

St George's, University of London

Academic Appeals Procedure

Approved by Senate, 1 September 2021

(for students taking assessments on or after 1 September 2021)

1. **Introduction**

- 1.1 This procedure is prescribed by Senate in accordance with paragraph 14.4 of the General Regulations for Students and Programmes of Study.
- 1.2 This procedure applies to students and recent students of St George's, University of London. The term 'student' includes those registered or enrolled on a programme and those who left the University within the timescales allowed under paragraph 3.1.1, 3.2.1 and 3.3.1 of this procedure.
- 1.3 In this procedure, an academic appeal is defined as '*a request for a review of a decision of an academic body charged with making decisions on student progress, assessment and awards*'. This procedure covers academic appeals from St George's candidates concerning results, classification, rulings or decisions notified to them as final following a meeting of a Board of Examiners.

Grounds for review of an assessment result or a decision of a Board of Examiners

- 1.4 General Regulation 14 specifies the grounds on which requests for a review may be made:

<p>14.1 Requests for a review of provisional assessment results or decisions of a Board of Examiners may be made only by students who allege that their assessment marks, grades, result or classification have been affected for one of the following reasons:</p> <ul style="list-style-type: none">(a) that the result as published was affected by an administrative error;(b) that the assessments and/or meeting of the Board of Examiners were not conducted in accordance with the Scheme, Regulations and approved procedures of St George's;(c) that the student's performance had been adversely affected by illness or other relevant factors which either the student had, for good reason, been unable to make known to the Board of Examiners at the appropriate time in accordance with General Regulation 11.11(v), or which the Board of Examiners had failed properly to take into account. <p>There is no provision for appeal against the academic judgement of a Board of Examiners or its members where this has been properly exercised in accordance with its constitution and established procedures.</p> <p>Academic judgement is the judgement made by a member of staff about a student's performance in any assessment task (including coursework, essays, assignments, written examinations, reports, OSCEs, vivas and clinical attachments). The judgement derives its authority from the disciplinary, clinical and pedagogic expertise of the staff member exercising that judgement. Academic judgement also encompasses the collective decision of boards of examiners in relation to student progression and achievement.</p>	<p>14.2 General Regulation 11.11 stipulates the limited circumstances under which performance affected by illness or other factors may be condoned by a Board of Examiners, and those provisions shall apply to consideration of any request for a</p>
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review under paragraph 14.1(c). Therefore, any representation from a candidate under paragraph 14.1(c) which could not, in any case, have altered the Board of Examiners' determination of that candidate's result or classification, shall be noted on the student's record but a review of the Board of Examiners' decision will not be undertaken. Information in such a representation shall be made available to any Panel required to be convened to give consideration for a final discretionary attempt by the student at an assessment, where this is allowed in the relevant Programme regulations.

14.3 In order to establish good reason for a review under paragraph 14.1(c) the student shall be required to explain why information was not made available to the Board of Examiners in accordance with General Regulations paragraph 11.11(v).

14.4 Senate shall approve a procedure for dealing with representations from candidates under the above paragraphs.

1.5 Students wishing to make an academic appeal under these procedures may wish to obtain guidance from the President or Vice-President (Education and Welfare) of the Students' Union or their Personal Tutor.

1.6 In this procedure any named officer may delegate her or his responsibilities to another member of St George's; similarly, the procedure will not be invalidated if the role title named in the procedure has changed or a nominee acts in the place of another named in the procedure.

1.7 Any doubt over the interpretation of these procedures or any matter on which these procedures are silent shall be determined by the Chair of Senate.

Behavioural Expectations

1.8 Academic Appeals made to the University through a third party must be authorised in writing by the student before any further action will be taken.

1.9 Students should respond to all communication from the University (verbal and written) directly and not through a third party except in exceptional circumstances or where diagnosed disability reasonably prevents them from being able to do so.

1.10 Students are responsible for their own behaviour and that of any supporter or representative appointed by them to present their academic appeal to the University. Abusive or disrespectful behaviour towards University staff will not be tolerated under any circumstances and may result in internal procedures being brought to a close.

2. Provisional Results (prior to a Board of Examiners Meeting)

2.1 This procedure does not concern marks or grades notified to students as provisional, prior to the meeting of a Board of Examiners. Board of Examiner meeting dates are listed on the intranet. Students should contact their Programme Management Team and/or Administrator for further details.

2.2 Students who believe they have grounds for review of provisional results under paragraph 14.1 of the General Regulations should inform the Chief or Responsible Examiner, Assessment or Module Lead or Examinations Team in writing and without delay in accordance with the processes set down by individual programmes of study.

- 2.3 Claims of administrative error (GR14.1a) in provisional results or claims that assessments were not conducted in accordance with the Scheme, Regulations and approved procedures of St George's (GR14.1b) should be reported to the Chief or Responsible Examiner, Assessment or Module Lead and/or Examinations Team as soon as possible after the assessment. Where circumstances might affect assessment outcomes for the entire cohort, students should bring their concerns to the attention of the Chief or Responsible Examiner, Assessment or Module Lead and/or Examinations Team via their Student Representative.
- 2.4 Students presenting extenuating circumstances (GR14.1c) after entering an assessment are strongly advised to provide evidence to support their claims with reasoning for why they did not withdraw from the assessment prior to the test date. In accordance with paragraph 10.3 of the General Regulations, students should provide full details of the circumstances they wish to be considered with a request to bring these circumstances to the attention of the Board of Examiners.
- 2.5 Students should follow the designated mitigating circumstances process for their Programme of Study to make their extenuating circumstances known to the University. This normally requires the completion and submission of a Mitigating Circumstances Form. For some Programmes of Study, students are required to lodge their extenuating circumstances in writing with the Chief or Responsible Examiner, Assessment or Module Lead.
- 2.6 Examples of evidence for extenuating circumstances may include, but are not limited to: appropriately dated medical reports/letters, professional reports, financial information, police reports, complaint outcome letters.

2.7 Final Ratified Results (following a Board of Examiners Meeting)

- 2.7.1 The Academic Registrar or his/her nominee is responsible for providing guidance to students and others on the operation of this procedure in cases of claims concerning error, claims concerning maladministration and claims concerning extenuating circumstances. Students wishing to make an academic appeal under these procedures may also wish to obtain guidance from the President or Vice-President (Education and Welfare) of the Students' Union or their Personal Tutor.
- 2.7.2 Requests for a review (academic appeal) shall be made in writing and should be submitted to the Student Conduct and Compliance Team using the Academic Appeal Form which is available on the Student Conduct and Compliance webpages of their St George's website.

3. Procedures for Consideration of Requests for Reviews – initial stage for ratified results

3.1 Claims Concerning Error

- 3.1.1 A request by an assessment candidate to check the correctness of his or her assessment marks or grades (under sub-paragraph (a) of General Regulation 14.1) should be made to the Academic Registrar or his/her nominee as soon as possible following notification of those marks, and normally within 10 working days. Requests should not be made to examiners. A request will only be considered by the Academic Registrar or his/her nominee where the candidate can provide grounds for suspecting that an error may have occurred. A check will not be made simply on the grounds

that a candidate's marks are close to a specified boundary in a Scheme of Assessment.

- 3.1.2 Where the Academic Registrar or his/her nominee considers that there are grounds to suspect that an error may have occurred, he/she will conduct a check of marks or grades. Where a check reveals an administrative error, the Chair of the Board of Examiners or the relevant Assessment Lead will be consulted as required, and where necessary will take Chair's Action to amend a result. The candidate will be notified of the outcome in writing within 15 working days of the request being made.
- 3.1.3 Where the Academic Registrar or his/her nominee decides there are no grounds for suspecting an error may have occurred, the candidate will be notified of this within 15 working days of the request being made.
- 3.1.4 Where a candidate has good reason to be dissatisfied with the action of the Academic Registrar or his/her nominee under paragraphs 3.1.1, 3.1.2 or 3.1.3 above, a request for review may be made to the Deputy Director of Governance, Legal and Assurance Services in accordance with paragraph 4.1.

3.2 Claims Concerning Maladministration

- 3.2.1 A request by an assessment candidate for review of an assessment mark, grade or result on the grounds specified in sub-paragraphs (b) of General Regulation 14.1 should be made in the first instance to the Academic Registrar or his/her nominee. The request shall normally be made within 10 working days of notification of the marks, grades or results of which a review is requested, although the Academic Registrar or his/her nominee shall have discretion to consider requests received after this period where the student demonstrates good reason for the delay.
- 3.2.2 In determining whether there are grounds for a review, the Academic Registrar or his/her nominee may consult the student concerned, the Chair of the relevant Board of Examiners and/or relevant Assessment Lead, and the relevant course/programme organiser, and shall examine the records of the Board of Examiners and any other appropriate records. Throughout this process the confidentiality of the student's marks and the grounds for review shall be maintained as far as possible.
- 3.2.3 The Academic Registrar or his/her nominee may reject any request which is frivolous (i.e. repetitive and burdensome), vexatious (i.e. brought with malicious intent), or lacking substance (i.e. unsupported by evidence).
- 3.2.4 The Academic Registrar or his/her nominee shall respond in writing to a request for a review within 15 working days confirming whether or not there is a case for review under General Regulation 14.1(b).
- 3.2.5 Where the Academic Registrar or his/her nominee receives a request which establishes a case for a review under General Regulation paragraph 14.1(b), and it is agreed that the action proposed by the student is an appropriate action to remedy the situation (no contest), the Chair of the Board of Examiners or the relevant Assessment Lead will be informed of the decision and the student will be notified of this within 15 working days. Where an appeal under General Regulation 14.1(b) is upheld but the student remains dissatisfied with the outcome, a Completion of Procedures letter will be issued on the student's request. The Completion of Procedures letter will indicate how to make a complaint to the Office of the Independent Adjudicator (OIAHE), and details are also available on the OIAHE's website (www.oiahe.org.uk).

3.2.6 Where the Academic Registrar or his/her nominee decides there is no case for review under General Regulation 14.1(b), the student will be notified of this within 15 working days.

3.2.7 Where a candidate has good reason to be dissatisfied with the action of the Academic Registrar or his/her nominee under paragraphs 3.2.1 to 3.2.6 above, a request for review may be made to the Deputy Director of Governance, Legal and Assurance Services in accordance with paragraph 4.1.

3.3 Claims Concerning Extenuating Circumstances

3.3.1 A request by an assessment candidate for review of an assessment mark, grade, result, classification, ruling or decision on the grounds specified in sub-paragraph (c) of General Regulation 14.1 should be made in the first instance to the Academic Registrar or his/her nominee. The request shall normally be made within 10 working days of notification of the marks, grades, results, classification, ruling or decision of which a review is requested, although the Academic Registrar or his/her nominee shall have discretion to consider requests received after this period where the student demonstrates good reason for the delay.

3.3.2 In determining whether there are grounds for a review, the Academic Registrar or his/her nominee may consult the student concerned, the Chair of the relevant Board of Examiners and/or relevant Assessment Lead, other administrative officers, and the relevant course/programme organiser, and shall examine the records of the Board of Examiners and any other records, as appropriate. Throughout this process the confidentiality of the student's marks and the grounds for review shall be maintained as far as possible.

3.3.3 The Academic Registrar or his/her nominee may reject any request which he/she considers to be frivolous or vexatious or lacking substance.

3.3.4 Where the Academic Registrar or his/her nominee receives a request which establishes a case for a review under General Regulation paragraph 14.1(c), and it is agreed that the action proposed by the student is an appropriate action to remedy the situation (no contest), the Chair of the Board of Examiners or the relevant Assessment Lead will be informed of the decision and the student will be notified of this within 15 working days. Where an appeal under General Regulation 14.1(c) is upheld but the student remains dissatisfied with the outcome, a Completion of Procedures letter will be issued on the student's request. The Completion of Procedures letter will indicate how to make a complaint to the Office of the Independent Adjudicator (OIAHE), and details are also available on the OIAHE's website (www.oiahe.org.uk).

3.3.5 Where the Academic Registrar or his/her nominee decides there is no case for review under General Regulation 14.1(c), the student will be notified of this within 15 working days.

3.3.6 Where a candidate has good reason to be dissatisfied with the action of the Academic Registrar or his/her nominee under paragraphs 3.3.1 to 3.3.6 above, a request for review may be made directly to the Deputy Director of Governance, Legal and Assurance Services in accordance with paragraph 4.1.

4. **Procedures for Reviews – secondary (formal) stage**

4.1 Appointment of Assessment Review Panel

- 4.1.1 Where, under the procedures in paragraph 3, above, the candidate has good reason to be dissatisfied with the action of the Academic Registrar or his/her nominee the candidate may make a request for review. Requests for review must be lodged in writing with the Director of Governance, Legal and Assurance Services within 10 working days from the date of notice of the decision of the Academic Registrar or his/her nominee. A member of Governance, Legal and Assurance Services shall act as Clerk in this matter, and the Chair of Senate will approve the appointment of an academic member of Senate to consider the request. The academic member of Senate shall review the correspondence and other evidence from the informal procedures and may either appoint an Assessment Review Panel, or may determine that there are no grounds for review.
- 4.1.2 An academic member of Senate may appoint an Assessment Review Panel if he or she considers that one or more of the following grounds apply:
- (a) there is relevant and substantial new evidence available which could not reasonably have been brought to the attention of the Academic Registrar or his/her nominee;
 - (b) there has been a procedural irregularity or administrative error during the operation of the earlier stages of the Academic Appeal Procedure which is of sufficient weight to suggest that the outcome would not have been the same had they not occurred;
 - (c) the decision of the Academic Registrar or his/her nominee was manifestly unreasonable.
- 4.1.3 The Clerk shall notify the student in writing of the decision, giving reasons where it has been decided that no Assessment Review Panel shall be appointed, within 15 working days of receipt of the written request for the review in accordance with paragraph 5 below.
- 4.1.4 Where it is deemed necessary in accordance with the above procedures, the Director of Governance, Legal and Assurance Services shall appoint an Assessment Review Panel on behalf of the Senate, which has ultimate responsibility for academic decisions. A disinterested member of Governance, Legal and Assurance Services will act as Clerk to this Panel. The Panel shall normally complete its review and notify the student of the outcome within three months of the request for review being made.
- 4.1.5 The procedure for the appointment and conduct of an Assessment Review Panel shall be as specified in paragraph 5 below. There is no provision for the appointment of a separate or subsequent Appeals Committee to consider a request for review of an assessment result or a decision of a Board of Examiners.
- 4.1.6 The Panel shall consist of three members of academic staff one of whom shall act as the Chair of the Panel. No member of a Board of Examiners whose decision is under review shall be a member of the Assessment Review Panel.

The Assessment Review Panel shall consist of:

- (a) The Vice Principal, Dean or Associate Dean in the Chair;
- (b) One member of the academic staff with a remit that includes student welfare;
- (c) A member of academic staff not primarily concerned with teaching or examining the student.

The clerk to the Panel shall be the Director of Governance, Legal and Assurance Services or his/her nominee.

4.2 Procedure for Conduct of Business by Assessment Review Panel

4.2.1 The clerk to the Panel shall notify the student and the Chair of the Board of Examiners of the identity of the Panel members and the date of the proposed hearing, giving at least 10 working days' notice.

4.2.2 The Assessment Review Panel shall have available to it the student's request for a review and any supporting evidence; copies of the relevant Regulations and mark sheets; and copies of any other relevant information or statements, including a written report from the Chair of the relevant Board of Examiners. The Panel shall have the right to consult a candidate's answer scripts, where it deems this relevant, but it shall not review any aspect of a Board of Examiners decision which is solely a matter of academic judgement of an examiner or of the Board of Examiners. The Panel will have all the documentation considered at the previous stage of these procedures. All documentation to be considered by the Panel in reaching its decision (including where appropriate the candidate's assessment work) shall be made available to the student and the Chair of the Board of Examiners at least 5 working days before the date set for the hearing. However, no identifiable personal information about other assessment candidates will be provided to the student.

4.2.3 The parties will be required to attend the hearing either in person or remotely. If either party fails to attend without reasonable explanation, the Panel may consider the case in their absence. The Chair of the Panel will have discretion as to what constitutes a "reasonable explanation".

4.2.4 The student shall have the right to be accompanied by a friend, relative, Students' Union officer or other representative. The Chair of the Board of Examiners shall also have the right to be advised and represented. Any party intending to be accompanied or represented must notify the clerk to the committee within 5 working days of the hearing of:

- (i) the identity of any third party attendees; and
- (ii) the capacity in which they will attend, to enable parity of representation, if desired.

Members of staff, students and others relevant to the case may be asked to give evidence to the hearing by either party. The Committee may also call upon other persons (whether or not a current member of St George's) to provide advice on specific aspects of the case in writing or in person.

4.2.5 The Assessment Review Panel hearing shall be conducted as a formal committee rather than as a quasi-judicial hearing. The Panel members shall take the leading role in asking questions and the Chair shall have discretion to allow flexibility in procedures aimed at ensuring that all parties are able to present their arguments and evidence, and the Panel members have a full and fair understanding of these. The detailed procedure for the Assessment Review Panel hearing shall be at the discretion of the Chair and shall be notified to the parties at the start of the hearing, but shall include provision for: an initial private meeting of the Committee members, explaining the procedures to be followed; introducing those present and their role; explaining the powers of the Panel; allowing the student and the Chair of the Board of Examiners to make a statement and call witnesses; other persons (as referred to in

paragraph 4.2.4) to make a statement; questions to be asked of the student, Chair of the Board of Examiners, witnesses and other persons by Committee members; discretion by the Chair to allow reciprocal questioning. The meeting will be held either in person or remotely.

- 4.2.6 At the conclusion of the presentation of statements and evidence, all persons except members of the Committee shall withdraw, except that the clerk to the Committee may attend to give procedural advice, which will be recorded in the Committee's report. The Panel shall deliberate on their conclusions and recommendations and shall produce a written report, giving reasons for any decisions.
- 4.2.7 Where the Assessment Review Panel finds that (under General Regulation 14.1(a)-(b)) the student's assessment mark or grade or result was affected (a) by an error or (b) by the assessments or meeting of the Board of Examiners not being conducted in accordance with the Scheme, Regulations and approved procedures of St George's, it shall have the power to instruct the Board of Examiners to correct the administrative or procedural error and adjust the candidate's mark, grade or result accordingly.
- 4.2.8 Where the Assessment Review Panel finds that (under General Regulation 14.1(c)) the student's assessment mark or grade or result was affected by circumstances which could not be or were not taken into account by the Board of Examiners, *and* it is permissible under General Regulation 14.2 for this to be taken into account, it shall refer the matter back to the Board of Examiners, together with its reasons for so doing.
- 4.2.9 In very exceptional circumstances, the Panel may recommend to Senate that a Board of Examiners be re-constituted to re-determine assessment results.
- 4.2.10 The decision of the Panel shall be final and this shall conclude St George's internal processes for consideration of representations concerning assessment results or decisions of Boards of Examiners.
- 4.2.11 The student and the Academic Registrar shall be notified of the Panel's decision by the Clerk to the Panel. The Clerk shall provide the student with notification of the decision and a Completion of Procedures letter with 15 working days of the decision being taken.
- 4.2.12 If following receipt of the Assessment Review Panel's decision and the Completion of Procedures letter, the student remains dissatisfied, it is open to the student to make an application to the Office of the Independent Adjudicator (OIAHE). The Completion of Procedures letter will indicate how to make a complaint, and details are also available at the OIAHE's website (www.oiahe.org.uk).

4.3 Reference Back to an Examination Board

- 4.3.1 Where a decision is referred back to a Board of Examiners under paragraphs 4.2.8 or 4.2.9 above, the Chair of the Board of Examiners shall consult with the relevant programme of study organiser, Governance, Legal and Assurance Services, and the relevant Visiting Examiner(s) as to the appropriate action to be taken. Where there is agreement, and the action is to the benefit of the student, the Chair of the Board of Examiners shall be entitled to act on behalf of the Board. In all other cases, the Board of Examiners shall be reconvened to reconsider the student's case.

4.3.2 Where a decision is referred back to a Board of Examiners under paragraph 4.2.9, the decision of the Board of Examiners shall be final and shall not be subject to further review.

5. Review process against decision not to establish an Assessment Review Panel

5.1 Where the academic member of Senate has decided not to appoint an Assessment Review Panel, the Academic Registrar shall be notified of this decision and the Deputy Director of Governance, Legal and Assurance Services or his/her nominee shall notify the student of the decision and provide the student with a Completion of Procedures letter within 5 working days.

5.2 If following receipt of the decision not to appoint an Assessment Review Panel and the Completion of Procedures letter, the student remains dissatisfied, it is open to the student to make a complaint to the OIAHE. The Completion of Procedures letter will indicate how to make such a complaint, and details are also available on the OIAHE's website (www.oiahe.org.uk).

**These procedures will not be invalidated if the role title named in the procedure has changed or a nominee acts in the place of another named in the procedure.*