ADVICE SERVICE

Guide to Academic Appeals

LEICESTER STUDENTS' UNION

What is an academic appeal?

An academic appeal is a procedure which allows you to ask the University to reconsider a decision made about your **final award** or your **academic progress**.

Examples of decisions that you can appeal include:

- A decision to transfer you to, or be awarded, a lower award than the one you registered for (e.g. a Postgraduate Certificate or Diploma, instead of a Master's Degree).
- A decision which stops you from continuing your studies, such as a course termination.
- The overall classification of your degree.

Can I ask for a remark?

Unfortunately, **you cannot appeal based on thinking you deserve a better grade or wanting a remark of your assessment.** This is viewed as questioning the academic or professional judgment of those who were responsible for assessing a student's academic performance or professional competence and is NOT permitted.

What are the grounds for appealing?

For an appeal to be considered **it must have grounds**. There are **four grounds** for appealing, and you can appeal under one or more of these (**Section 3** of the appeal form).

1) New evidence of significant mitigating circumstances;
2) Evidence of a disability or learning difference;
3) Evidence of procedural irregularities;
4) Evidence of prejudice or bias.

1. **New evidence of significant mitigating circumstances:**
   that there are or were mitigating circumstances materially affecting the student's performance, for which supporting evidence exists, **which were not previously submitted via the mitigating circumstances procedure** or known to

the Board of Examiners or other academic body at the time a progression or award decision was made. For this ground, you need to evidence what the Mitigating Circumstance was, the impact it had on you and why you couldn't apply for Mitigating Circumstances at the time of the assessment.

2. **Evidence of a disability or learning difference:**
   as defined by the Equality Act 2010, which you could not make the University aware of in time for reasonable adjustments to be made to the impacted assessment/s.

3. **Evidence of procedural irregularity:**

   The University defines procedural irregularity as a situation where "there were procedural irregularities in the conduct of assessment procedures of such a nature as to create a reasonable possibility that the academic outcome may have been different if they had not occurred".

   Examples of procedural irregularity could include:

   - a mistake on your exam paper
   - the exam contained something not taught as part of the programme
   - there was a divergence from the marking criteria
   - moderation procedures were not implemented
   - that Mitigating Circumstance outcomes were incorrectly applied (mark was capped when they should have been uncapped)
   - information in your handbook not being fully applied or unclear information in the handbook

4. **Evidence of prejudice or bias:**

   This is where there has been prejudice or bias or lack of proper assessment from one or more examiners.

Please note that a student **may not appeal decisions** made in previous years/levels of study.

How should my appeal be structured?

The appeal form provides prompts to input **what** decision you are appealing, which **grounds** your appeal is based on, what **evidence** you are providing and what your **preferred outcome** would be.

Following this, you should outline your case in a **clear way**, and in **chronological order**. Try to include names and dates where necessary and refer to any **evidence** you'll be including with your appeal in the body of the text, at the relevant points.

Section 2

You'll need to provide details of your **preferred appeal outcome**, and we recommend that you include several possible options. This will need to be in line with University Regulations, as an appeal that seeks an outcome which isn't permitted within Regulations, will not proceed to a panel.

Section 2: Preferred outcome

e.g. resit assessments, resit without residence, repeat year etc.

Click or tap here to enter text.

Potential outcomes

Please note that appeals can only provide outcomes permitted by Senate Regulations. **Assessments cannot be remarked, and the requirements to progress to the next year or be awarded a degree cannot be altered as a result of a successful appeal**. If your appeal is successful, you may be able to take further reassessments. For example, if you do not have enough credits to proceed to the next year of your course, you cannot proceed, even if you have accepted mitigating circumstances.

International students on a student visa should be aware that a successful appeal may not result in a change of status for the purposes of remaining in the UK.

Section 3

You need to tick which ground/s you are submitting your appeal based on. All grounds require evidence and for you to provide more detail.

Section 3: Grounds of appeal. Select all that apply.

☐ I have evidence that **mitigating circumstances** affected my studies and that at the time, I was not able to make my School/Department aware of these through the standard mitigating circumstances process.

NOW COMPLETE **SECTION 4 - PART A BELOW**

☐ I have evidence of a **disability**, or learning difference as defined by the Equality Act 2010 which was not possible to have made known in time for Reasonable Adjustments to be made for the assessments specified.

NOW COMPLETE **SECTION 4 - PART B BELOW**

☐ I believe there is evidence of **procedural irregularities** in the assessment process or conduct of my exams. If these had not happened, I believe there would have been a different result.

NOW COMPLETE **SECTION 4 - PART C BELOW**

☐ I believe there is evidence of **prejudice or bias** or lack of proper assessment on the part of my examiners.

NOW COMPLETE **SECTION 4 - PART D BELOW**

Section 4 – Details of your appeal

New evidence of significant mitigating circumstances

Section 4: Details of your appeal. Complete the relevant sections.

Do not copy/paste images of evidence into this form as this causes issues with readability.

You must provide everything you wish to be taken into account. We may not be able to consider new evidence once we have given you a decision.

It is your responsibility to provide evidence. The appeals team cannot request evidence on your behalf.

PART A - New evidence of significant mitigating circumstances

i. Description of your claim and supporting evidence

Explain the nature of your mitigating circumstances and how they affected you. Please provide specific dates. *Use a new row for each different circumstance you raise. Add additional rows as required. 200 words per row max.*	**Assessments affected** *Please include module code*	**Identify the supporting evidence you have provided** *Please include the file name and description*

If you want to appeal on the ground of **mitigating circumstances**, you need to complete **Section 4, Part A** of the Academic Appeal Form. If you have multiple Mitigating Circumstances, put each one on a separate line in the blue box and identify the module code(s) and assessment title(s) affected. For all mitigating circumstances, you will need to identify the supporting evidence you are providing.

You will need to give details of:

- your **circumstances**
- **when** they occurred and **how long** they lasted
- how they've **impacted** you personally and how they've **affected your academic performance**.
- You'll need to discuss how had the circumstances not existed, you would likely have passed the course or that the results might have been different.

It's also a good idea to mention the steps that you're taking to **overcome** your mitigating circumstances, to ensure that they don't continue to affect your studies and also show your commitment to the course.

In the next section, you need to explain why you couldn't apply for Mitigating Circumstances at the time.

ii. Explain why you believe it was not possible to inform your School/Department about these circumstances at the time they affected your studies. Submit evidence to support this.

Click or tap here to enter text.

New diagnosis of disability

PART B – New diagnosis of disability

This ground of appeal is intended for use by students who receive a diagnosis or other evidence of entitlement to Reasonable Adjustments either immediately before or shortly after the assessments specified. Eligible assessments will be those considered at the most recent Board of Examiners' meeting. Assessments from previous assessment periods are not subject to appeal.

The appeal will not be upheld if the student has not made a timely disclosure of evidence in their possession.

i. Details of the disability and assessments affected

What is your disability, long-term-condition or learning difference? *Use a new row for each different condition you wish to raise.* *Add additional rows where required.* *200 words per row max.*	**When did you receive this diagnosis?**	**Which assessments were affected by not having access to Reasonable Adjustments following this diagnosis?** *Please state the module code and specify the assessment eg. MC1234 Coursework 2*	**Date of each academic assessment affected**

For **New diagnosis of disability**, you need to explain:

- **how** this affected your studies,
- **how things might have been different** if the reasonable adjustments had been in place

Evidence needed

The type of evidence needed for this ground will depend on whether the University is aware of your disability.

a) If you have already provided evidence to the University:

Please note that it is not necessary to attach evidence of your disability with your appeal if you have already provided this to another University department such as AccessAbility. If evidence has already been provided, please **submit evidence of when you provided this with your appeal** and provide details below of what documentation has been provided, to whom and when this was.

Description of evidence already provided *Add additional rows as required. 200 words per row max.*	**Name of recipient**	**Date provided**

If you have already submitted evidence of your disability to a University team like AccessAbility, you do not need to resubmit this. However, you will need to provide evidence of when you made the University aware of this, including information of what documentation was provided, to whom and when.

b) If you have <u>not</u> already provided evidence to the University:

If evidence has not previously been provided, please list the evidence below and attach it with your appeal.

It is your responsibility to provide evidence. The Appeals team cannot request evidence on your behalf.

Medical evidence must be from a qualified medical practitioner, such as a **qualified** doctor, therapist or other medical professional.

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Description of evidence provided with the appeal *Use a new row for each item. Add additional rows as required. 200 words per row max.*	**Date of issue**

If you haven't already submitted evidence of your disability to the university, you will need to provide evidence of your diagnosis.

Procedural Irregularity

For **procedural irregularities**, you need to explain:

- **what** procedural irregularities you feel have occurred
- **how** they affected your studies
- **how things might have been different** if the irregularities hadn't occurred
- how your **evidence** demonstrates this.

Description of your claim and supporting evidence

What was the procedural irregularity? ***Please provide specific dates.*** *Use a new row for each issue you wish to raise. Add additional rows as required. 200 words per row max.*	Assessments affected *Please include module code*	Identify the supporting evidence you have provided *Please include the file name and description*

Prejudice and Bias

For **prejudice or bias**, you need to:

- explain **what** prejudice or bias you believe has taken place
- **how** it affected your studies
- **how things might have been different** if the prejudice or bias hadn't occurred and how your **evidence** demonstrates this.

Description of your claim and supporting evidence

Give a detailed description of your claim. ***Please provide specific dates.***	Assessments affected	Identify the supporting evidence you have provided

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Use a new row for each issue you wish to raise. Add additional rows as required. 200 words per row max.	*Please include module code*	*Please include the file name and description*

When is the deadline for submitting an appeal?

- All full-time campus based taught students: 10 calendar days from the notification of results.
- All part-time campus based taught, distance learning and postgraduate research students: 20 calendar days from the notification of results.

Appeals submitted after the given deadline will be deemed to be out of time and will not be considered **unless** you can provide evidence which shows you were prevented from submitting the appeal on time.

Where should I send my appeal form?

You should send your appeal form as a Word document **not** a PDF. Please note the Appeals team will be unable to open documents saved on your personal drive so you will need to download and attach them, along with your evidence, to the Appeals Team appeals@le.ac.uk

What happens next?

Once you've submitted your appeal form and evidence, it will be checked by the **Appeals Team** to see whether you have **eligible grounds** for appeal.

If you do not, you'll be notified in writing, and will be asked to supply further evidence, or told that it cannot be accepted. If it isn't accepted, and you believe there's evidence of procedural irregularity in the initial decision, or that your evidence for eligibility has not been fully considered, you can request that the University review their decision by completing the **Academic Appeal Review Request Form**. You have **14 days from the date of the decision** to do this.

Academic Appeal Review

In accordance with **Senate Regulation 10** you have a right to request a **review of the decision**, depending on if you meet the grounds.

a review will only be conducted if either there is evidence for the following grounds: -

- There is evidence of procedural irregularities in the initial consideration of the appeal;
- There is evidence within the appeal which it would appear has not been fully considered;
- There is **new material evidence now available**, which **could not reasonably have been made available at an earlier stage** in the appeal process.

Review requests that amount to an expression of dissatisfaction with the decision will not be considered.

In order to investigate whether you have grounds of appeal your **department may be asked to produce a report** relating to your appeal. Upon receiving the departmental report, the **Appeals Team** will conduct a **review** of the information provided and make a **judgement** as to whether the case goes forward to an appeals panel, is accepted, or is rejected.

If it's decided that your appeal will go to **panel**, you will have the opportunity to see the report and write a response to it. Your response should cover what you agree with from what the department has said, what you don't agree with, and what, if anything, they haven't addressed.

If your appeal is rejected at this stage, you will see the departmental report (for information only), but again you can request a **review of the appeal**.

If going to **panel**, your appeal and evidence, the department's report and your response will then be sent to an **appeals panel** for consideration.

The University will inform you of the date that this will occur.

The panel will be made up of *three* members of academic staff from within the University, but from outside your department, so will not know anything about your case other than what they see in your appeal and other documents. As such, it's important that you put your case across in as much detail as possible.

Once a decision has been made, you will be notified of the result. As at all other stages, **if you're unhappy** with your appeal outcome and **meet the grounds to do so**, you can request a review of your case **within 14 days of the decision being made**, which will be considered by the **Education, Quality and Enhancement Team**.

Office of the Independent Adjudicator (OIA)

If you're unhappy with the overall outcome of your appeal, after the review stage you can submit a complaint to the OIA **-** You have 12 months from the date of the outcome letter to raise a complaint with the OIA**.**

What can the Advice Service do for me?

Advice Service Here in the Advice Service, we provide confidential academic and housing advice. We also offer guidance and signposting to Employment Rights, Legal, Wellbeing Services and anything else that enriches your University experience. We are an independent organisation and separate from the University. Therefore, we have no involvement in the decision-making processes of the University and we do not have access to any of the data on academic and/or personal records.

If you have any queries about the appeals process, we have a small team of advisers on hand to help.

Our advisers can:

- explain the appeals process to you
- listen to your situation and give you advice on how best to put your case across
- check through your appeals form before you submit it and give you some suggestions on how to improve it
- look at your evidence and advise on what you should submit with your form

- signpost you to other services from around the Union, University, Student-led and community who might be able to help you with different aspects of your circumstances

Feel free to get in touch with us via our contact form, and we will then get back to you to provide further advice or discuss ways to support you through the process.

Reception Opening hours are 11am-3pm, Monday to Friday (term time).

Useful Links

University's Appeal Guidance

Progression and Award rules for UG

Progression and Award rules for PGT

leicesterunion.com/advice/

Advice Service
advice@le.ac.uk

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