigating Officer will be drawn from a list of Investigating Officers kept by The head of Students Services or the Principal.
- 12.4 The Investigating Officer will consider the evidence provided by the student and other information that may be pertinent to the appeal. The Investigating Officer will make a recommendation to the Appeals Panel as to whether the appeal should be upheld or rejected and what adjustments should be made to the appellant's profile.

13 APPEALS PANEL

- 13.1 An Appeals Panel will meet within thirty calendar days of the published deadline for the receipt of appeals to consider a student appeal and the recommendation of the Investigating Officer. An Appeals Panel will consist of:
- At least two members of academic staff drawn from a list kept by The head of Students Services or the Principal , The head of Students Services or the Principal to act as Officer to the Panel and to advise on regulatory and procedural matters.
- 13.2 The members of academic staff appointed to the Appeals Panel will not normally have been involved in the student's appeal. Both members of academic staff will need to attend in order for the meeting to be quorate.
- 13.3 Students will not normally be expected to attend the Appeals Panel, but their attendance may be requested by the Appeals Panel. If a student is unable or unwilling to attend, the appeal will still be considered in their absence and non-attendance on the part of the student will not normally be a valid reason for requesting a review of the Appeals Panel's decision (see below, section 13.4).
- 13.4 The Appeals Panel will consider the appeal and the Investigating Officer's recommendation in reaching its decision. Furthermore, The Appeals Panel will base its decisions on the information and evidence submitted. The Panel may make one of the following decisions:

- a) Upheld: The appeal will be upheld in whole or in part. The Appeals Panel will provide details of which aspects have been upheld and proposed actions to be taken consequent to be taken consequent to its decision.
- b) Refused: The appeal will not be upheld. The existing decisions of the Assessment Board in relation to the student will stand.
- c) Decision deferred: There is not sufficient information available for the Appeals Panel to make a decision. A decision will be deferred until the next Appeals Panel whilst the additional information is acquired.

13.5 The head of Students Services or the Principal will notify the student of the Appeals Panel's decision. If the outcome of the Appeals Panel was as detailed in 13.4c, the student will be notified of the revised timeframe for consideration of their appeal. One further Appeals Panel will be held to consider the appeal and reach a final decision

13.6 The decision of the Appeals Panel will be reported to the Chair of the relevant Assessment Board for ratification.

Note: All staff involved in decision making are properly trained, resourced and supported in order to ensure all procedures are followed accordingly.

14 REVIEW OF APPEALS PANEL DECISION

14.1 The student may request a review of the decision of the Appeals Panel within a month of the date that the decision of the Appeals Panel was issued to them. A review may be requested on the following grounds:

- a) There was a procedural irregularity in the conduct of the Appeals Panel or the investigation that may render the original decision unsafe;
- b) New material evidence is available which the student was unable, for valid reasons, to provide earlier in the process and which may have resulted in a different outcome;
- c) Consideration of whether the outcome was reasonable and appropriate in the circumstances.

14.2 The review process will not reconsider the issues raised in the appeal, nor will it normally result in a further investigation of the issues. The review will not normally consider any new issues raised by the student which are not related to those raised in the original appeal.

14.3 The request for a review should be submitted electronically or in hard-copy to The head of Students Services or the Principal. The head of Students Services or the Principal will normally acknowledge receipt of the request for a review within five working days.

14.4 The head of Students Services or the Principal will appoint a Review Officer from a list of members kept by the head of Students Services or the Principal. The student will be informed of the Review Officer's identity.

- 14.5 The student may request that the Review Officer meet with an elected officer or staff member of the Students' Union when reviewing the decision of an Appeals Panel. In such cases, the Review Officer may meet with the representative from the Students' Union, but the Review Officer's decision will be final.
- 14.6 The Review Officer will decide whether the request for a review fulfils one of the requirements set out in section 14.1. If the request is judged not to meet the requirements, the Review Officer will inform the Secretary who will write to the student to inform them of the Review Officer's finding.
- 14.7 If the Review Officer judges that the request does meet the requirements set out in section 14.1, they will consider the request and decide if and/or how the Appeals Panel decision should be amended. Details of the Review Officer's decision will be communicated to The head of Students Services or the Principal who will then inform the student of the outcome. Should any amendment to the student's recorded assessment outcomes be required, the Chair of the relevant Assessment Board will also be informed.
- 14.8 The review stage completes the University's process. Following consideration of their request for a review, students will be provided with a Completion of Procedures letter which will inform them of how to take their appeal to the relevant public body.

15 RESEARCH DEGREES

- 15.1 Where an appeal from a research degree candidate is upheld and the proposed action is that the thesis or equivalent should be re-examined, the following procedures shall be followed:
- a) The Board of Studies Research Degrees shall appoint new examiners not fewer in number than those appointed for the original examination and, normally, not fewer than 2 external examiners;
 - b) The examiners shall be informed that they are to be, or have been, appointed to conduct a re-examination on appeal but shall not be given and information about the previous examination;
 - c) The examiners shall prepare independent reports on the thesis or equivalent before the candidate undertakes a viva voce examination and a joint report following the viva;
 - d) On completion of the re-examination the reports of the examiners appointed for the original examination and for the re-examination shall be submitted to the Board of Studies for Research Degrees and where there is disagreement it is the agreed recommendation of the examiners who conducted the re-examination that would be expected to prevail.
- 15.2 The head of Students Services or the Principal will notify the student of the Appeals Panel's decision. If the outcome of the Appeals Panel was as detailed in 13.4. c, the student will be notified of the revised timeframe for consideration of their appeal. One further Appeals Panel will be held to consider the appeal and reach a final decision.
- 15.3 The decision of the Appeals Panel will be reported to the Chair of the relevant Assessment Board (or equivalent body) for ratification.
- 15.4 Where a decision on a student appeal cannot be reached within thirty calendar days of the deadline for the receipt of appeals, either due to the need for further evidence to be submitted

or the complexity of the case and the need to fully investigate the case, the appeal will be submitted to a subsequent meeting of the Appeals Panel. The student will be notified of the delay.

16 REPRESENTATION

Students are not always invited to attend meetings with Investigating Officers or the Appeals Panel. However, when they are invited to do so, they may wish to bring a friend. The friend may be a fellow student or a member of staff from the Students' Union, or, if the student has a disability, a support worker, but may not otherwise be external to the University. It should be noted that the friend is there to support the student, not to answer questions or put forward a case in their stead.

17 ADJUSTMENTS TO A STUDENT PROFILE FOLLOWING A SUCCESSFUL OR PARTIALLY UPHeld APPEAL

- 17.1 Successful appeals will not normally result in the award of additional marks for an assessment unless the Appeals Panel determines that the work submitted should be re-marked, in which case the mark may go up or down, depending upon the academic judgement of the assessors. Re-marking will follow standard University procedures and regulations.
- 17.2 In rare cases where a student has successfully appealed an assessment that they passed, the student will normally be given the choice to retain their original mark or undertake re-assessment. If re-assessment is undertaken, the mark for the re-assessed work shall stand, even if it is worse than the mark originally achieved.

18 KEEPING OF RECORDS

Records of the case will be kept for the period of the active sanction and comply with relevant statutes and will be destroyed thereafter. These records will include the findings made and action taken, the reason for action taken, whether an appeal is lodged and the outcome. Notes of any formal meetings will also be kept. The keeping of notes and cases helps the university to improve student services and ensures consistency in future decisions for appeals.

19 USE OF DATA

The University will collect data on the complaints at each stage of this procedure and any complaint submitted by you to any regulators (including the OIA), and use the data:

- i. internally for reporting, evaluation, learning and training; and
- ii. externally for discussion with regulators in the higher education sector.

The data used by the University for the purposes set out above in paragraphs i) and ii) will be anonymised. Your personal data and sensitive personal data ('Personal Data') as defined by the Data Protection Act 2018 (the "DPA") may be disclosed to the University's members of staff and regulators only for the purpose of dealing with your extenuating circumstances claim, a complaint arising out of it and/or implementing any decisions. Personal Data will not be shared with any other third parties unless the University has your express consent, has a statutory obligation to do so, or is otherwise permitted to do so under the DPA.

20. OFFICE OF THE INDEPENDENT ADJUDICATOR

Once the internal academic appeal procedure has been completed, if the student is still not satisfied with the outcome, they may take their case to the Office of the Independent Adjudicator (OIA). The OIA operates externally to the University. It will not normally look at a case unless and until all relevant internal procedures have been exhausted. Further information is available from the [OIA](#) website.

21. COMPLETION OF PROCEDURES

As required by the OIA, if we are unable to resolve an appeal to satisfaction, and there are no further steps available to students, we will issue a formal "Completion of Procedures" letter. This provides a formal confirmation that students have exhausted the internal complaints procedure and is required before a complaint may be considered by the OIA.

22. SUPPORT FOR STUDENTS

The University provides a number of student support services. These are open to any student. Students are encouraged to engage with the services and take up any appropriate support available to them. The following are University-run services:

- a) Pastoral Services and advice to any student experiencing personal difficulties, who may be struggling to cope at University or who just needs someone to talk to. Appointments are available on the day by visiting the Head of Student Services at Amity House.
- b) Disability Support Team is a dedicated service for students who have a disability, mental health condition, long term medical condition or specific learning difficulty (including dyslexia). We also offer screenings for dyslexia throughout the year.
- c) Student Advice and guidance on financial and money management, and help with any personal, emotional or academic issue you may face. Appointments are available on the day by visiting the Head of Student Services at Amity House.
- d) Support is also available through the Students' Union. The Union provides free, confidential and impartial advice and a place to talk during difficult times you may face as a student. You can book an appointment by calling 0207 6310190.

23. CONFIDENTIALITY

Confidentiality of the case will be respected by all parties involved to ensure students will not be put at any disadvantage for raising issues with the university.

24. QUALITY ASSURANCE AND MONITORING OF COMPLAINT PROCEDURES

Quality Review and Assurance Committee (QRAC) shall be responsible, on behalf of The Academic Board, for the assurance of quality and standards in the management of complaints.

In particular QRAC is responsible for:

- devising, in consultation with their students, a procedure to submit complaints.
- ensuring that all staff involved are suitably trained, supported and monitored so that consistency and fairness is maintained;
- ensuring that the procedure is published clearly to students and staff;
- ensuring that all appeals are resolved promptly, consistently and effectively;

- ensuring that accurate records of all appeals and the outcomes are maintained and all paperwork should be available for internal or external scrutiny, as required;
- reviewing the procedure annually to ensure that it is fit for purpose and, where necessary, recommending changes.
- monitoring the consistency of decisions and submitting an annual report to the Academic Board detailing the number appeals submitted and their outcomes any other issues relating to the principles or procedures.