

ACADEMIC YEAR 2023/24



Academic Appeals Procedure

Approved by Senate in June 2023



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1. Introduction and scope

- 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 10.1 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.
- 1.4. The University's procedures for addressing academic appeals are carried out in two stages; there is no informal stage.
- 1.5. In this procedure, any named officer may delegate her or his responsibilities to another member of St George's staff; similarly, the procedure shall not be invalidated by an officer of St George's acting in the place of another named in these regulations where circumstances make this expedient.
- 1.6. All references to Case Officer refer to any appropriate member of staff from the GLAS team as nominated by the Head of SC&C and/or Director of GLAS.
- 1.7. Academic appeals may be requested by a student with respect to the following decisions:
 - academic progression decision
 - agreed credits or marks, or degree classification
 - penalty for failing to make progress including programme termination
 - outcome of an application for the recognition of extenuating circumstances (ECs)

The Office of the Independent Adjudicator

- 1.8. The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. St George's University of London is a member of this scheme. Students who are unhappy with the outcome may be able to ask the OIA to review their appeal case. Students can find more information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right here:
<https://www.oiahe.org.uk/students>.

Normally, students need to follow the Academic Appeals Procedure before they complain to the OIA. St George's University of London will issue a "Completion of Procedures (COP) Letter" when students have reached the end of the academic appeal process and there are no further steps they can take internally. If students' appeal is not upheld, a COP will be issued automatically. If their appeal is upheld or partly upheld they can ask for a COP letter if they want one. Students can find more information about COP letters and when they should expect to receive one here:

<https://www.oiahe.org.uk/providers/completion-of-procedures-letters>.

Support Services

- 1.9. Before submitting an academic appeal, students are strongly encouraged to seek advice and guidance. Support is available from a variety of services on campus. These include:
- Student's Union: Students may wish to obtain guidance and support from the President or Vice-President (Education and Welfare) of the Students' Union
 - Personal Tutor(s)
 - Disability Service: <https://www.sgul.ac.uk/for-students/student-support/disability-service>
 - Academic Success Centre: <https://www.sgul.ac.uk/for-students/your-academic-life/student-development-and-success>
 - Student Life Centre: <https://www.sgul.ac.uk/for-students/student-support/student-life-centre>

Students are expected to seek support in good time before their appeal deadlines.

Behavioral Expectations

- 1.10. Academic appeals and requests to review the decision to dismiss an appeal are made by the student. Exceptionally, and only where a student is unable to do so on their own behalf, whether through illness or other unforeseen circumstances, an application can be made by a third party on behalf of the student. In such cases the third party must show why the student is unable to make the appeal, or request to review the decision to decline an appeal, on their own behalf, and provide supporting evidence. The student must give their consent before the appeal, (or request to review the decision to decline an appeal) can be processed. The evidence is submitted to the Student Conduct and Compliance Team and two Case Officers will determine whether the appeal or request to review the decision to decline an appeal should be accepted. If the two Case Officers cannot come to an agreement a third Case Officer will be consulted and a majority decision will be made. A decision will normally be made within five University working days of receiving the information.
- 1.11. Students should respond to all communication from the University (verbal and written) directly and not through a third party except in circumstances detailed above.
- 1.12. 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 ended.

Reasonable adjustments

- 1.13. Reasonable adjustments to the processes within this procedure, including the extending of deadlines for student responses, will be made upon the production by the student of relevant third-party evidence which demonstrates the need for those adjustments.

Procedural exemptions

- 1.14. In exceptional circumstances it may be appropriate to amend this procedure, for example, where strict application of the procedure would result in substantial unfairness to the student, or the student is in some way at risk because of health or disability. Such cases will be rare and each will be treated on their own merits.

2. Confidentiality and General Data Protection Regulations

2.1 St George's University of London deals with academic appeals in confidence, to the extent that this is compatible with making enquiries and holding meetings to consider the matter. The University collects and processes a variety of personal data in order to fulfil relevant student regulations (see the Regulations web page for a list of all Student Regulations).

This personal data may be provided by the student or collected from other departments within the University or taken from publicly available sources such as social media. The University processes personal data for this purpose in its legitimate interests. Some Regulations will require the sharing of sensitive personal data (defined as "special category" data by data protection legislation). The University processes and shares special category data in the substantial public interest and only where it is necessary to enable the University to fulfil its duties of care to the student, other students, or to safeguard third parties. More detail on the types of data collected and how it is used to meet this need can be found in the Student Privacy Notice, available at the above link.

3. Burden of proof

3.1 When making an academic appeal and in requesting a review of the decision to dismiss an academic appeal, it is for the student to show that one or more of the grounds in paragraph 6.1 below apply.

4. Standard of proof

4.1 The standard of proof applied by Case Officers and Process Review Panels is that of the balance of probability; that it is more likely than not that something was or was not the case.

4.2 The standard of proof remains constant, it does not operate on a sliding scale. The standard of proof does not change based on the nature of the case put forward by the student or potential consequences of outcomes.

5. Fitness to practice/study considerations

5.1 Following a submission of an academic appeal a referral may be made as appropriate for consideration under the [Procedure for Consideration of Fitness to Study or Practise](#).

6. Grounds for making an academic appeal

6.1 When making an academic appeal in respect of the circumstances listed above the student is required to provide evidence that one or more of the following grounds apply:

1. that staff/bodies have failed to follow regulations/procedures or have failed to follow them with due care.
2. that staff/bodies have shown bias or prejudice towards the student in the way they have made the relevant academic decision.
- 3a. that the student's performance was affected by ECs that they could not report at the time for valid reasons.

3b. that the student's performance was affected by ECs that were reported at the time and relevant new evidence has since become available which has not been considered in making the relevant academic decision.

7. Circumstances in which the University will not consider an academic appeal

7.1 The following are circumstances in which the University will not consider an academic appeal:

- Academic judgement as described under Student General Regulations, paragraph 14:
*" 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.
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."*
- Where the substance of the appeal can be shown to relate to a matter that has already been the subject of an academic appeal by that student that is in progress or has been decided.
- The University will not normally review an academic appeal about something which has already been, or is currently, the subject of legal proceedings in a court or tribunal unless those proceedings have been put on hold.
- If at any stage of an academic appeal the evidence put forward to support the appeal can be shown to have been dishonestly acquired or is itself dishonest and/or can be shown to be vexatious (the appeal can be shown to be malicious, or represent a way of harassing the University by consuming the time and resources of its staff or a way of harassing members of staff or other students), the appeal will be dismissed and the evidence submitted to either the [Student Disciplinary Procedure](#) or the [Procedure for Consideration of Fitness to Study or Practise](#).
- Provisional results (Prior to a Board of Examiner meeting): 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 for further details and refer to the [General Regulations for Students and Programmes of Study](#).

8. Differentiating between an academic appeal and a complaint

- 8.1. St George's University of London definition of an academic appeal is set out in paragraph 1.3 above. St George's University of London [Student Concerns and Complaints Procedure](#) defines a complaint as: "an expression of dissatisfaction by one or more students about the University's action or lack of action, or about the standard of service provided by or on behalf of St George's, University of London."
- 8.2. Under the Academic appeals procedure, students may not make an academic appeal about the nature of the learning opportunities they have received (for example tuition, library provision, teaching and learning spaces provided, equipment) or the delivery of a service (for

example accommodation, student support services). These concerns are addressed through the [Student Concerns and Complaints Procedure](#).

- 8.3. Where an academic appeal relies on the student's view that there were earlier deficiencies in the learning opportunities the University made available to them, the University will ordinarily expect the student to have raised their concerns regarding the perceived deficiencies at the time they occurred. If a student is unable to provide evidence of having raised their concerns earlier, or has no evidence to reasonably explain why they did not raise their concerns earlier, the academic appeal is unlikely to be successful. Where an academic appeal is submitted while the associated complaint is ongoing, the complaint will normally be completed before the appeal is processed.

9. Status of students during an appeal

- 9.1. The decision against which a student is appealing remains in force until such time as the appeal is completed.

10. Stage one: review by Student Conduct and Compliance Team

- 10.1. A student wishing to appeal against an academic decision as defined in paragraph 1.3 above, is required to do so within 10 University working days of being notified of the decision. If the appeal is received on time it will be assigned to a Case Officer.

Late appeals

- 10.2. If an appeal is received after the 10 University working days deadline the student will be asked to provide reasons supported by evidence as to why they were unable to submit the appeal on time. The evidence will be considered by two Case officers who will determine whether the reasons are valid. If the two Case Officers cannot come to an agreement a third Case Officer will be consulted and a majority decision will be made. A decision on the validity of the reasons will normally be made within 10 University working days of receiving the information. If the reasons are not deemed valid the appeal will not be considered and the student will be offered a Completion of Procedures letter. If there are valid reasons the appeal will be accepted and assigned to a Case Officer.

Appeal dossier

- 10.3. Once assigned an appeal, the Case Officer compiles information from relevant parties to create the dossier which contains the evidence base for the appeal. This is normally done within 30 University working days of receiving the complete appeal submission. The dossier contains the appeal lodged by the student, the supporting evidence for their appeal, the information provided by the person or body that made the decision that is the focus of the appeal, and any other relevant information gathered by the Case Officer.

Timeliness

- 10.4. Students have a right to have their appeal dealt with fairly and in a timely manner. Where a department or Board of Examiners, is unable to respond to a request from the Case Officer for information on an academic appeal within 10 University working days of receiving the request the responsible staff are required to inform the Case Officer why they are unable to comply with its request for a prompt response, so that the Case Officer can monitor the situation and keep the student informed.
- 10.5. Where the Case officer has requested the student to provide additional information and the student does not do so within 10 University working days of the request being sent, the student will be sent a further reminder and warned that their appeal will be closed if a response is not received within a further 10 University working days.

Appeals on the ground of procedural error

- 10.6. A request will only be considered by where the student can provide evidence that a procedural error occurred. A check will not be made simply because the student's marks are close to a specified boundary in a Scheme of Assessment. The Case Officer cannot simply award students a higher mark/ degree classification. The only instance in which marks would be reviewed is if there had been a procedural error with the marking process itself.

Outcomes of the review

- 10.7. When the Case Officer has compiled the dossier, they review the case in full and come to a decision. The decision is either:
- that the appeal should be upheld in full or partially;
 - that the appeal should be dismissed on one or more of the following grounds:
 - that the grounds cited for the appeal are not consistent with the University's criteria for academic appeals that no evidence, or no relevant evidence, has been submitted to support the appeal
 - that the academic appeal is based on evidence that relates to ECs that could have been reported to the University at the time they occurred, but were not, and the student is unable to provide a valid reason for not having provided the evidence at the time
 - that the appeal falls into the categories set out in [Circumstances the University will not consider an academic appeal](#)
- 10.8. If the appeal is upheld in full or in part, the responsible Case Officer will direct the body or person that took the original decision to amend it in the light of the evidence provided and within 10 University working days of notification. In the interests of fairness to the student, to expedite matters it may be necessary to take Chair's action.
- 10.9. The responsible Case Officer informs the student of the outcome within five University working days of the decision being made. The student is informed of their right to request a review of the decision to dismiss their appeal. If the student has no grounds upon which to make a Stage two appeal they may request a Completion of Procedures letter.

11. Stage two: Request for a review of the decision to dismiss an appeal

Appointment of Process Review Panel (PRP)

- 11.1. Students may make a request for review of the decision at stage 1 of the process. Requests for review must be lodged in writing with the Director of Governance, Legal and Assurance Services (via scc@sgul.ac.uk) within 10 University working days from the date of notice of the decision at stage 1. If a request for a review is received after the 10 University working days deadline, the late appeal process detailed above will be instigated.
- 11.2. A Case Officer who had no prior involvement with the case will appoint a PRP and act as Facilitator to this Panel. The PRP shall normally complete its review and notify the student of the outcome within 20 University working days of the request for review being made.

Grounds for requesting a review

- 11.3. When requesting a review of the dismissal of their appeal the student is required to provide evidence that one or more of the following grounds apply:
- (a) that relevant new evidence has become available that should be considered and there are valid reasons why it was not presented at the time of the appeal. The PRP will decide whether there are valid reasons why the evidence was not submitted earlier and, if so, will consider this evidence alongside the review of the dismissal of the appeal
 - (b) there has been a procedural error at stage one of the process with a material bearing on the outcome
 - (c) the decision of the Case Officer/s was unreasonable and/or the outcome was not proportionate in all of the circumstances
 - (d) that the Case Officer/s have shown bias or prejudice towards the student in their decision making

PRP membership

- 11.4. The membership of a PRP includes 3 members from the pool of trained panel members as follows:
- 2 members of University staff
 - a member of staff from the pool of trained Chair persons

PRP members should have no current academic or personal connection with the student considered.

- 11.5. The Facilitator to the Panel shall notify the student of the identity of the Panel members and the date of the proposed hearing, giving at least 5 University working days' notice.
- 11.6. The PRP will have all the relevant documentation considered at stage 1. 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 at least 5 University working days before the date set for the hearing.

Attendance of the student at a PRP

- 11.7. The student will not attend the meeting, although the PRP has the option to invite the student to attend if they feel that they need additional information from the student in person.

PRP outcomes

- 11.8. A PRP may come to one of three outcomes:
1. that all or part of the student's ground/s for a review of the dismissal of their appeal should be upheld and the body or person that took the original decision directed to amend it in the light of the evidence provided to the Panel and its findings;
 2. that all or part of the student's grounds for a review of the dismissal of their appeal should be upheld and the Stage one Case Officer/s directed to reconsider their decision in the light of the evidence provided to the Panel and its findings;
 3. that the grounds for a review of the dismissal of a student's appeal should be dismissed and the original decision of the Stage one Case Officer/s upheld.
- 11.9. Following the meeting of the Panel, the Case Officer conveys the PRP outcome to the student and (if applicable) the body or person that took the original decision in writing within five University working days. The outcome letter also represents a COP which the student can use to request a review of the University's decision by the OIA.
- 11.10. The decision of the PRP shall be final and this shall conclude St George's internal academic appeal process.

12. Withdrawal of an appeal

- 12.1 Students can withdraw their appeal at any point before the stage 2 panel papers are distributed to the panel members.