

**STUDENT APPEALS POLICY AND PROCEDURE**

**2018**

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**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

(see Glossary of Terms) 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.

**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 (see Glossary of Terms)

• 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.

**2.3 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’ ASSOCIATION**

The Student Committee 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 a

UK 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.

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.

**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 STAGES OF THE APPEALS PROCEDURE**

**11.1Submitting an Academic Appeal**

11.1.1 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.

11.1.2 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.

11.1.3 Appeals should be submitted electronically or in hard-copy to the Secretary of Senate. 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. For students studying overseas at partner institutions, original documentation may be submitted to a designated member of partner staff who will take copies and verify that the original documentation has been seen.

11.1.4 The Secretary of Senate (or a nominee) will normally acknowledge receipt of the Academic Appeal within five working days.

**11.2 Consideration of an Academic Appeal**

11.2.1 On receipt of the Academic Appeal, the Secretary to Senate (or a nominee) 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.

11.2.2 If the Academic Appeal is considered by the Secretary of Senate (or nominee) to have been made on one or more of the grounds set out earlier, then the Secretary to Senate (or nominee) 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.

11.2.3 The Investigating Officer will be drawn from a list of Investigating Officers kept by the Secretary of Senate.

11.2.4 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.

**11.3 Appeals Panel**

11.3.1 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 Secretary to Senate; The Secretary to Senate (or a nominee) to act as Officer to the Panel and to advise on regulatory and procedural matters.

11.3.2 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.

11.3.3 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 12).

11.3.4 The Appeals Panel will consider the appeal and the Investigating Officer’s recommendation in reaching its decision. 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.

11.3.5 The Secretary of Senate (or a nominee) will notify the student of the Appeals Panel’s decision. If the outcome of the Appeals Panel was as detailed in 11.3.4c, 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

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

**11.4 Review of Appeals Panel decision**

11.4.1 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:

1. There was a procedural irregularity in the conduct of the Appeals Panel or the investigation that may render the original decision unsafe;
2. 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;
3. Consideration of whether the outcome was reasonable and appropriate in the circumstances.

11.4.2 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.

11.4.3 The request for a review should be submitted electronically or in hard-copy to the Secretary of Senate. The Secretary of Senate (or a nominee) will normally acknowledge receipt of the request for a review within five working days.

11.4.4 The Secretary of Senate (or a nominee) will appoint a Review Officer from a list drawn from Senate members kept by the Secretary to Senate. The student will be informed of the Review Officer’s identity.

11.4.5 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.

11.4.6 The Review Officer will decide whether the request for a review fulfils one of the requirements set out in section 11.4.1. If the request is judged not to meet the requirements, the Review Officer will inform the Secretary to Senate who will write to the student to inform them of the Review Officer’s finding.

11.4.7 If the Review Officer judges that the request does meet the requirements set out in section 11.4.1, 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 Secretary to Senate 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.

11.4.8 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.