

Academic Regulations 8:

Academic Appeals Taught Courses

2024-2025

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Introduction

The University uses several procedures to ensure that assessment and marking is fair and accurate. We require:

- The use of transparent assessment criteria and the use of university-wide level descriptors;
- All marking to be subject to moderation (the checking of the marking process by another academic);
- The majority of assessment to be marked anonymously;
- The marking process to be overviewed by an external examiner with expertise in the subject area;
- All assessment deadlines to be published in advance;
- Clear communications to students about their marks and results;
- The use of an academic integrity procedure when an academic or professional officer believes there is evidence of academic misconduct.

Additionally, the University has a mitigating circumstances procedure which allows students to report external factors that have meant they were unable to complete work to the deadline.

The University wishes to ensure that the assessment process is carried out in accordance with these agreed procedures and that Assessment Boards have full and accurate information on which to base their judgements. We have designed the appeals process to identify and rectify any failure of this process in individual cases or to consider new evidence that was unavailable before the board which could explain an external factor that has impacted your ability to complete an assessment, while ensuring fairness for all parties.

Definition of Academic Appeals

What are the limits of an academic appeal?

1 An academic appeal is restricted to being a request for a review of a decision of an Assessment Board or an Academic Integrity Panel.

An Assessment Board is authorised by the University to:

- agree results and awards for students including any requirements for reassessment
- agree the termination of a student's registration for academic failure
- consider the appropriate action to be taken where mitigating circumstances has been presented to the Board

An Academic Integrity Panel is an independent body that sits to consider cases of alleged academic misconduct and recommend the appropriate penalty as defined in the [Academic Integrity Regulations](#) when it finds that academic misconduct has occurred.

What decisions am I permitted to appeal against?

- 2 The following are decisions of Assessment Boards and Academic Integrity Panels, all of which you can appeal against:
- The mark and grade of a module or modules including fail grades and the application of a cap to the minimum pass mark;
 - The type of reassessment that has been set, normally retake, trail or repeat;
 - Failure to progress into the following level of study;
 - Termination of registration on academic grounds;
 - The classification of an awarded degree;
 - A penalty applied following recommendation from an Academic Integrity Panel.

Because appeals can only be made against these decisions, the process excludes the following, for which a separate Student Complaints Procedure (GR2) or the Student Conduct and Behaviour Procedure (GR3) exist:

- complaints against services provided by the University
- complaints about the delivery of a programme, teaching, or administration
- complaints about misconduct by a member of staff or other students.

On what grounds can I make an appeal?

- 3 You have the right to appeal against the decision of an Assessment Board or Academic Integrity Panel, if there is evidence of one or more of the following:
- i) there has been a significant irregularity in the assessment process
 - ii) there is evidence of bias or a perception of bias in the assessment process
 - iii) the Assessment Board was not aware of a significant factor relating to the assessment of one or more students. This includes mitigating circumstances that could not be presented to the Assessment Board when it made its original decision.

Should I make an appeal if I do not think the mark I have received reflects the academic quality of my work?

- 4 No. The final mark you have received is based on the judgement of the academic marking the work. You may hold a different opinion on the quality of your work, but the academic is the primary authority in the subject matter of the assessment, the University's assessment regulations and the relevant grading criteria and level descriptors. As such, their judgement is final.

Should I make an appeal if I believe the feedback I have received is unhelpful, unclear or in my view does not reflect the work I have submitted?

- 5 No. If the feedback you have received does not help you understand how the assessor reached the mark they did, you should contact the module leader to discuss this further.

Tell me more about the permissible grounds for appeal

Irregularity in the assessment process

- 6 Our Fairness in Assessment Policy describes the formal processes put in place to ensure the accuracy and fairness of the marking process. If you have evidence that any of these processes have not been followed you may have a case for appeal. We also consider under this ground any communications you have received about assessment which might have influenced your approach in a way that has affected your ability to complete work. For instance, if you have received notification of a submission deadline from an authoritative source which leads you to handing work in at the wrong time, this may be seen as an irregularity in the assessment process.

Bias

- 7 If you have evidence that a teacher holds a bias against you which has led to an unreliable mark, you can appeal that mark.

Perceived bias is when circumstances suggest a marker might have been biased (whether they have been or not), and a neutral observer would consider under these circumstances that an assumption of bias is reasonable. For example, if you enter an academic integrity hearing to find the module leader who is presenting the case in conversation with the chair of the hearing, a neutral observer might consider it reasonable to assume that the module leader has been discussing this case without you present with the potential of biasing the decision of the panel.

Bias is never related to the subject of the work itself. For example, it is not bias if you believe an academic does not like the subject you have chosen for an essay.

Mitigating circumstances

- 8 For a fuller definition on mitigating circumstances and understanding of the procedures and rules, please refer to AR5 [Mitigating Circumstances and Student Assessment](#).

It is possible that, at the time of undertaking an assessment, you were impacted by a mitigating circumstance which affected both your performance and your ability to inform us of the circumstances at the time.

If you did not submit any work or did not attend an assessment event and want it considered under an appeal, we call this **late** mitigation. If you completed the assessment, and therefore declared yourself fit to sit, and then want us to consider annulling this declaration of fitness, we call this **retrospective** mitigation.

Late mitigation We will consider a claim for late mitigation under the appeals process and require evidence that explains why you were unable to submit a request for mitigation at the appropriate time, alongside the evidence of the mitigating circumstance.

Retrospective mitigation We will consider a claim for retrospective mitigation under the appeals process and require evidence that either:

- you were unable to exercise your rational judgement due to a medical condition when you chose to engage with the assessment or
- there is evidence of external pressures or circumstances that would have made it exceptionally difficult for you to choose not to undertake the assessment.

If retrospective mitigation is approved, the original mark is annulled, and you are offered a new assessment opportunity.

The Appeals Process

Early resolution

Should I appeal if I have found that there is an error in my results?

- 9 While the University has robust procedures to minimise administrative errors, it is possible that an error might have been made while processing your results. If you believe a mark or some marks in your record are wrong, you should raise this directly with Course and Student Administration team and the Module Leader or Course Leader. Any error will be rectified immediately, and you will not need to raise an appeal. We refer to this as early resolution.

If it is decided that the marks in your record are correct and you believe there remains an error, you can still raise this through the formal appeals process where your case will be subject to a more thorough investigation.

Timescales

What are the timescales?

- 10 You need to submit your appeal within 15 university working days of the date you received the results or outcome you are appealing against. Appeals submitted outside 15 university working days may still be considered if you have been delayed due to circumstances outside of your

control, but in all cases the sooner you make an appeal, the sooner we will be able to consider it.

The University will aim to respond to your appeal within 20 university working days of the submission of your appeal.

If you are dissatisfied with the appeal outcome, you can ask for a review of the decision. We call this a Stage 2 appeal, and you must submit this within 10 university working days of the day you received notification of the Stage 1 outcome.

The Procedure

How do I make an appeal?

- 11 If you believe that you have evidence on which to base an academic appeal, you can seek advice from the Kingston Students' Union Advice Centre. Further details about the Kingston Students' Union Advice Centre are available from <http://www.kingstonstudents.net/advice> and they can be contacted by email at support@kingston.ac.uk.

You should make your appeal using the online system via the "Your Studies" tab on OSIS. Instructions in how to enter this system are provided on the AR8/AR9 [Academic Appeals landing page](#).

The online system will ask you to identify on which grounds you are making your appeal. You can identify more than one.

You need to provide a clear statement explaining why you believe the outcome of the Assessment Board or Academic Integrity Panel is wrong. This should explain how the evidence you have supplied supports the grounds for appeal you have identified.

The online system will ask you to upload the evidence you have gathered to support your appeal statement. If you are still awaiting further evidence, (for instance, a letter from a doctor), you can indicate this on the system and upload it at a later date. In such a case, the investigation into your appeal will be paused until you have informed us that you have supplied all the intended evidence.

Once you are happy with your statement and satisfied that all relevant evidence has been uploaded, you can submit your appeal by following the instructions in the online system. By submitting the appeal, you are also authorising the University to seek verification of evidence under the Data Protection Act.

You will receive an acknowledgment immediately via an automated email response.

What should I do if I want to appeal against more than one mark or result?

- 12 You can appeal against as many decisions made by the Board as you believe are incorrect due to the identified grounds. You do not need to submit separate appeals for separate decisions. For example, if you think all your module marks for the year have been affected, you can ask for all these marks to be investigated in the same appeal. Similarly, if you think there are different grounds for appeal for different module marks, you can still make your case in one appeal.

You cannot appeal against the decisions of several boards that have sat over a period of time. For example, if you have been repeating a level 5 module and appeal against the mark you received at the end of the year, it is too late to also appeal against the decision of the previous year's Board when it required you to repeat the module.

What happens once I have submitted my appeal?

- 13 A member of staff designated within the Faculty to investigate appeals will undertake a review of the information provided. We call this a Stage 1 appeal investigation.

The investigator will consider the case and where necessary seek additional evidence or testimony from relevant staff members. The investigator may also ask you for additional evidence or clarification on the evidence or the statement you have provided. Where additional evidence has been collected, you will be given access to this when you are informed of the decision of the Stage 1 investigation. In some instances, we may redact such evidence.

Once the investigator has completed their investigation, they will make their recommendations to a senior member of faculty who will determine the final outcome of your appeal.

The Stage 1 process **can take up to 20 University working days** to complete. During this time, you need to assume that the original decision of the Assessment Board is the correct and final decision. For example, if you have been set retakes and you are appealing the original fail grade, you must engage with the retake assessments unless or until you receive an appeal outcome which advises you to the contrary.

What outcomes might I expect and when?

- 14 You will receive a letter from the senior member of faculty explaining whether your appeal is upheld, partially upheld or not upheld. The letter will provide an explanation of how the investigation came to this decision.

A partially upheld decision is made when a student has asked for several board outcomes to be considered and some of these are upheld and others are not upheld.

You should receive a response to your appeal no later than 20 university working days after the investigation was initiated. This is either the date you submitted your appeal or the date you submitted the final evidence, if this came after your initial submission. If the faculty is unable to complete an appeal investigation within this time, they will write to you and provide you with a date by which they will inform you of the result of your appeal.

If your appeal is upheld, the matter will be referred to the Assessment Board so that it can reconsider its decision. The Chair of the Assessment Board will take the required action to update your record, and the Course and Student Administration team will confirm the outcome to you in writing, normally within 10 University working days of the date of the Stage 1 decision letter.

The University does not alter marks when an appeal is upheld. The most likely outcome of an upheld appeal is that you will be given a new assessment opportunity in those assessments affected. On some occasions it may be possible to remark work you have already submitted, for instance in cases where bias has been found in the marking.

If the appeal is not upheld, no further action will be taken.

What can I do if am dissatisfied with the outcome?

- 15 Where the investigation concludes that grounds for appeal have not been established, or you believe the solution available for an upheld appeal is unsatisfactory, you can ask for a review of the Stage 1. This is called a Stage 2 review.

If you want the Stage 1 investigation to be reviewed, you should submit a Stage 2 appeal **within 10 University working days of the Stage 1 decision.**

You need to establish that there are grounds for a review of your Stage 1 appeal outcome. We expect you to demonstrate that there is evidence of one or more of the following:

- i) there was an irregularity in the application of the Academic Appeals Regulations at Stage 1
- ii) there is evidence that the outcome of the Stage 1 appeal was unreasonable in one or more circumstances
- iii) there is new evidence available which the student was unable, for valid reasons, to provide earlier in the process.

If you accept the outcomes of the Stage 1 investigation you do not need to take any further action and we will consider the matter closed.

How do I make a request for a Stage 2 review?

- 16 You can make a request for a Stage 2 review using the same online form in OSIS.

We do not consider Stage 2 appeals, if Stage 1 of the process has not been completed.

You can also seek advice from the Kingston Students' Union Advice Centre, before submitting your request for a Stage 2 review. Further details about the Kingston Students' Union Advice Centre are available from <http://www.kingstonstudents.net/advice> and they can be contacted by email to support@kingston.ac.uk.

Your request for a Stage 2 review will be acknowledged immediately via an automated email response.

You need to provide a new statement explaining why you believe the outcome of the Stage 1 appeal is incorrect, unreasonable, or that new evidence you have come by changes the outcome of the appeal, referencing the evidence you have provided.

You should provide all evidence at the time the appeal is submitted. If you are awaiting evidence from a third party, you can submit your request for a Stage 2 review and indicate that further evidence will be submitted at a later date using the relevant option in the online system.

The Stage 2 process **can take up to 20 University working days** to complete. During this time, you must assume that the original decision of the Assessment Board and/or the decision of the Stage 1 appeal investigation are correct and final.

What happens once I submit my request for a Stage 2 review?

17 The evidence you submit together with any background information such as results, Assessment Board minutes and the reports from the Stage 1 investigation will be presented to the Academic Registrar or nominee who will decide to:

- reject the appeal on the grounds of a lack of relevant evidence;
- Uphold the request for review and refer the case back to a new Stage 1 investigation (if you have established ground (i) above or your Stage 1 appeal was judged out of time and you have provided further evidence to show why you could not make the appeal earlier);
- Uphold the appeal and refer to the Chair of the Assessment Board for reconsideration of results (if you have established ground (ii) or ground (iii) above.

You will be informed of the outcome of Stage 2 consideration in writing **normally within 20 University working days** of the Stage 2 appeal request. If the appeal request is rejected, there will be no further opportunity for an appeal.

If the decision is to refer the case back to Stage 1, you can challenge the outcome of the subsequent investigation at a new Stage 2 review.

If the decision is to reject or uphold the appeal, the appeal process is considered completed.

What can I do if I remain dissatisfied with the outcome after the review Stage (Stage 2)?

- 18 Following the completion of the University's internal processes relating to appeals, the Academic Registrar will issue a letter informing you that the University's procedures are complete (completion of procedures). If you remain dissatisfied with the outcome it may be possible to make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA). Information and eligibility rules are available on their website (<https://www.oiahe.org.uk>).

The OIA will consider a complaint from a student if it is made within one calendar year of the date of the completion of procedures letter. If you did not request a Stage 2 review within the permissible time frame of 10 days and any request is subsequently considered out of time, you will still be issued with a completion of procedures letter which will allow you to take the complaint to the OIA within a year.

Other important information

Reasonable adjustments

- 19 The University will make reasonable adjustments to the procedures where necessary, including contact by email. If you are unable for any justifiable reason to use the online system to submit an appeal, we will accept submissions made using forms available from the Academic Registry.

Student expenses for making an appeal will not be reimbursed by the University regardless of the subsequent outcome.

Confidentiality

- 20 The University is committed to comply fully with the **Data Protection Act 2018** in its handling of personal data and will treat all appeals with confidentiality. Disclosure of evidence will be restricted to those parties involved in the investigation and review process. If you wish to make a request for a specific element of your appeal to remain confidential, you should indicate this within your statement at the point of submitting your appeal along with a brief rationale for this confidentiality so that this can be considered further by the Faculty (Stage 1 appeal) or the Academic Registrar (Stage 2 appeal). We cannot consider appeals which are made anonymously.

Evidence

- 21 The University cannot verify every piece of evidence submitted and it has to trust the honesty and integrity of its students. However, we reserve the

right to audit such claims and to treat any fraudulent or misleading submissions under General Regulations 3: Student Conduct and Behaviour Procedure. This may result in the termination of registration with no opportunity to complete the programme at the University.

You are normally required to provide evidence to support claims from an independent third party. By submitting your appeal you are authorising the University to seek verification of the evidence under the Data Protection Act.

Evidence provided in a language other than English must be accompanied by an independent professional translation.

Managing Unacceptable Behaviours in the Academic Appeals Process

22 The University is committed to providing a fair, consistent and accessible service and believes that everyone who approaches us has the right to be heard, understood and respected. However, the University has a responsibility to protect its staff and will consider adapting its processes if an appellant's behaviour becomes unacceptable. This will be assessed on a case-by-case basis however some examples of unacceptable behaviour or actions are provided here:

- Aggressive, offensive or abusive actions or behaviour, including threats, physical violence, personal verbal abuse, derogatory remarks and rudeness
- Unreasonable demands or persistence, including continual emails or letters, insisting on speaking to particular members of staff, requesting responses within unreasonable timescales, continuing to pursue a case once it has been closed.