

## The Academic Appeals Procedure

1. The Academic Appeals Procedure (the Procedure) applies to all taught students and postgraduate researchers<sup>1</sup>. The Procedure forms part of the Student Contract between students and postgraduate researchers and the University and provides a clear transparent process for investigation of appeal cases<sup>2</sup>.
2. The administration of the Procedure is undertaken by the Student Cases Team in the University Secretariat<sup>3</sup>.
3. An appeal under the Procedure must be made and pursued by you personally. You cannot delegate this responsibility to a third party<sup>4</sup>. Although in some instances appeals may be related to one another, each case will be the subject of separate consideration and determination under the Procedure.

### The basis for appeal

4. Appeals may be made against:
  - a. the decision to terminate your study/ require you to withdraw from your candidature/or for postgraduate researchers the decision to recommend transfer to MPhil candidature;
  - b. the outcome of an examination, assessment, or placement<sup>5</sup>;
  - c. the decision not to award you a degree/or for postgraduate researchers the decision to refer your research degree submission;
  - d. the award/ or for taught students the class of the degree you receive.
5. The grounds on which you can appeal a decision described in 4(a)-(d) above are set out below:
  - a. There were relevant mitigating circumstances (for example, illness), and you have a good reason for failing to notify the examiners of these sooner (taught students)<sup>6</sup>.
  - b. You did notify the examiners earlier about mitigating circumstances or some other disruption of the assessment process, but you believe that the examiners or the examining body did not give sufficient consideration to this information (taught students).
  - c. The assessment was conducted unfairly or improperly or the assessment of your achievement was biased.
  - d. A material<sup>7</sup> procedural irregularity has occurred in the processing of your assessment or results.
  - e. The supervision of your postgraduate research (postgraduate researchers) or Final Year Project or dissertation (taught students) was unsatisfactory<sup>8</sup>.
  - f. The decision to refuse a suspension or extension of study was unreasonable (postgraduate researchers).

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<sup>1</sup> Including full-time, part-time, students studying abroad, on work placement, external students and postgraduate researchers in the over-time period.

<sup>2</sup> All University case procedures are investigative rather than adversarial processes.

<sup>3</sup> The Procedure is overseen by the Head of Student Cases as nominee of the University Secretary.

<sup>4</sup> No correspondence or discussions will be entered into by the University with a third party unless you have first provided us with written consent to do so.

<sup>5</sup> Appeals will normally be against decisions of final awards agreed by an Examining Board or Group and may not be made against provisional results.

<sup>6</sup> A 'good reason' means that circumstances beyond your control prevented you from disclosing the relevant circumstances at the appropriate time. Personal embarrassment or unwillingness to disclose personal circumstances are not considered 'good reason' for the purposes of an appeal.

<sup>7</sup> 'Material' means that the procedural irregularity has significant consequences and affects the result published.

<sup>8</sup> An appeal will not normally be accepted if it was reasonable for you to have taken action or made a complaint at an earlier stage during your candidature either to resolve the situation or to make the examiners or examining body aware of the circumstances.

### Advice before making an appeal

6. Before deciding whether to make an appeal you should talk to your School to ensure that you understand the reasoning for the decision you wish to appeal against.
7. A decision that has been published (or in the case of postgraduate researchers, a decision that has been ratified by the relevant group of the Graduate Board) cannot normally be set aside unless an appeal is made and is successful<sup>9</sup>.
8. The decision of the Board of Examiners or other decision making body stands unless and until it is overturned by a decision on appeal.
9. If you are a postgraduate researcher and you submit an appeal against a decision to refer your thesis at the final examination stage or to transfer your registration to MPhil status your studies will normally be suspended by the University pending the outcome of your appeal. This will ensure that you do not lose any study time whilst your appeal is under consideration<sup>10</sup>.
10. The Student Cases Team is able to offer procedural advice but will not comment on or offer advice upon the content of your appeal, or comment on whether you should appeal. You may however seek independent advice and support from the Help and Support team of Leeds University Union<sup>11</sup>.
11. If you do not understand the assessment decision that has been published, or the feedback you have received, you are advised to contact the Director of Student Education in your School (taught students) or the Director of Postgraduate Research Studies (postgraduate researchers) for more information, and clarification.
12. If you hold a Tier 4 student visa, your immigration status will be affected by an examiner's decision to require you to withdraw from your studies. Additionally for postgraduate researchers your immigration status will be affected by an examiner's decision to transfer you to the MPhil candidature or to refer your thesis for resubmission for the degree of MPhil. If you are appealing against such a decision, you should seek advice from the International Student Office<sup>12</sup>.

### Deadline for appeal

13. The deadline for receipt of your appeal is **20 working days**<sup>13</sup> from the date of the publication of the decision against which you wish to appeal<sup>14</sup>. The University will not, ordinarily, consider an appeal submitted after the set deadline.
14. Very exceptionally, an appeal may be allowed where you provide an evidenced valid reason for the delay, in writing and as part of your late submission. Where an appeal is rejected as out of time, a Completion of Procedures letter will be issued, which will allow you to raise the out of time issue with the Office of the Independent Adjudicator for Higher Education (OIA). Further information about the OIA is set out at paragraph 52.

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<sup>9</sup> There may exceptionally be cases involving taught students where a School makes an application to the University Special Cases Committee to change a published decision.

<sup>10</sup> If you wish to undertake the corrections to your thesis following referral or to work towards an MPhil pending the outcome of your appeal you should first discuss this with the Student Cases team.

<sup>11</sup> See paragraph 70 for contact details.

<sup>12</sup> Any future return to study will be dependent on you having appropriate immigration permission at that time. It is therefore essential that you take good advice about protecting your immigration status. For further information, see: <http://students.leeds.ac.uk/info/21506/your visa/851/tier 4 responsibilities>.

<sup>13</sup> 'Working days' does not include the date of publication of the decision but does include the final date for receipt of the appeal.

<sup>14</sup> This could be the date your results are published online on Minerva or the date you are formally notified of a decision issued by the University, School, or relevant Board of Examiners or Group of the Graduate Board.

## Procedure

### *How to appeal*

15. To submit an appeal, you must complete the Appeal Form (available from the Secretariat website<sup>15</sup>). Your appeal must set out your case by reference to the grounds for appeal. You should also state clearly the remedy you are seeking. Your appeal and supporting evidence should be set out in chronological order or as a sequence of events.
16. You must include all the information and supporting documentation that you wish to be considered with the Appeal Form. It is your responsibility to ensure that all information and evidence is provided. Any information that is left out cannot be included at a later stage unless a good reason<sup>16</sup> is provided as to why it was not available earlier.
17. All appeals should be supported by independent evidence, including up to date medical evidence as appropriate. Those deciding your appeal will draw any conclusions they see fit from any omission. All evidence must be in English or with an authorised translation in English.
18. You must submit your completed Appeal Form together with all supporting evidence to the Student Cases Team by e-mail by the set deadline. You should expect to receive an acknowledgement of your appeal **within 5 working days**<sup>17</sup>.

### *Initial review*

19. All appeals are subject to an initial review **within 10 working days** of receipt. Your appeal may be refused on the basis of your Appeal Form alone if it does not, in the opinion of the Head of Student Cases (or nominee), consulting senior academic colleagues<sup>18</sup> as necessary, fall within the remit of this procedure or does not put forward appropriate grounds or evidence. In this connection, an appeal which questions the academic judgement of the examiners or assessors will not be permitted. You will be notified in writing of the rejection and the reasons for it.
20. If your appeal is accepted to go forward to your School for a response, you will be advised of this and the likely timeframe for consideration. If urgent action is identified by the Head of Student Cases (or nominee) as necessary your School will be asked to prioritise a response, and you will be advised of this.
21. If your appeal is rejected in accordance with paragraph 19 above, a Completion of Procedures letter will be issued which will allow you to raise the issue with the Office of the Independent Adjudicator for Higher Education (OIA). Further information about the OIA is set out at paragraph 52.

### *School Response*

22. Subject to paragraph 19 above, your Appeal Form will be forwarded to your School<sup>19</sup> for a response.

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<sup>15</sup> See paragraph 69.

<sup>16</sup> See footnote 6 for definition of 'good reason'.

<sup>17</sup> If the University cannot meet this or any of the other deadlines set out in this procedure, you will be kept fully informed of the reasons why.

<sup>18</sup> In the case of postgraduate researcher appeals this could include the Chair of the Graduate Board's Programme of Study and Audit Group or Examination Group.

<sup>19</sup> In the case of taught students it is anticipated that this will be the student's Parent School. In the case of postgraduate researchers it is anticipated that this will normally be the Graduate School, but in some cases could be the Parent School. For postgraduate researchers undertaking cross-faculty research, this will be the Parent School which assumes overall responsibility for your candidature.

23. The School's response will address the central concerns you have raised in your appeal and will include any supporting evidence. The School response will include representations from colleagues as relevant to your case<sup>20</sup>.
24. The School will submit its response by completing a School Response Form (which will be provided by the Student Cases team), together with all supporting documents, by e-mail or by post to the Student Cases team **within 20 working days** of the date of the request for a response to your appeal. If nothing is received by the deadline, subject to confirmation by a University Investigating Officer<sup>21</sup>, your appeal will be upheld. Otherwise, your appeal will proceed in accordance with paragraph 25 below.

#### *Final Comments*

25. The Student Cases Team will forward the School's response, including any supporting documents, to you so that you can provide final comments on your appeal. Your final comments should not repeat what you have written in your appeal but should address issues raised by the School in its response. You may wish to seek independent advice from the LUU Student Advice team before writing your final comments.
26. Your final comments must be set out in a Final Comments Form and must be submitted by e-mail or post to the Student Cases Team **within 10 working days** of the date of their request for your final comments. If nothing is received by the deadline the appeal will be deemed to have been withdrawn by you and the original decision against which you are appealing will stand<sup>22</sup>.

#### *Investigative Panel Stage*

27. Once your Final Comments Form is received<sup>23</sup>, the case will be reviewed by a panel of at least three people, normally the Head of Student Cases (or his/her nominee), and at least two University Investigating Officers.
28. The Panel shall have the power to seek such further evidence as it considers necessary. This may include seeking further written comments or information from you or your School, and seeking evidence or advice from individuals internal and external to the University. The Panel will normally allow you and your School up to 5 working days in which to respond to any written enquiries.
29. The Panel will aim to reach a decision on your appeal **within 10 working days** of receipt of all necessary documentation. There are three possible outcomes from the Panel review:
- a. A remedy proposed in the School Response will be confirmed if justifiable and does not jeopardise academic standards.
  - b. The appeal will be dismissed if there is no real prospect of success.
  - c. The appeal will proceed to be heard by the Committee on Applications.

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<sup>20</sup> For example, relevant representations may typically come from Chairs of Examination Boards and Examining Groups, School Committees, research supervisors, internal examiners and external examiners.

<sup>21</sup> University Investigating Officers are highly experienced members of academic staff appointed by, but not members of, the Committee on Applications. The Investigating Officer(s) dealing with your case will not have any connection with you or your school. The Investigating Officers allocated to consider a case will have relevant experience of the matters which are the subject of the appeal (e.g. taught or research degree examination). Investigating Officers will not uphold an appeal if the remedy you are seeking is not justifiable and/or jeopardises academic standards.

<sup>22</sup> This will be regardless of any proposal put forward in the School Response.

<sup>23</sup> Your Final Comments Form will be shared with your school for information. Unless requested by the Panel no further comment will be given by your School.

30. If the panel is unable to reach a unanimous decision, the appeal will always proceed to a hearing before the Committee on Applications. Your case will normally be listed for hearing at the next available meeting of the Committee on Applications<sup>24</sup>.
31. If your appeal is dismissed, the appeal procedure within the University will be at an end. You and your School will be informed in writing of the Panel's decision including its reasons. You will be issued a Completion of Procedures letter which will allow you to raise the dismissal of your case with the Office of the Independent Adjudicator for Higher Education (OIA). Further information about the OIA is set out at paragraph 52.
32. If you are offered a remedy by the Panel, and are dissatisfied, then you may request a final review by the Deputy Vice-Chancellor: Student Education if you have grounds to do so as set out at paragraphs 47-50 below.

*Hearing by the Committee on Applications (the Committee)*

33. The Committee has delegated authority of the University Senate to hear and determine academic appeals on its behalf.
34. All hearings of the Committee are conducted in private. The proceedings are investigative in nature and will be undertaken in a non-adversarial manner.
35. The Committee may call for additional information from you or the School prior to or at the time of the hearing.
36. Where the Committee so decides representatives from your School or other relevant individuals will appear before it to answer questions. The representatives will appear separately from you.
37. You will be advised of the date on which your case is to be heard **at least 10 working days in advance** and you are expected to appear before the Committee in person<sup>25</sup>. If the date of the hearing falls on a day when you are not available you must give a satisfactory reason for your unavailability if you wish to appear before the Committee at a future meeting. The absence or non-availability of a supporter will not be accepted as reason for any postponement. If it is agreed to postpone the hearing, you will be given at least 10 working days' notice of the date of the new hearing.
38. If this new date is still not possible for you, the Committee may choose to hear the case in your absence unless the reasons for the absence are, in the view of the Committee, sufficiently compelling to warrant a further postponement.
39. You may be accompanied at the hearing by one supporter of your choice who may or may not be a member of the University; for example, they could be an adviser from the LUU Student Advice team or a friend or relative. Your supporter cannot, however, be someone who has taken a part in the decision against which you are appealing. You will be asked to provide the name and capacity in which the supporter is attending in advance. Your supporter will neither be permitted to appear separately from you, nor be permitted to represent you, nor be involved in a related case.<sup>26</sup>
40. It is your responsibility to invite the supporter to attend any hearing and notify the supporter of the time and place of the hearing and for providing any documentation to

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<sup>24</sup> The dates for the Committee on Applications are published on the Student Cases Team website [http://www.leeds.ac.uk/secretariat/student\\_cases.html](http://www.leeds.ac.uk/secretariat/student_cases.html).

<sup>25</sup> Unless otherwise agreed in writing with the Student Cases Team, for example it may be possible to arrange to appear before the Committee remotely online if the Committee meeting is held outside term time or you are away from the University.

<sup>26</sup> This applies equally to any legal representative that you may decide to engage.

your supporter. You are responsible for the conduct of your supporter at the hearing and in support of the case. During the hearing you and your supporter may confer.

41. You or your supporter may make a statement at the hearing. If this is read from a prepared text, you must bring at least three copies of the text to the hearing to be given to the Committee and for the files. Members of the Committee may question you. Your supporter may not respond to the questions unless the Chair directs otherwise.
42. Neither you nor your supporter nor the School representative can question the Committee. If there are any questions or concerns these should be addressed to the Student Cases Team in advance of the day of the hearing.
43. Although it is to be expected that new or additional information may emerge through questioning you or any representative from your School or other individual called before the Committee, the Committee will take action, including but not limited to the discounting of such information, where it is decided by the Committee that the information could reasonably have been included in the Appeal Form or the School Response Form.
44. You and your supporter will be asked to leave the room while the Committee discusses your case.
45. The Committee will decide whether you have provided sufficient evidence to substantiate your claim on the balance of probabilities, i.e. that what you have claimed is more likely than not to be the case.
46. Normally, you will not receive a final decision on the day of the hearing. You will receive a final decision in writing, by post or by e-mail, including the reasons for the decision, as soon as possible after the hearing and normally **within 10 working days** after the Committee's meeting has ended.

*Request for final review by the Deputy Vice-Chancellor: Student Education*

47. Where you do not accept the remedy offered in 29(a) above or if you remain dissatisfied with the decision of the Committee, you may request a final review by the Deputy Vice-Chancellor: Student Education (through the Head of Student Cases) **within 10 working days** from the date of the letter notifying you of the decision of the Committee on Applications or Panel.
48. The Deputy Vice-Chancellor: Student Education (or nominee) will review the decision on the following grounds only:
  - a. The decision of the Committee on Applications or Panel was unreasonable in the light of the evidence supplied<sup>27</sup>.
  - b. The procedure for the Panel's review or the Committee on Applications' hearing of the appeal was deficient in a way which materially prejudiced your case.
  - c. New evidence has emerged which was not available when the appeal was lodged and there is a good reason why it was not brought to the Panel or Committee on Applications' attention during the Panel's review or the Committee on Applications hearing of the appeal.
49. The Head of Student Cases will evaluate the request for the review to ensure that it has been made in time and falls within the grounds for review set out in paragraph 48 of the

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<sup>27</sup> The Deputy Vice-Chancellor: Student Education will only review cases where there is information and evidence provided with the appeal to support grounds. Disagreement with the outcome is not in itself a ground for review.

Procedure. Upon completion of this evaluation, the Head of Student Cases or nominee will acknowledge the request for review in writing within 5 working days of receipt. If the decision is not to proceed, an explanation will be provided to you and a Completion of Procedures letter will be issued.

50. The Deputy Vice-Chancellor: Student Education (or nominee) will review the written material submitted to the first hearing of the case, a written statement of the outcome of the appeal and your written case. They will not normally consider new evidence (unless it has been clearly demonstrated that such evidence was unavailable at the time of the submission of the appeal).
51. The Deputy Vice-Chancellor: Student Education (or nominee) will issue their decision as soon as possible and normally **within 20 working days** of receipt of your request for final review. The Deputy Vice-Chancellor: Student Education may: uphold the Panel or Committee outcome; vary the Panel or Committee outcome; or refer the matter back to the Panel or Committee for reconsideration. You will be issued a Completion of Procedures letter which will allow you to raise the review by the Deputy Vice-Chancellor: Student Education (or nominee) with the Office of the Independent Adjudicator for Higher Education (OIA). Further information about the OIA is set out at paragraph 52.

#### *Office of the Independent Adjudicator for Higher Education (OIA)*

52. To seek an OIA review of your case, you should first ensure that you have been sent a Completion of Procedures letter, which the OIA requires as proof that you have exhausted the University's procedures. You must send the Completion of Procedures Letter to the OIA within 12 months of the date of the letter, together with a completed copy of its Complaint Form, which it will use to assess whether your case is eligible for review under its Rules.
53. Further and specific details about the OIA can be obtained from its website: [www.oiahe.org.uk](http://www.oiahe.org.uk).

#### **Other related matters**

##### *Access*

54. If you require an adjustment to the procedure due to disability or accessibility need you are asked to contact the Student Cases team with details on submission of your appeal.

##### *Awards*

55. You cannot have a degree conferred which is the subject of an appeal until either the appeal has been concluded or the appeal has been withdrawn.
56. No certification or academic transcript will be issued where a degree is the subject of an appeal.

##### *Withdrawal of Appeal*

57. You can withdraw your appeal at any point in the process by sending a letter or e-mail marked "Withdrawal of Appeal" to the Student Cases team. Once the appeal has been withdrawn, it cannot be reinstated. Acceptance of the degree either through conferment at a degree ceremony or *in absentia* will be taken as definitive evidence of such withdrawal. It is your responsibility to contact the University's Student Operations team<sup>28</sup> to ensure that the degree is not conferred *in absentia* against your wishes. The University will not consider an appeal that concerns a degree that has been conferred.

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<sup>28</sup> For contact details see paragraph 71.

### *Complaints and appeals*

58. You cannot pursue a complaint and an appeal simultaneously where the subject is common to or has a significant bearing on both cases. Where a complaint is being pursued, an appeal on the same or related matter cannot therefore be initiated until the complaint has either been resolved or formally abandoned permanently. The timescale for any appeal will continue to apply unless otherwise agreed in advance by the Student Cases team. If in doubt you should seek advice from the Student Cases team.

### *Correspondence*

59. All correspondence from the University in relation to your appeal shall be sent to an email address nominated by you. It is your responsibility to maintain the security of your email account, and to monitor your e-mail account, including all your junk email folders, for information from the University regarding your appeal.

### *Confidentiality*

60. You and the University will keep details of your appeal and any responses to it confidential, except where the disclosure is necessary to progress your appeal or implement a decision on the appeal, or where it is required by law or in the public interest. It is expected that you will not refer to your appeal on social media or otherwise publicise your case and the University reserves the right to take action if this is not respected.

61. Information about your appeal may be used anonymously to improve services for students and inform development of programmes and services at the University.

### *Abuse of Process*

62. The University will consider your case in good faith and will accept statements and answers accordingly. You should not expect to suffer any reprisals for lodging an appeal in good faith. However, the University will not ignore abuses of its trust or deceptions and reserves the right to take further or separate action where such abuses are found to have been perpetrated. In particular, if your appeal is judged to be trivial, malicious or vexatious<sup>29</sup>, you might be subject to disciplinary procedures.

### *Papers*

63. You are responsible for retaining copies of your case papers, correspondence and other records. The University will not provide copies or replacements of documents to you or your supporter.

### *Your Data*

64. The University holds and retains information about your appeal in accordance with the University Student Privacy Notice. For more information see [www.leeds.ac.uk/privacynotice](http://www.leeds.ac.uk/privacynotice). Personal information about third parties should not be submitted to the University as part of your case at any stage unless necessary. If third party information is included it must be accompanied by consent for us to process the data.

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<sup>29</sup> Trivial, vexatious or malicious appeals can be characterised in a number of ways:

- Appeals which are obsessive, persistent, harassing, 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.



### Costs

65. The University will not charge you for the consideration or the hearing of an appeal. Neither will the University, as a general rule, pay any expenses related to the appeals process.

### Accredited and Collaborative Provision

66. The Procedure applies to programmes accredited by the University of Leeds or programmes run in collaboration with the University of Leeds as set out in the accreditation document or collaborative agreement. Unless there is agreement otherwise the Procedure will always apply where the final award/degree is a University of Leeds award/degree.

### Dignity and Mutual Respect

67. The Procedure will be conducted in accordance with the University Policy on Dignity and Mutual Respect. All parties are expected to comply. The University reserves the right to restrict access to the Procedure in the event that there is considered to be unacceptable behaviour (e.g. abusive language towards staff processing the appeal in any form, email, telephone or person). In the event that a decision is made to restrict access you will be notified of the position by the Head of Student Cases, and information will be provided as to the future conduct of the appeal.

### Contact details

68. General information about the Procedure and the relevant forms can be obtained from the Secretariat at: [http://www.leeds.ac.uk/secretariat/student\\_cases.html](http://www.leeds.ac.uk/secretariat/student_cases.html)
69. The Student Cases Team can be contacted at E-mail: [studentcases@leeds.ac.uk](mailto:studentcases@leeds.ac.uk).
70. Contact details for the LUU Help and Support team (which is located on the ground floor of the Union building) is set out below. Their website can be found at [www.leedsuniversityunion.org.uk/helpandadvice](http://www.leedsuniversityunion.org.uk/helpandadvice)  
E-mail: [advice@luu.leeds.ac.uk](mailto:advice@luu.leeds.ac.uk) Tel: 0113 380 1290
71. Advice on graduation ceremonies can be obtained from Student Operations at:  
E-mail: [Graduation@leeds.ac.uk](mailto:Graduation@leeds.ac.uk) Tel: 0113 343 4117
72. Advice on PGR administrative matters can be obtained from the Postgraduate Research and Operations team at:  
E-mail: [rsa.communications@leeds.ac.uk](mailto:rsa.communications@leeds.ac.uk) (for general enquiries)  
[progress.temp@adm.leeds.ac.uk](mailto:progress.temp@adm.leeds.ac.uk) (for progress enquiries)  
[rp\\_examinations@leeds.ac.uk](mailto:rp_examinations@leeds.ac.uk) (for final examination enquiries)
73. Advice relating to student visas is available from the International Student Office at:  
[http://students.leeds.ac.uk/info/10500/international\\_students/877/international\\_student\\_office](http://students.leeds.ac.uk/info/10500/international_students/877/international_student_office)  
Tel: 0113 343 3930

Document Control	
Document Title: Academic Appeals Procedure	Document Owner: Secretariat
Version Number: v.4	Date of Version (RD): 1-7-2021