



## **Appeals (Academic) Policy**

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For Information To: All Staff & Students

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## **INDEX**

1. The basis for appeal
2. Advice before making an appeal
3. Deadline for appeal
4. How to appeal
5. Initial review
6. Programme Leader Response
7. Final Comments
8. Investigative Panel Stage
9. Hearing by the Teaching and Learning Assessment Committee (TLAC)
10. Request for final review by the Academic Dean
11. Office of the Independent Adjudicator for Higher Education (OIA)
12. Appendix 1: Academic Appeals Form
13. Appendix 2: Final Comments Form

## **Scope**

The Academic Appeals Policy applies to all taught students and forms part of the contract between students and ISBM University [India] London, to provide a clear and transparent process for the investigation of appeal cases.

The administration of the Policy is undertaken by the Teaching and Learning Assessment Committee (TLAC) in conjunction with the Registrar and Assessment Officer.

An appeal under the Policy must be made and pursued by the student and cannot be delegated to a third party. Although in some instances appeals may be related to one another, each case will be the subject of separate consideration and determination under the Policy.

## **1. The basis for appeal**

Appeals may be made against:

- The decision to terminate a student's study.
- To require them to withdraw from their candidature.
- The outcome of an examination, assessment, or placement.
- The decision not to award a degree or other qualification.
- The class of the degree or qualification received.

The grounds on which a student can appeal a decision described above are set out below:

- There were relevant mitigating circumstances (for example, illness), and they had a good reason for failing to provide notification of these sooner.
- They did notify the examiners earlier about mitigating circumstances or some other disruption of the assessment process, but we believe that the examiners or the examining body did not give sufficient consideration to this information.
- The assessment was conducted unfairly or improperly, or the assessment of student achievement was biased.
- A material procedural irregularity has occurred in the processing of the assessment or results.
- The supervision of any research or Final Year Project, or dissertation was unsatisfactory.
- The decision to refuse a suspension or extension of study was unreasonable.

## **2. Advice before making an appeal**

Before deciding whether to make an appeal, the student should talk to the Assessment Officer to ensure that they understand the reasoning for the decision they wish to appeal against.

A decision that has been published (or a decision that has been ratified by the relevant group of the Academic Board) cannot normally be set aside unless an appeal is made and is successful.

The decision of the Teaching and Learning Assessment Committee (TLAC) or other decision-making body stands unless and until it is overturned by a decision on appeal.

The Assessment Officer can offer procedural advice but will not comment or offer advice on the content of the appeal, or comment on whether the student should appeal. It is advised that students may, however, seek independent advice and support from the Student Services team.

If the student does not understand the assessment decision that has been published or the feedback they have received, they should be advised to contact the Registrar for more information and clarification.

## **3. Deadline for appeal**

The deadline for receipt of their appeal is 20 working days from the date of the publication of the decision against which they wish to appeal. We will not, ordinarily, consider an appeal submitted after the set deadline.

Very exceptionally, an appeal may be allowed where the student provides an evidenced, valid reason for the delay, in writing, and as part of their late submission. Where an appeal is rejected as out of time, a Completion of Policies letter will be issued, which will allow them to raise the out-of-time issue with the Office of the Independent Adjudicator for Higher Education (OIA).

Further information about the OIA is set out in Section 11.

#### **4. How to appeal**

To submit an appeal, the student must complete the Appeal Form (available from the University website/ Appendix 1: Academic Appeals Form).

The appeal must set out the student's case by reference to the grounds for appeal. They should also state clearly the remedy they are seeking. Their appeal and supporting evidence should be set out in chronological order or as a sequence of events.

The student must include all the information and supporting documentation that they wish to be considered with the Appeal Form. It is their responsibility to ensure that all information and evidence is provided. Any information that is left out cannot be included at a later stage unless a good reason is provided as to why it was not available earlier.

All appeals should be supported by independent evidence, including up-to-date medical evidence as appropriate. Those deciding on the appeal will draw any conclusions they see fit from any omission.

All evidence must be in English or with an authorised translation in English.

The student must submit their completed Appeal Form together with all supporting evidence via email to the Assessment Officer by the set deadline.

They should expect to receive an acknowledgement of their appeal within 5 working days.

#### **5. Initial review**

All appeals are subject to an initial review within 10 working days of receipt. The appeal may be refused based on the Appeal Form alone if it does not, in the opinion of the Assessment Officer (or nominee), fall within the remit of this policy or does not put forward appropriate grounds or evidence. In this connection, an appeal which questions the academic judgement of the examiners or assessors will not be permitted. They will be notified in writing of the rejection and the reasons for it.

If the appeal is accepted to go forward to the Programme Team for a response, they will be advised of this and the likely timeframe for consideration. If urgent action is identified by the Assessment Officer (or nominee) as necessary, the Registrar will be asked to prioritise a response, and the student should be advised of this.

If the appeal is rejected, a Completion of Policies letter will be issued which will allow the student to raise the issue with the Office of the Independent Adjudicator for Higher Education (OIA). Further information about the OIA is set out in Section 11.

#### **6. Programme Leader Response**

The Appeal Form will be forwarded to the Programme Leader for a response.

The response will address the central concerns the student has raised in their appeal and will include any supporting evidence. The response will include representations from colleagues as relevant to the student's case.

The Programme Leader will submit its response, together with all supporting documents, by e-mail or by post to the Assessment Officer within 20 working days of the date of the request for a response to the appeal. If nothing is received by the deadline, subject to confirmation by the Assessment Officer, the appeal will be upheld. Otherwise, the appeal will proceed in accordance with this policy.

## **7. Final Comments**

The Assessment Officer will forward the Programme Leader's response, including any supporting documents, to the student so that they can provide final comments on their appeal. They should be advised that any final comments should not repeat what they have written in their appeal but should address issues raised by the Programme Leader in their response. The student may wish to seek independent advice from the Student Services team before writing and submitting their final comments.

The final comments must be set out in a Final Comments Form (Appendix 2) and must be submitted by e-mail or post to the Assessment Officer within 10 working days of the date of their request for the student's final comments. If nothing is received by the deadline, the appeal will be deemed to have been withdrawn by the student and the original decision against which they are appealing will stand.

## **8. Investigative Panel Stage**

Once the student's Final Comments Form is received, the case will be reviewed by the Assessment Officer (or nominee). If the appeal has been conceded by the Programme Leader and the concession in their response proposes a remedy, which is within the normal University assessment regulations, and at the discretion of the Registrar, the remedy will be confirmed. Otherwise, the case will proceed to a panel of at least three people, normally the Assessment Officer (or his/her nominee), and at least two University senior staff.

The Panel shall have the power to seek such further evidence as it considers necessary. This may include seeking further written comments or information from the student or Programme Leader and seeking evidence or advice from individuals internal and external to the University. The Panel will normally allow the student and the Programme Leader up to 5 working days in which to respond to any written enquiries.

The Panel will aim to reach a decision on the appeal within 10 working days of receipt of all necessary documentation.

There are three possible outcomes from the Panel review:

- A remedy proposed in the Programme Leader's response will be confirmed if justifiable and does not jeopardise academic standards.
- The appeal will be dismissed if there is no real prospect of success.
- The appeal will proceed to be heard by the Teaching and Learning Assessment Committee (TLAC).

If the Panel is unable to reach a unanimous decision, the appeal will always proceed to a hearing before the Teaching and Learning Assessment Committee (TLAC). The student's case will normally be listed for hearing at the next available meeting of the TLAC.

If the appeal is dismissed, the appeal policy within the University will be at an end. The student and Programme Leader will be informed in writing of the Panel's decision including its reasons. The student will be issued a Completion of Policies letter, which will allow them to raise the dismissal of the case with the Office of the Independent Adjudicator for Higher Education (OIA).

If the decision is taken to offer a remedy by the Panel, and the student is dissatisfied, then they may request a final review by the Academic Dean if they have grounds to do so.

## **9. Hearing by the Teaching and Learning Assessment Committee (TLAC)**

The Committee has delegated authority to hear and determine academic appeals on its behalf.

All hearings of the Committee are conducted in private. The proceedings are investigative in nature and will be undertaken in a non-adversarial manner.

The Committee may call for additional information from the student or the Programme Leader prior to or at the time of the hearing.

When the Committee so decides, representatives from the programme or other relevant individuals will appear before it to answer questions. The representatives will appear separately from the student.

The student should be advised of the date on which their case is to be heard at least 10 working days in advance, and they are expected to appear before the Committee in person. If the date of the hearing falls on a day when they are not available, they must give a satisfactory reason for their unavailability if they wish to appear before the Committee at a future meeting. The absence or non-availability of a supporter will not be accepted as a reason for any postponement. If it is agreed to postpone the hearing, the student will be given at least 10 working days' notice of the date of the new hearing.

If this new date is still not possible for the student, the Committee may choose to hear the case in their absence unless the reasons for the absence are, in the view of the Committee, sufficiently compelling to warrant a further postponement.

The student may be accompanied at the hearing by one supporter of their choice who may or may not be a member of the University. For example, they could be an adviser from the Student Services team or a friend or relative. The supporter cannot, however, be someone who has taken a part in the decision against which they are appealing. They should be asked to provide the name and capacity in which the supporter is attending in advance. The supporter will neither be permitted to appear separately from the student, nor be permitted to act as their advocate, nor be involved in a related case.

It is the student's responsibility to invite the supporter to attend any hearing and notify the supporter of the time and place of the hearing and for providing any documentation to the supporter. The student is responsible for the conduct of their supporter at the hearing and in support of the case.

During the hearing, the student and supporter may confer.

The student should be encouraged to make a statement at the hearing. If this is read from a prepared text, they must provide a copy to the Assessment Officer for the case file. Members of the Committee may question the student. The supporter may not respond to the questions unless the Chair directs otherwise.

Neither the student or supporter nor the University representative can question the Committee. If there are any questions or concerns these should be addressed to the Assessment Officer in advance of the day of the hearing.

Although it is to be expected that new or additional information may emerge through questioning the student or any University representative, or other individual called before the Committee, the Committee will take action, including but not limited to the discounting of such information. This is particularly the case, where the Committee decides that the information could reasonably have been included in the Appeal Form or the Programme Leader's Response Form.

The student and their supporter will be asked to leave the room while the Committee discusses their case.

The Committee will decide whether they have provided sufficient evidence to substantiate their claim on the balance of probabilities, i.e. that what they have claimed is more likely than not to be the case.

The student will not receive a final decision on the day of the hearing. They will receive a final decision in writing, by post or by e-mail, including the reasons for the decision, as soon as possible after the hearing and normally within 10 working days after the Committee's meeting has ended.

## **10. Request for final review by the Academic Dean**

Where the student does not accept the remedy offered or if they remain dissatisfied with the decision of the Committee, the student may request a final review by the Academic Dean (through the Assessment Officer) within 10 working days from the date of the letter notifying the student of the decision of the Committee on Applications or Panel.

The Academic Dean (or nominee) will review the decision on the following grounds only:

- The decision of the TLAC or Panel was unreasonable in the light of the evidence supplied.
- The policy for the Panel's review, or the Committee hearing of the appeal, was deficient in a way which materially prejudiced the student's case.
- New evidence has emerged, which was not available when the appeal was lodged and there is a good reason why it was not brought to the Panel or Committee's attention during the Panel's review or the TLAC hearing of the appeal.

The Assessment Officer will evaluate the request for the review to ensure that it has been made in time and falls within the grounds for review set out in the Policy. Upon completion of this evaluation, the Assessment Officer will acknowledge the request for review in writing within 5 working days of receipt. If the decision is not to proceed, an explanation will be provided to the student, and a Completion of Policies letter will be issued.

The Academic Dean will review the written material submitted to the first hearing of the case, a written statement of the outcome of the appeal, and the student's written case. They will not normally consider new evidence, unless it has been clearly demonstrated that such evidence was unavailable at the time of the submission of the appeal.

The Academic Dean will issue their decision as soon as possible and normally within 20 working days of receipt of the student's request for final review.

The Academic Dean may:

- Uphold the Panel or TLAC outcome.
- Vary the Panel or TLAC outcome.
- Refer the matter back to the Panel or TLAC for reconsideration.

The student will be issued a Completion of Policies letter, which will allow them to raise the review by the Academic Dean with the Office of the Independent Adjudicator for Higher Education (OIA).

Further information about the OIA is set out below.



## **11. Office of the Independent Adjudicator for Higher Education (OIA)**

To seek an OIA review of the student's case, they should first ensure that they have been sent a Completion of Policies letter, which the OIA requires as proof that we have exhausted the University's Academic Appeals policy.

The student must be advised to send the Completion of Policies Letter to the OIA within 12 months of the date of the letter, together with a completed copy of its Complaint Form, which it will use to assess whether the student's case is eligible for review under its Rules.

Further and specific details about the OIA can be obtained from its website: [www.oiahe.org.uk](http://www.oiahe.org.uk).

## 12. APPENDIX 1 - Academic Appeals Form

You should read the Academic Appeals Policy before you complete this form. The policy is available at the University website or from the Student Services Team (contact details are set out at the end of this form).

The purpose of the form is to collect details of your candidature, the decision against which you wish to appeal, confirmation of the grounds upon which you wish to appeal, a summary of the main points of your appeal and the outcome you wish to achieve through the appeal procedure. You may, if you wish, provide more detailed information in the form of an appeal statement with the evidence upon which you rely attached as appendices to your statement (see the Information Notes at the end of this form).

Students seeking advice and support in the preparation of an appeal may contact the Student Services Team at the University. Guidance on the appeals procedure can be obtained from the Assessment Officer.

***Please complete all sections of the form EXCEPT for part 2 of Section 3, which should ONLY be completed if it is relevant to your appeal (please refer to that section for further details).***

### SECTION ONE: YOUR DETAILS

|   |  |                                    |                         |
|---|--|------------------------------------|-------------------------|
| Family Name   |  | Title<br>(please indicate)         |                         |
| First Name  |  |                                    | Other (please specify): |
| ID Number   |  |                                    |                         |
| Postal Address  |  |                                    |                         |
| Email Address   |  | Telephone Number                   |                         |
| Your programme of study   |  |                                    |                         |
| Your school/department  |  |                                    |                         |
| Please tick this box if you are being supported by Student Services and to confirm that details of your appeal can be shared with the team <input type="checkbox"/> |  | Name of Student Advisor (if known) |                         |

*For office use only*

Date Received:

Case ID:

## SECTION TWO: DECISION YOU ARE APPEALING AGAINST

1. Please specify below the academic decision against which you wish to appeal.

|  |
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|  |  |
|--|--|
| Date of confirmation of result:<br>( <b>Please note</b> that appeals against provisional results cannot be accepted) |  |
|--|--|

## SECTION THREE: GROUND FOR APPEAL

1. Please indicate by ticking the appropriate box(es) the grounds on which you wish to appeal (to be completed in all cases) (more than one box may be ticked):

- a) ☐ There were relevant mitigating circumstances (for example, illness), and you have a good reason for failing to notify the examiners of these sooner.  
***[You must also complete part 2 of Section 3 below.]***
- b) ☐ You did notify the examiners earlier about mitigating circumstances or some other disruption of the assessment process, but you believe that the examiners or the examining body did not consider this information.
- c) ☐ You believe that the assessment was conducted unfairly or improperly, or the assessment of your achievement was biased.
- d) ☐ A material procedural irregularity has occurred in the processing of your assessment or results.
- e) ☐ The supervision of your Final Year Project or dissertation was unsatisfactory.
- f) ☐ The decision to refuse a suspension or extension of study was unreasonable.

**Please note** that an appeal which questions the academic judgement of examiners or assessors will not be permitted.

**2. Please complete this section ONLY if you are submitting an appeal on the grounds that there were relevant mitigating circumstances (for example, illness), and you have a good reason for failing to notify the Programme Leader/the examiners of these sooner.**

Please state clearly and concisely (in the box below) why you were unable to notify your Programme Leader and/or your examiners of your mitigating circumstances sooner.

#### **SECTION FOUR: SUMMARY OF APPEAL**

Please provide a clear and concise summary of the key points of your appeal in the box below. (You may provide further details in an attached statement of appeal (no longer than four sides of A4).

*(See further the Guidance Notes at the end of this form).*

## **SECTION FIVE: DESIRED OUTCOME**

Please indicate in the box below the remedy you are seeking in the event of your appeal being successful.

## **SECTION SIX: DECLARATION**

I confirm that I have read the Academic Appeals Policy. I agree to ISBM University (India) London using the information provided in this form and any attached documentation for the purposes of processing and investigating my appeal in accordance with the Policy. I understand that my appeal will be sent to the Programme Leader for the purpose of the investigation and will be disclosed to those needed to respond to and determine my case.

I am aware that my data will be held and retained by the University in accordance with the Student Privacy Notice.

Where I have included third-party information and data, I confirm that I have included permissions from the relevant third parties for the data to be processed by the University and retained with my case papers.

*(For electronic submission of appeals only: please type your name and the submission date in the fields below.)*

**Signed:**

**Date:**

## **SECTION SEVEN: LIST OF DOCUMENTATION SUPPLIED**

Please provide a list of the documentation you have submitted with this form.  
(See the *Information Notes* for further details about what you need to do).

### 13. APPENDIX 2 – Final Comments Form

#### Section 1: Details

|   |  |
|---|--|
| Student Name:                             |  |
| Student ID Number:                        |  |
| Programme of Study:                       |  |
| Appeal Reference Number (if applicable):  |  |
| Date Request Received:                    |  |
| Deadline of Submission (10 working days): |  |

#### Instructions to the Student:

You are invited to submit Final Comments in response to the Programme Leader's statement and any accompanying documents.

- Do not repeat information from your original appeal.
- Address only the issues raised by the Programme Leader in their response.
- You are encouraged to seek independent advice e.g. from the Student Services team, before submitting this form.
- Submit this form by e-mail or post to the Assessment Officer no later than 10 working days from the date of this request.
- If your Final Comments are not received by the deadline, your appeal will be considered withdrawn, and the original decision will stand.

#### Section 2: Student Final Comments:

Please clearly state your response to the Programme Leaders' comments. You may refer to specific points or documents if necessary.

*(Do not exceed two A4 pages. Attach additional pages if required.)*

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|  |
|--|



### Section 3: Student Declaration:

I confirm that the information provided in this Final Comments Form is accurate to the best of my knowledge, and I understand that failure to submit this form by the stated deadline will result in my appeal being deemed withdrawn.

**Signature:**

**Date:**

### **INFORMATION NOTES**

#### ***The format of your appeal:***

- Your appeal must set out the reason(s) why you believe the decision is wrong. This should ideally be in chronological order/sequence of events. You should also state clearly the remedy you are seeking. Your appeal and supporting evidence can be as long or as short as you choose (but any attached appeal statement must be no more than four sides of A4 in length). However, do not assume that the longer the written case or the bulkier the papers the stronger the appeal.
- You must include in your appeal submission all the information and supporting documentation that you wish to be considered. **Any information that is left out cannot be included at a later stage.** You should provide any evidence (e.g. letters, emails, reports etc) in the form of annexes to your appeal submission.
- Please ensure that the pages of any detailed supporting statement are numbered and that a list of the annexes you have included with your statement of appeal is provided. To facilitate the reviewing of your appeal documentation, please observe the following requirements:
  - The form and any accompanying statement should be presented using reasonable-sized margins and a font no smaller than 11 points.
  - All pages provided are of good quality.
  - A list of any annexes is provided.

**Nb. Please keep a copy of the completed form and the documents you have submitted in support of your appeal.**

#### ***Access:***

If you require an adjustment to the way in which we communicate with you due to disability or accessibility needs let us know.

#### ***Guidance on where to send your appeal:***

You must submit your completed Appeal Form together with all supporting evidence to [academicappeals@isbmuniversity.uk](mailto:academicappeals@isbmuniversity.uk) within 20 working days from the date of the publication of the decision against which you wish to appeal. The University will not, ordinarily, consider an appeal submitted after the set deadline. You should expect to receive an acknowledgement of your appeal within 5 working days.

General information about appeals can be obtained at: <http://www.isbmuniversity.uk>

Further inquiries about appeals can be directed to the Assessment Officer or a member of the Student Services team, and they can be contacted at [studentservices@isbmuniversity.uk](mailto:studentservices@isbmuniversity.uk)