

LONDON SCHOOL OF BUSINESS AND MANAGEMENT STUDIES

Appeal Procedure for Students

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1 DEFINITION OF AN ACADEMIC APPEAL

An academic appeal is a request for a formal review of an academic decision about a student's assessment (either examination or coursework), discretionary progression within or completion of a programme of study, or termination of studies due to academic misconduct or failure.

2 APPLICATION

The policy applies to all enrolled students of London School of Business and Management Sciences (LSBS), whether studying full or part time. It also applies to students who have left LSBS within the last 40 working days (including recent graduates). Only in exceptional circumstances will appeals be considered outside of this timescale.

2.1 Those to whom this policy does not apply

- Those applying to study at the School or
- Third parties wishing to raise an appeal on behalf of a student. This includes but is not limited to parents, guardians, relatives or the spouse or partner of a student.

3 REFERENCES

This policy and procedure have been written in reference to the QAA Quality Code Chapter B9: Academic appeals and student complaints.¹ This requires higher education providers to meet the following expectation:

Higher education providers have procedures for handling academic appeals and student complaints about the quality of learning opportunities; these procedures are fair, accessible and timely, and enable enhancement.

LSBS has adopted and mapped this procedure against the OIA's Good Practice Framework. Thus, LSBS will attempt to resolve all complaints within 90 calendar days of the complaint being made by the student; where this is not possible, the reasons for this delay will be explained to the student in good time.

¹http://www.qaa.ac.uk/docs/qaa/quality-code/chapter-b9_-_academic-appeals-and-student-complaints.pdf?sfvrsn=c002f781_8

4 SCOPE

Assessments for all of LSBS' courses are undertaken through LSBS, acting on behalf of an external awarding body such as a validating University or organisation.

It is important to note that each of the awarding bodies has separate regulations and guidelines regarding appeals, thus LSBS' policy reflects the various requirements and guidelines. Students must exhaust LSBS' internal process prior to submitting and appeal/review with the awarding body. If the student remains dissatisfied with the final outcome, they have the right to apply for a review of the process of the appeal outcome with the relevant awarding body.

Where the appeal is to be dealt with internally through LSBS's appeals process, the procedure outlined in this document is to be followed.

4.1 Right to Appeal

Students have the right to appeal to the Academic Appeals Panel for a review of the following decisions:

- a particular assessment result if it is based on a claim of procedural irregularity
- a decision by the College Assessment Board
- a decision that a student is withdrawn from the College (other than as a result of disciplinary/academic offences). This may be because the student has failed to satisfy the attendance requirements.

Please note that Students cannot appeal Mitigating Circumstances Panel decisions. However, a review can be requested if new evidence is made available which was not available to submit at the time of the original application or the student believes and has evidence that there was a procedural error which influenced the Panel's final decision.

4.2 Appeals against assessment results

An appeal against a decision under the above points will only be accepted on the following grounds:

- Bias, where supported by compelling third-party evidence
- omission of an assessment or mark, or part of an assessment wasn't marked
- where someone has made an error in calculating marks
- incorrect application of any special assessment conditions or penalties that may apply to the case
- incorrect application of published assessment schemes
- non-compliance with published documentation

4.3 What is not considered by this procedure

Please note that complaints about quality of tutor support, communication of instructions etc. will not be considered under this procedure. They should be made under the Student Complaints Procedure within 10 working days of the incident complained about rather than the assessment results, to allow the issue to be resolved before it affects assessment performance.

Except where there is clear, third-party, evidence of bias, appeals against a markers or tutors' assessment of the quality of the student work, will not be considered (as these are a matter of academic judgement).

4.4 Appeals against a decision of the Assessment Board

The following are decisions of the Assessment Board which may be appealed against:

- that a student is not allowed to progress to the next stage of a taught course
- that a student is not allowed to repeat a year
- that a student's registration with LSBS is terminated.

4.5 Appeals against withdrawal

Appeals against withdrawal can only be brought under this procedure if the termination is for poor attendance, non-payment of fees, or other College-initiated withdrawal procedures under the Withdrawals, Deferrals, Transfers and Resumption of Study Policy.

Appeals against withdrawal because of plagiarism, academic offences, or student misconduct, must be made as a Review under the Academic Misconduct and Plagiarism Policy.

5 DEADLINE FOR APPEAL

Appeals will only be accepted if submitted within 10 working days of the student receiving notification by letter or email of the decision they wish to appeal against (or publication of results) unless not authorised.

A student, who is unable to lodge an appeal within the normal period of 10 working days shall, within that period, submit a declaration of intent by letter or email to do so with the Registry Office, who may impose a time limit for the submission of the full appeal. Any appeal submitted beyond these limits must include reasons and evidence showing why, through no fault on the part of the student, the request could not have been made within the time limit.

If, in the opinion of the Registrar, these reasons are not valid, the appeal will be rejected summarily and the student will be informed by letter or email of the reasons. Any such decision will be made within 10 working days of receipt of the appeal.

6 APPLICATIONS FOR APPEAL

All appeals will be made on the Application for Appeal Form and submitted to the Registry Office and will include a statement indicating which of the grounds set out in section 7 below the candidate relies on and a statement of the facts that constitute the basis for the appeal. Applications can only be made on the grounds set out in section 7.

If the relevant Registry Officer considers that these facts are not adequately stated, they may require the candidate to submit a further statement and may prescribe time limits within which any such statement shall be submitted. Any such response will be made within 10 working days of receipt of the appeal.

Appeal forms will differ depending on the awarding body related to the appeal in question can be requested from LSBS' Registry Department.

7 GROUNDS FOR APPEALS

7.1 Only claims for one or more of the following will be considered as grounds for appeal:

That their performance had been adversely affected by illness or by other factors (e.g. family crisis) which, in *exceptional* circumstances, they were unable or, for valid reason, unwilling to disclose to LSBS before it made its original decision. An appeal can usually only be considered where the student has been unable to follow the normal procedure for submitting evidence to the Mitigating Circumstances Panel, and it would not be reasonable to have expected them to have done so.

AND/OR

That there has been significant failure of due process in the making of the original decision (including, but not limited to irregularity in the procedures of LSBS or significant computational or administrative errors of fact in results published), which the student believes affected the original decision. It is not enough to show that an error has taken place - it will be necessary to show that the error resulted in an incorrect decision being made. If the error is clear, it can often be corrected without the necessity to go through a formal appeal process, so students are advised to seek urgent advice from their Personal Tutor in the first instance.

AND/OR

There exists clear and compelling evidence of prejudice or bias on the part of an examiner. An appeal brought on these grounds should clearly identify the particular individual(s) considered to have shown prejudice or bias and should be supported by **third-party** evidence.

AND/OR

That they possess new substantive information supported by evidence which was not known by the student and/or the evidence could not reasonably have been obtained by the student in time to present to the board or panel of the School which made the original decision against which the student is appealing.

7.2 The circumstances which are not considered grounds for appeal:

Perceived past shortcomings in tuition, supervision, or support not previously raised cannot be considered as grounds for appeal. Students should use the Complaints Procedure to address these issues as they arise.

An Appeal may not be made to question the academic judgment of an Assessment Board or individual, and the student will not be permitted to argue the academic merits of their work. The student's feeling that the result unfairly reflects the merit of their work or their ability is not considered grounds for appeal.

8 APPEALS PROCEDURE

Once the relevant information has been gathered together and advice sought, a decision will be taken as to whether the appeal is admissible. A decision on whether or not an appeal is admissible will be made by the Registry Office on the basis of the evidence available and advice from relevant officers within 20 working days of receipt of the appeal, and the student notified of the outcome by letter or email.

8.1 Inadmissible cases

If it is clear the circumstances claimed by the student do not constitute sufficient grounds for an appeal, the case will be inadmissible. This includes instances where:

- the student has provided no substantial, relevant evidence of a procedural irregularity or no third-party evidence has been provided of prejudice or bias
- the procedural irregularity claimed by the student clearly could not have affected the decision against which the appeal is being made to an extent that would have led to a different decision
- the student has provided no substantive reasons why the decision is irregular.

If the appeal is inadmissible, a letter or email with the reasons for the decision will be sent to the student.

Where it is believed that there may be grounds, the appeal will be considered to be admissible and it will be considered by the Academic Appeals Panel, and the student notified of the outcome of the Academic Appeal Panel's decision by letter or email within 20 working days of the referral.

9 ADVICE AND GUIDANCE

Independent, non-judgmental advice on these procedures is available from Student Support staff. The student's Personal Tutor can also advise them on the application and operation of the policy.

10 APPEALS PANEL

10.1 The Academic Appeals Panel members

The following are members of the Panel, and at least 3 of the Panel must attend any one meeting:

- The Registrar (Chair)
- The Assistant Registrar
- The Program Leader who is elected on rotation
- The Head of Assessments
- The Senior Assessments Officer
- The Head of Student Support

- The Attendance Officer

To ensure that the case is heard by staff who are impartial, any member of the Panel who is deemed to have too close a personal or professional association with the student or the subject of the appeal shall be eligible to serve as a member of the Academic Appeals Panel. Students will not be able to attend the meeting.

10.2 One of three decisions will usually be made:

REJECT: If the Panel believes that the original decision was fair and does not contravene LSBMS regulations or policy the appeal will be rejected. An appeal may also be rejected because the grounds for appeal are not clearly stated or the appeal has been received late.

UPHELD: If the Panel believes that the original decision was unfair or contravened LSBS regulations it will decide to uphold the appeal. If this happens, the Panel will write to the relevant academic committee recommending a course of action to resolve the situation. You should note that when an appeal is upheld the Panel cannot substitute any mark with one of its own or make a judgment on the quality or standard of a student's work.

DEFER: If the Panel believes that further information is required before it can make a decision it will defer the case and ask the relevant Registry Officer to write to the student requesting more details. Where a case is deferred, every effort will be made to obtain the additional information in time for the case to be considered at the next meeting.

Where a case is rejected, the reasons for the decision will be conveyed by letter/email to the student and, where appropriate, other parties.

11 REVIEW

If a case is rejected by the Academic Appeals Panel, a student may submit a revised case to the Registry Officer by completing the Review Stage 1 Academic Appeals Form, within 20 working days of receiving notification of the outcome of their appeal.

11.1 An application for review can only be made in the following circumstances:

- if the student has new evidence that was not available or could not reasonably have been obtained in time for consideration by the Academic Appeals Panel
OR
- there was a procedural error in the consideration of the appeal by the Academic Appeals Panel that contravenes this policy.

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11.2 Referring to the Principal

Where a request is received within 10 working days of the original decision, it will be referred to the Principal. Within 20 working days of receiving the revised case the Principal will either:

- refer the matter back to the next Academic Appeals Panel for reconsideration at the earliest opportunity (within 30 days of the application where practical to do so), with their comments (usually in the case of new evidence)

OR

- overturn the decision and substitute their own

OR

- refuse the appeal and issue a Completion of Procedures Letter (within 28 calendar days of the decision).

The student will be notified by letter or email.

For appeals where the above applies, where in the Principal's opinion a review would otherwise have been refused on the basis of it being frivolous, vexatious, an appeal against academic judgement, or would otherwise not be eligible for consideration under the validating regulations of the awarding bodies, the referral by the Principal will be accompanied by his written statement to that effect, with itemised reasons.

12 OIA COMPLAINTS AND AWARDING BODY APPEALS/REVIEWS

For courses where assessments are provided by the College on behalf of another awarding body, including validating universities, and the appeal was made internally, a right of appeal/review may also exist with the awarding body under their Appeals Policy on completion of the Appeals procedure.

12.1 Complaints which will not be considered

Where a student remains dissatisfied, they may submit a complaint to the Office of the Independent Adjudicator. Nevertheless, complaints will not be considered if they are related to:

- admission to the LSBS
- matters of academic judgement
- student employment matters
- matters which do not affect the student in their capacity as a student
- matters that are the subject of court proceedings, whether or not they have been concluded

- matters previously considered by another ADR Entity

12.2 Completion of Procedures

There should be no right of appeal from the decision of the School exist under the awarding body's Appeals Procedure, LSBS will a Completion of Procedures Letter within 28 days of that decision. Where a right of appeal exists to the awarding body, the awarding body will issue the letter on conclusion of their appeals process. You may raise a complaint with the OIA only if you are a student of a higher education course or receive public funding (HND or higher), and the School appeals procedure above has been fully exhausted and a Completion of Procedures letter has been issued by LSBS or the awarding body.

12.3 Complaining to the OIA

A complaint to the OIA must be made within 12 months of the date of the Completion of Procedures Letter and should be made on their complaints form.²

² <http://oiahe.org.uk/making-a-complaint-to-the-oia/oia-complaint-form.aspx>