Appeals Policy and Procedure (Taught)

Introduction

1. Birkbeck, University of London (hereafter abbreviated to 'the University') is committed to giving you the best student experience possible. However, there may be occasions when you feel that you have grounds to appeal against an academic decision (for example, where a performance in an assessment was adversely affected by undisclosed mitigating circumstances, you may wish to challenge the result awarded by your Sub-Board of Examiners).

2. As part of our commitment to a first-class student experience, the University seeks to resolve academic difficulties between students and the University as fairly and effectively as possible. In order to understand the reason for the result or decision, we expect that efforts will be made by students to informally seek resolution with their school/faculty before engaging with formal appeal procedures. It is only when informal channels have been exhausted, or the case is reasoned to be too problematic to informally resolve, that procedures can be initiated to escalate appeals to a formal stage.

3. The University expects that students appreciate that appeals will not always result in their preferred conclusion. Regardless of the decision, you will be informed of the outcome of a formal appeal and the reasons for it.

4. The University hopes that students acknowledge that this policy and procedure provide for a swift and fair assessment of their appeal; however, any feedback you may have on the process will be considered as part of our continual improvement efforts.

Definition of an appeal and scope of these procedures

5. An academic appeal is a request for a formal review of an academic decision submitted on specific grounds (which are detailed under 'Grounds for Appeal', paragraph 43 below). This includes but is not limited to, reviews of: a decision on a mitigating circumstances claim; a mark awarded to an assessment; a degree classification; a decision to discontinue a student's registration as a student on academic grounds. Although similar in procedure, an appeal is distinct from a complaint: complaints seek to raise concerns about the quality or delivery of service you have received from any part of the University.

6. Complaints, including those academic in nature (such as those relating to the quality of teaching, supervision or delivery of a programme of study), are considered under a separate Complaints Policy and Procedure. This Appeals Policy also excludes complaints against the Students' Union, for which separate procedures exist. Students registered on Research Degree programmes are also dealt with under a separate policy and should consult the Appeals Policy and Procedure (Research).

7. Where an incident does not clearly fall under any one policy, for example a case relating to both an appeal and a complaint which will need to be dealt with via two or more separate procedures, the University will inform the student which issue is being dealt with under which procedure and in which order they will be addressed (or if they will be pursued concurrently).

Related Policies, Procedures

8. The following policies and procedures are related to the Appeals Policy and Procedure (Taught):
   - Common Awards Scheme
   - Student Complaints Policy and Procedure
   - Appeals Policy and Procedure (Research)
   - Student Discipline Policy
   - Discontinuation of a Student's Registration Policy and Procedure
   - Wellness Review Policy

Advice and guidance for students

9. If an appeal is considered to be vexatious or frivolous then the appeal will be referred to the Academic Registrar or nominee for review and for a response to the student or students concerned. A Completion of Procedures letter will be sent to the student appealing within 20 working days of the Academic Registrar or nominee making a decision. In addition, if the language used in the complaint is in breach of the Student Discipline Policy, disciplinary proceedings may be brought against the student. A frivolous or vexatious appeal can be characterised in a number of ways including, but not limited to, the following:

   - Appeals which are obsessive, persistent, harassing, prolific, repetitious
   - Insistence upon pursuing unmeritorious appeals and/or unrealistic outcomes beyond all reason
   - Insistence upon pursuing meritorious appeals in an unreasonable manner
   - Appeals which are designed to cause disruption or annoyance

- Demands for redress which lack any serious purpose or value.

10. Students may wish to consult with the following sources of advice when considering their appeal:
    Documents:
    - Quick Guide to Student Appeals Contacts:
    - your personal tutor or programme director
    - the Students' Union (via studentsunion@bbk.ac.uk) or a Students' Union elected officer
    - Wellbeing Services: Includes Counselling, Mental Health Advisory and Disability and Dyslexia Services which work collaboratively to provide specialist practical, psychological and disability related support to help you manage your wellbeing and studies. For more information about the services and to request an appointment, visit www.bbk.ac.uk/student-services/wellbeing
    - Dean of University – who can provide confidential and impartial advice for students relating to their welfare in the University (via Universitydean@bbk.ac.uk)

Who can appeal

11. This Policy applies to all students currently registered for taught programmes of study leading to University of London awards, as well as students registered on taught programmes of study leading to the University awards and to students registered on individual taught modules.

12. Appeals received from a third party (including a parent) will be considered only with the express written permission of the person to whom the appeal relates, giving the named third-party power to act on their behalf; this permission must be supplied within the 20 working days period from notification of the results in question.

13. You must submit your appeal within 20 working days from notification of the results in question. Appeals should be submitted to the University Appeals Team using the Stage 2 Appeal Form, along with a written explanation of the reason(s) for the appeal. Any relevant supporting evidence should also be included. All supporting evidence submitted as part of an appeal must be provided in English, including any official documentation originally issued in a foreign language. For academic appeals, students must include the official Notification of Results issued by their relevant Programme Administration Department. Acceptance of any appeal submitted outside of this time limit will be at the sole discretion of the Academic Registrar or nominee.

14. Cases for appeal will only be accepted in writing, made using the academic appeal pro forma, presented clearly and comprehensibly, which have valid grounds of appeal as outlined in this policy and procedure.

15. The submission of an appeal will not have a negative effect on your academic position.

Disability

16. If you consider yourself to have a disability or learning difficulty, support is available to assist you with submitting an academic appeal. Students are advised to contact the University's Disability Service, which is a useful source of advice and support and can supply the relevant documentation in an alternative format. The Disability Service can also advise the University if reasonable adjustments are required for the consideration of your appeal. Support is also available from Academic Standards and Quality via studentappeals@bbk.ac.uk.

17. If you anticipate that it may be difficult to meet the deadlines expressed in this policy because of a registered disability or learning difficulty, you should inform the University, ideally before the relevant deadline elapses. Additional time may be granted for submissions that meet these grounds at the discretion of the Academic Registrar or nominee.

Time limits

18. It is expected that appeals will be completed and a decision provided to you, within 90 calendar days from the date of submission.

19. The University will make every reasonable effort to meet the time limits as stated in this policy. Where they are not met, we will provide a justifiable explanation to you. 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 time limit. In such circumstances, you will be notified of this in writing.

20. You should also be aware that time limits relating to the processing of appeal submissions may be reasonably extended during University holiday periods, when students themselves and/or appropriate staff may not be available.

21. All students should be aware that failure to meet the appropriate time limits without a reasonable explanation may result in a case being concluded without further consideration.

22. You are expected to familiarise yourself with the key deadlines outlined in this policy. Ignorance of these regulations does not excuse students from adherence to them.

Confidentiality

23. Your privacy and confidentiality will be respected at all stages of the appeal process.

24. All information submitted in relation to an appeal will be dealt with confidentially and will only be disclosed to other parties for the purposes of conducting an effective investigation and achieving a judgement of an appeal, or as required by law. Where something is disclosed that could have a safeguarding impact, we reserve the right to liaise with appropriate professionals.

25. If you are providing any confidential third-party evidence, we will assume that you have received the necessary and relevant permission to share this, if not please do not provide this with your appeal.

26. You have the right to expect that all those who respond to, investigate, or adjudicate on an appeal shall do so impartially. No individual will be permitted to be involved in a case in which they have a material interest or in which any actual or potential conflict of interest may arise.

27. The data retention schedule at the University confirms the length of time student records may be retained by the University, further information can be found at http://www.bbk.ac.uk/about-us/policies/privacy.

Notification of illness or other factors before the examiners' decisions

28. If you consider that your performance in an examination or other form of assessment has been adversely affected by illness or other factors, you should proceed according to the Mitigating Circumstances Policy or Policy on Late Submission.

Deadline

29. You should submit an appeal as soon as possible and any delay in submitting an appeal will need to be fully explained and may be grounds for rejection. Normally, you should make a formal appeal within 20 working of being notified of the relevant results

Overview of the three stage Appeals Process

30. The University's internal student appeals procedure consists of up to three stages:

1. Early resolution

- The University aims to resolve most complaints at this stage, via face-to-face discussion with the student
- Initially the student will raise the issue directly with relevant staff in their school to seek resolution.
- If this initial discussion is not sufficient to resolve the issue, the student may submit a formal appeal.

2. Formal stage

- Enacted only if the student remains dissatisfied with the outcome of stage 1 or resolution was not possible due to the character, complexity or seriousness of the case.
- Dealt with by a case handler in ASQ (Registry).
- Case handler will seek response to appeal from relevant staff including Sub-Board chair.
- Student will be provided with a written outcome at the conclusion of this stage.

3. Review stage

- Enacted only if the student remains dissatisfied and makes an appeal to a higher body within the University for a review of the process of stage 2.
- The review stage is not an automatic reconsideration of the issues raised but of the processing of the appeal at stages 1 and 2.
- An appeal review panel may be convened.
- The student will be provided with a written outcome at the conclusion of this stage.
- A Completion of Procedures letter will be issued at this stage.

Office of the Independent Adjudicator for Higher Education (OIAHE)

- Students who have exhausted the University's internal procedures for complaints or appeals may bring their complaints to the OIAHE within one calendar year of receiving a Completion of Procedures letter.
- The OIA is a review body. This means it considers how the University handled your complaint/appeal and its final decision; it will not undertake a review of the content of the appeal itself.

Time limits

31. We seek to deal with all appeals as swiftly as possible. Normally, Stage 2 appeals will be resolved within 20 working days; if an appeal is particularly complex and goes through Stages 2 and 3, we would seek to resolve it within a maximum time period of 90 calendar days.

32. Our time limits for the completion of an appeal from submission to completion are provided as follows:

Stage	**Timescale**[1]
Early Resolution	N/A
Submission of formal appeal	Start of Appeal
Formal Stage	Up to 20 working days
Submission of request for review of original appeal	Within 10 working days
Review Stage	Normally within 20 working days but up to 30 working days

33. Although the University aims to operate within the time limits as set out above, we accept a degree of flexibility may be required in some cases, such as when the University closes for Christmas and Easter holidays. Any extension or alteration to the time limits requested by a student must be fully justified and the Academic Registrar or nominee's decision whether to allow any changes will be final.

[1] Time limits will be automatically extended to take account of University closures and public holidays.

Stage 1- Early Resolution

34. When you wish to raise an appeal, initially you should do so informally, by discussing your concerns with your personal tutor, programme director, supervisor, module coordinator or other appropriate person in the relevant school/faculty.

35. It is anticipated that by seeking to understand the decision, the reasons behind it and the implications for your progression and/or award informally, at an early stage and at a local level, can avoid unnecessary anxiety. No results can be changed following this discussion, but it may help in clarifying to you whether an appeal is an appropriate step to take.

36. There is no prescribed method as to how responses to early resolution queries are conveyed to you but it may take the form of explanatory meetings or email correspondence. If appropriate, the chair of the relevant Sub-Board may provide detail on how the decision was reached.

37. You should be mindful that any formal appeal must be initiated within 20 working days of notification of the decision or result in question. Therefore, you should ensure that attempts at an early resolution are sought and completed within these 20 working days to safeguard the option to begin a formal appeal, should you choose to do so.

38. If you are dissatisfied with the outcome of the informal approach, you should submit a formal appeal, using the relevant academic appeal pro forma.

Stage 2- Formal stage

39. The Formal stage is started when:

- You decline to engage with early resolution and initiate the formal process in line with this policy
- Early resolution was attempted but you remain dissatisfied and initiate the formal process in line with this policy
- The issues raised are complex and will require detailed investigation.

40. Students who decline to engage with early resolution may be asked to provide an explanation as to why they did not pursue this option. On receipt of an appeal which has not been through Stage 1 of the process, it will be considered for the formal stage only when the possibility of early resolution has been considered. This is the point at which the deadlines for the formal stage will commence.

How to submit a formal appeal?

41. Appeals must be made within 20 working days of the date of receiving notification of results and submitted using the academic appeal pro forma and include all evidence you wish to be considered. You should retain copies of the pro forma and any evidence supplied for your records.

42. Appeals should be submitted by email to studentappeals@bbk.ac.uk

Grounds for appeal

43. An appeal will only be considered if it meets one of the following grounds (the appeal pro forma must state on what grounds the appeal is lodged and must include any relevant evidence):

    a) if an apparent case is sufficiently established, that your assessment was adversely affected by illness or other mitigating circumstances which you were unable, or for valid reasons, unwilling to inform the Sub-Board of Examiners about before the Board reached its decision
    b) if an apparent case is sufficiently established that there has been an administrative error: such error could include, for example:
        - omission of an assessment or mark
        - incorrect aggregation of assessment marks
        - incorrect application of any special assessment conditions or penalties that may apply to the case
    c) if an apparent case is sufficiently established that the assessment and/or assessment decision was not conducted in accordance with the relevant regulations or not conducted in accordance with the relevant University policy and that the subsequent mark could have been affected as a result.
    d) If an apparent case is sufficiently established that the decision or recommendation is clearly unreasonable.

44. It is not possible for students to appeal against the academic judgement of Sub-Boards of Examiners or other decision-making board or panel of the University. Academic judgement is defined as the considered view of an appropriately qualified and experienced subject specialist on your academic performance. This could relate

to: learning outcomes, the award of marks for an assessment, fitness to practise and or research methodology.[2]

45. In addition, appeals on the basis of administrative error will not normally be heard where the evidence consists solely on the student's belief that their performance merited a higher mark than that awarded. An appeal may however be considered on the basis of possible administrative error where you can supply clear evidence that an individual mark appears to be unrepresentative (for example by comparing an individual result with your overall mark profile).

Consideration of appeal

46. Upon receiving an appeal, a Registry Officer will be appointed as case handler and will consider whether the appeal is within the time limit and has sufficient grounds.

47. If the appeal is outside of the timeframe, you will be notified and the appeal will not be accepted. If the appeal does not meet the criteria for grounds of appeal, then it will be rejected and the case will be closed.

48. If an appeal has been sufficiently established, the case handler will, within 7 calendar days of receipt, write to the student confirming the next steps and outlining when a response can be expected.

Investigation process

49. The case handler will investigate the details of the appeal and provide a response to the student within 21 calendar days of the start of the investigation stage.

50. The case handler will investigate the facts of the appeal, including: any evidence supplied by the student, relevant regulations and policies and will consult with staff of the University as appropriate, including the chair of the relevant Sub-Board and other colleagues in relation to an appeal where necessary, in the interests of minimising delay and resolving the case.

[2] This position corresponds in principle to that adopted by the Office of the Independent Adjudicator for Higher Education (OIA) with regard to its reviews of student complaints (OIA Rule 3.2). In the view of the OIA, 'academic judgment is not any judgment made by an academic; it is a judgment made about a matter where only the opinion of an academic will suffice'.

Outcome

51. The case handler will present the facts to the Chair of the Sub-Board with a recommended outcome. The Chair of the Sub-Board will consider the outcome of the investigation and may confirm one of the following outcomes:

a) re-affirm the original Sub-Board decision on the grounds that the matters raised in the case presented were previously known to the Sub-Board and were taken into account and given due allowance or where matters raised were not previously known, were such as not to alter the outcome of the decision
b) review its decision and report an amended recommendation; any such recommendation should be referred to the chair of the relevant University Board of Examiners for ratification. Any amended recommendation which would result in a recommendation to raise the classification of a degree, or to award a degree where no award was previously recommended must be endorsed by the appropriate external examiner.
c) report a description of any administrative error found, together with revised, recompiled or corrected mark(s), grade(s) or result(s)
d) make recommendations where it considers appropriate to permit the student to undergo further assessment, subject to the provisions of the regulations or exceptionally subject to special approval by or on behalf of the Academic Board; any such recommendation should be referred to the chair of the relevant College Board of Examiners for ratification
e) report its response to any allegation and evidence submitted of regulatory irregularity or irregularity in the application of policy in the conduct of the relevant assessment(s) and if appropriate, its recommendations for action to remedy the matter. Any such recommendation should be referred to the chair of the relevant College Board of Examiners for ratification.

Stage 3- Review Stage

52. Upon notification by the case handler of the decision of an appeal, you will be informed of the conditions under which you can request a review of that decision.

53. Any request for a review of the Sub-Board decision must be submitted to the case handler within 10 working days of the date of the notification. Sub-Board review requests must be submitted using the Review pro forma, state on what grounds the review is requested and should be accompanied with supporting evidence.

Grounds for review

54. Review requests must be based on one or more of the grounds for review outlined here (requests submitted outside of these grounds will likely be returned to the student):

    a) the handling or consideration of the case was not in accordance with the procedure outlined in this Appeals Policy and Procedure
    b) the decision of the Sub-Board of Examiners in response to the representations made contravenes University regulations and/or policy
    c) given the evidence, the decision of the Sub-Board of Examiners in response to the representations made could not reasonably be sustained.

Review

55. Review requests received on the basis of the grounds above will be considered by the Academic Registrar or nominee within 10 working days. The Academic Registrar or nominee will consider whether the Sub-Board followed the Appeals Policy and Procedure correctly in coming to their decision and whether the decision is consistent with the evidence provided by the student.

56. The Academic Registrar or nominee will then make one of the following recommendations:
    a) The Sub-Board of Examiners' decision was valid and therefore the review request of their decision is rejected
    b) The Sub-Board of Examiners review their decision, in conjunction with newly submitted evidence or instruction from the Academic Registrar and submit an updated decision to the case handler within 10 working days. Please note this does not necessarily mean that any prior decision will change but will be reconsidered in light of any new evidence
    c) That the case has sufficiently established that the decision of the Sub-Board of Examiners may not have been properly considered and the appeal should therefore be heard by an Appeal Panel.

57. You will be notified of the Academic Registrar's decision and of next steps. The outcome of the action recommended by the Academic Registrar of the review stage will conclude the internal procedures. You will be provided with the details of the Office of the Independent Adjudicator.

Appeal Panel

58. The Appeal Panel will comprise of members of the University who are independent of the case, who are not members of the same school as the student making the appeal and who are not personally acquainted with the student. The membership of the Appeal Panel will normally be:

    a. one member of academic staff of the University, employed at Senior Lecturer or Reader level or above, as the chair
    b. one member of the relevant University Board of Examiners who is not a member of the relevant Sub-Board
    c. one other member of a Sub-Board of Examiners other than the Sub-Board responsible for the decision being appealed against

59. The Students' Union may nominate an observer for each Appeal Panel, who will be entitled to observe the hearing, including any session not involving the student and programme team but who will not be entitled to cross examine the parties to the appeal, or to cast a vote when the panel considers its decision. The observer may comment upon proceedings during the panel discussion to consider its decision, at the discretion of the Chair of the Panel.

60. The Appeal Panel will convene as soon as is practicable and normally within 21 days of the receipt of the request for review.

61. You will be invited to provide a written statement and any additional evidence to the Appeal Panel and to attend the meeting in person if you so wish.

62. You are entitled to be accompanied to the panel by a companion. The role of the companion is to support the student in putting their appeal to the University and during any hearing. The companion should be a member of the University or a Students' Union representative. Companions shall not normally be professional legal representatives; the panel will normally not be held if the student appealing is legally represented. Companions should take care to ensure as far as is reasonable that their advice and conduct is at all times in the best interests of the student in the progression of their appeal.

63. The chair of the relevant Sub-Board of Examiners will be invited to provide a written statement and any evidence in response to the appeal and to attend the meeting if they so wish; the chair may delegate production of any response and/or attendance at the meeting to any appropriate member of staff of the University.

64. The Appeal Panel shall make its report in writing stating its decision whether the appeal is upheld or not and with reasons. The report, together with its recommendations will normally be produced within 10 working days of the meeting and forwarded to the case handler.

65. The panel's report will be communicated in writing by the case handler to the student, the chair of the relevant University Board and Sub-Board of Examiners, the Head of School with responsibility for the relevant school and the Chair of the Academic Board. If the appeal is upheld, the panel's report will also recommend to the Chair of the Academic Board the action to be taken to achieve a fair and reasonable outcome.

66. Final responsibility for endorsement of recommendations will be for the Chair of Academic Board, whose decision will be final.

67. The decision of any Board of Examiners will normally stand until such time as an appeal is upheld and recommendations approved by the Chair of Academic Board.

Completion of Procedures

68. At the conclusion of our procedures, a student will be offered a Completion of Procedures letter, signifying the end of the University internal Appeals Procedure.

69. A Completion of Procedures letter is required should the student wish to advance a complaint with the Office of the Independent Adjudicator regarding their appeal. The University will usually only issue a Completion of Procedures letter once our appeals procedure has concluded and a final decision has been provided to the student.

Office of the Independent Adjudicator (OIA)

70. Students who have exhausted the University's internal procedures for complaints or appeals may bring their complaint to the Office of the Independent Adjudicator for Higher Education (OIAHE) within one calendar year of receiving a Completion of Procedures letter. The OIAHE's website (at www.oiahe.org.uk) contains full information, and the OIAHE can also be contacted at: OIA, Second Floor, Abbey Gate, 57-75 Kings Road, Reading, RG1 3AB, tel: 0118 959 9813, email: enquiries@oiahe.org.uk. Anyone wishing to pursue a complaint through the OIAHE must complete a special Scheme Application Form, downloadable copies of which are available from the website.

Policy Review

Created:	February 2010
Latest update:	July 2023
Date of next review:	Recommended check on operation in 2026-27 academic year
Owner:	Student Complaints, Conduct and Appeals Manager
SLT owner:	DVC Education and Student Experience
Committee oversight:	Education and Student Experience Committee for Academic Board