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Kingston
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Academic Regulations 8:

Academic Appeals Taught Courses

2023-2024

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Section 1

Definitions

For the purposes of these procedures:

Term	Definition
Academic appeal	Is defined as a request for a review of a decision of an Assessment Board or an Academic Misconduct Panel.
Complaint	is defined as an issue/concern with services provided by the University; the delivery of a programme, teaching, or administration; misconduct by a member of staff or other students. The relevant procedures for dealing with complaints of this nature will either be the Student Complaints Procedure (General Regulations 2) or the Student Disciplinary Procedure (General Regulations 3)
Student	Is anyone on a programme of study who is registered for a University award or one conferred by the University under licence (e.g Edexcel awards such as HNC or HND), or is being assessed for credit. Separate Academic Appeals procedures exist for students on Research Degrees, see Academic Regulations 9
Assessment Board	Is the official body established by Academic Council whose members are drawn from the internal and external examiners for a programme. There are different types of Assessment Board: a Programme Assessment Board (PAB), a Reassessment Board (RAB - a sub-committee of a PAB with delegated authority to decide on re-takes), or, in the case of non-modular courses, a Course Assessment Board.
Academic Council	Is the body in the University with the authority to deal with academic matters including the expulsion of students on academic grounds including failure or inadequate progress and the conferment of awards.
Mitigating circumstances	Are defined for the purposes of assessment as circumstances of a serious nature, usually sudden or unforeseen, that occurred during or immediately before a specific item or period of assessment that have prevented to student from completing that assessment. These may be considered by a separate Mitigating Circumstances Panel. Students wishing to include mitigating circumstances in their appeal are advised to read the Academic Regulations 5: Mitigating Circumstances and Student Assessment before submitting an appeal.
Stage 1	Is the initial stage of the appeal process. At Stage 1 academic appeals must be submitted within 15 University working days of the date that results are published to students.
Stage 2	Is the review stage at which a student who is not satisfied with the Stage 1 Faculty decision, may submit a formal, written request for a review of the case by the Academic Registrar. Requests for a Stage 2 review must be submitted within 10 University working days of the date of the Stage 1 decision.

<p>Academic judgement</p>	<p>Is a judgement that is made about a matter where only the opinion of an academic expert will suffice. For example, a judgement about assessment, a degree classification, fitness to practise, research methodology or course content/outcomes will normally be academic judgement.</p> <p>The fairness of procedures, the facts of the case, misrepresentation, the manner of communication, bias, an opinion expressed outside the area of competence, the way evidence is considered and maladministration in relation to these matters are all issues where academic judgement is not involved.</p> <p>The application of marking criteria and grade descriptors to reach a mark is part of the academic judgement of a student's work. If a student believes they have documentary evidence that the wrong grading criteria have been applied to the work, or they feel the feedback does not indicate how the mark was reached they should seek clarification from the Module Leader.</p>
<p>Working Days</p>	<p>When periods of days are referred to in this document, unless otherwise stated a 'day' is normally a University working day, which is any day except weekends, bank holidays and the period between Christmas and New Year when the University's administrative offices are closed. This applies even when some areas of the University, such as libraries and learning spaces, are open during these times</p>

1. An Assessment Board derives its authority from Academic Council and is the only body that can:
 - agree results for students including any requirements for reassessment
 - agree the expulsion of a student for academic failure
 - consider the appropriate action to be taken where mitigating circumstances has been presented to the Board.
2. The decisions of an Assessment Board can only be set aside in exceptional circumstances. These are stated in paragraph 24.
3. Students must be informed of the dates by which any claims for mitigating circumstances must be submitted.
4. Stage 1 Academic Appeals should be submitted **within 15 University working days** of the publication of results on OSIS. Appeals received after this deadline should explain the reason for a late appeal submission e.g. the student was too incapacitated by illness to action the appeal within the stated timeframe. Stage 2 Academic Appeals should be submitted **within 10 University working days** of the Stage 1 outcome. If an appeal at either stage is submitted outside of the timeframe without an appropriate explanation as to why, it may be deemed out of time and no further consideration of the case undertaken.

Section 2

Scope and Purpose

5. The University's policies on the assessment of students, the role of external examiners and other related matters are published separately.
6. The Regulations do not cover complaints or appeals against matters that have already or are currently being considered by the Office of the Independent Adjudicator for Higher Education (OIA), a court, or a tribunal.
7. Students studying at partner institutions who are enrolled on Kingston University courses will have access to Kingston University's Appeals Regulations. Students from partner institutions who wish to make an appeal should therefore follow the processes described within these Regulations.
8. The University wishes to ensure that the assessment process is carried out in accordance with agreed procedures and that Assessment Boards have full and accurate information on which to base their judgements. The appeals process is designed to identify and rectify any failure of this process while ensuring fairness for all parties. All parties are required to act with impartiality and identify any actual or potential conflict of interest.
9. However, the University reserves the right to terminate the appeals process at any time if it judges that the appeal is vexatious or frivolous. This decision will be made by the Pro Vice-Chancellor (Education) on the advice of the Academic Registrar.
10. The University will make reasonable adjustments to the proceedings where necessary, including contact by email. Where a student is unable for any justifiable reason to use the online system to submit an appeal, the University will accept submissions made on forms available from the Academic Registry.
11. As appeals are always related to individual assessment outcomes, it is unusual for students to submit collective appeals. However, the University recognises that there may be exceptional circumstances where the issues raised affect a number of students and therefore those students may wish to lodge a collective appeal. In these cases, each student is expected to show how they have personally been affected by the situation. In certain instances, the case investigator may require a nominated individual to act as spokesperson for those students who are making the collective appeal.
12. The appeals process excludes the following, for which separate Student Complaints Procedure (GR2) or the 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.

13. Students should ensure that the issues being raised are pursued in accordance with the relevant University procedure and should seek advice from the Union of Kingston Students' Advice Centre if there is any uncertainty.
14. Academic Appeal case investigators will be independent, i.e. they will not be directly associated with the student's teaching and learning and will not have had previous involvement with the particular case under review. Membership or chairing of assessment boards that considered the student's results is not normally considered to be previous involvement in the case.
15. Student expenses for making an appeal or attending an appeal hearing will not be reimbursed by the University regardless of the subsequent outcome.

Accompaniment and representation

16. A student may wish to seek advice from the Union of Kingston Students when making an academic appeal. However, this is an internal procedure and it is appropriate for students to represent themselves with any necessary support which is permitted in accordance with paragraphs 18 and 19.
17. If the University believes there is evidence that the student is unable to engage effectively with the appeals process, it may suggest that the student appoint a representative.

Accompaniment

18. Students invited to attend a hearing may be accompanied by one friend, family member, officer or staff member from the Union of Kingston Students' Advice Centre, or a Trade Union or professional association staff member, if applicable. The individual accompanying is not permitted to make representations, or answer questions on behalf of the student.

Representation

19. Representation by any third party at a hearing will only be permitted where there is a compelling reason, for example, ill health and/or disability and if considered necessary by the Academic Registrar (whose decision is final). In such circumstances, the student must provide signed written consent for the representation. Representation at any other stage of the procedure may be permitted if the student submits a completed 'Nomination of third party representative (academic appeal)' form which must accompany the relevant appeal submission.

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 a student wishes to make a request for a specific element of his/her appeal to remain confidential, this should be indicated on the academic appeals submission

along with a brief rationale so that this can be considered further by the Faculty (stage 1 appeal) or the Academic Registrar (stage 2 appeal). It is not possible for the University to consider appeals which are made anonymously, nor will it consider requests made by appellants for appeals to be considered anonymously by case investigators.

Evidence

21. The University cannot verify every piece of evidence submitted and it has to trust the honesty and integrity of its students. However, it reserves 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.
22. Students are normally required to provide evidence to support claims from an independent third party. Students must authorise the University to seek verification of the evidence under the Data Protection Act.
23. Evidence provided in a language other than English must be accompanied by an independent professional translation.

Section 3 - The Academic Appeals Procedure

Grounds for an Appeal

24. A student has the right to appeal against the decision of an Assessment Board 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.*

***Mitigating circumstances that could not be presented to the Assessment Board**

These are claims that are made late or are for retrospective mitigation.

Late mitigation is when a student has not submitted work or attended an assessment event and did not make a mitigation request within the allowable timeframe. The University will consider a claim for late mitigation under the appeals process and requires evidence that would explain why the student was unable to submit a request for mitigation at the appropriate time, as well as the evidence of the impact of the circumstance itself.

Retrospective mitigation is when a student submitted work or attended an assessment event and therefore declared themselves fit to sit, following which they claim for mitigating circumstances, which would annul this declaration. The University will consider a claim for retrospective mitigation under the appeals process and requires evidence that the student was unable to exercise their rational judgement when they chose to engage with the assessment. If retrospective mitigation is approved, the original mark is annulled, and the student is offered a new assessment opportunity.

Student's wishing to appeal using ground iii (noted above) are advised to read [Academic Regulations 5: Mitigating Circumstances](#) and Student Assessment prior to submitting an appeal.

25. The following are not considered to be legitimate grounds for an appeal:
- complaints about the academic judgement of the Assessment Board, including complaints about grades and classifications of awards
 - complaints about the way in which mitigating circumstances were considered unless there is clear evidence that the defined procedures were not followed by the mitigating circumstances panel and/or the mitigating circumstances panel's recommendation was not appropriately considered by the Assessment Board
 - complaints about academic misconduct outcomes and penalties unless there is clear evidence that the defined procedures were not followed and/or the academic misconduct outcome was not appropriately considered by the Assessment Board

- information such as evidence of mitigating circumstances when there is no evidence to show why it could not have been presented at the correct time.
26. If an appeal is submitted that does not identify one of the permissible grounds as detailed in paragraph 24, the Faculty at Stage 1, or the Academic Registrar at Stage 2, will write to inform the student that the appeal cannot be accepted for lack of relevant grounds.

Appeals and Student Complaints

27. If an academic appeal includes issues that fall within the remit of other procedures, such as the Student Complaints Procedure, students will normally be informed of this and directed to the relevant procedure, although in all cases it remains the student's responsibility to ensure that the correct procedures are followed.
28. The University will endeavour to ensure holistic consideration is given to multi-issue complaints and that a coordinated response is given wherever possible.
29. Where a student has submitted both a complaint and appeal at Stage 1 in relation to connected issues, the Faculty will liaise with the Academic Registry and other relevant departments as appropriate to determine the best way forward for the issues raised. This will normally be done within the 20 University working days provided for the consideration of the appeal from receipt.
30. Where a student has submitted both a complaint and appeal at Stage 2, the Academic Registry will liaise with the Faculty and other relevant departments as appropriate to determine the best way forward for the issues raised. This will normally be done within the 20 University working days provided for the consideration of the appeal from receipt.

Stage 1: Faculty level investigation

31. Students who believe that they have evidence on which to base an academic appeal should seek advice from an appropriate member of staff and from the Union of Kingston Students' Advice Centre. Further details about the Union of Kingston Students Advice Centre are available from <http://www.kingstonstudents.net/advice> and they can be contacted by email at support@kingston.ac.uk.
32. If a student believes there are grounds for appeal as set out in paragraph 24, the matter can be raised initially with the member of staff responsible for the programme. Where appropriate and proportionate, the member of staff will provide the student with a written outcome. If the member of staff is unable to resolve the student's concerns, the student should submit a formal request for a stage one appeal using the online system **within 15 university working days of the publication of results in OSIS.**

33. All academic appeals should be made using the online system in OSIS. Instructions in how to enter this system are provided on the AR8/AR9 [Academic Appeals landing page](#).
34. All evidence should be provided at the time the appeal is submitted. Where a student is awaiting evidence from a third party, they should submit their appeal and indicate that further evidence will be submitted at a later date using the relevant option in the online system.
35. The student should provide a statement that explains why they believe there is grounds for appeal and references the evidence to support their claim.
36. A Stage 1 appeal request will be acknowledged immediately via an automated email response. A member of staff designated within the Faculty to investigate appeals will undertake a review of the information provided.
37. The investigator will consider the case and where necessary seek additional evidence or testimony from relevant staff members. The investigator may also ask the student for additional evidence or clarification on the evidence or the statement they have provided. Where additional evidence has been collected, the student will be given access to this when they are informed of the decision of the stage 1 investigation. In some instances, evidence may be redacted.
38. If it is found that there is ground for appeal, and the case investigator considers that the Board might have reached a different decision, the matter will be referred back to the Assessment Board to enable it to reconsider its decision. The student will be informed in writing. The Chair of the Assessment Board will take the required action to rectify the error and the Faculty will confirm the outcome to the student in writing, normally within 10 University working days of the date of the stage 1 decision letter.
39. If the investigation determines that the appeal should be heard, the student will be informed of this in accordance with paragraphs 55 to 66 of these regulations.
40. The student will be informed in writing where the investigation finds that there is no grounds for appeal.
41. Written confirmation of the Stage 1 decision should be provided to the student **within 20 University working days** of receipt of the appeal.
42. Where the investigation concludes that grounds for appeal have not been established, the student will be notified that they are entitled to a Stage 2 review. If they wish to pursue the matter, students should submit a Stage 2 appeal **within 10 University working days of the Stage 1 decision**. Stage 2 of the process is outlined in the section below.
43. The University will consider the case closed, if the student does not submit a request for review of the stage 1 decision. No further action will be taken.

Stage 2: Review of a Stage 1 Academic Appeal

44. Where the student is not satisfied that the matter has been resolved through Stage 1 of the process, s/he may submit a formal, written request to the Academic Registrar to undertake a Stage 2 – Review of a Stage 1 Academic Appeal. In doing so the student must state the grounds for the review (see paragraph 41 below) and complete the Stage 2 application and provide all supporting evidence **within 10 University working days** of the Stage 1 decision using the online system in OSIS. Instructions on how to enter this system are provided on the AR8/AR9 [Academic Appeals landing page](#).
45. A student has the right to request a review of a Stage 1 appeal if 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.
46. Stage 2 appeals will not be considered if the student has not completed Stage 1 of the process.
47. Students should seek advice from the Union of Kingston Students' Advice Centre, before submitting an appeal. Further details about the Union of Kingston Students' Advice Centre are available from <http://www.kingstonstudents.net/advice> and they can be contacted by email to support@kingston.ac.uk.
48. A request for a Stage 2 review will be acknowledged immediately. The Academic Registrar's office will reject the request for a review of the Assessment Board decision if the submission does not include relevant grounds or evidence.
49. All evidence should be provided at the time the appeal is submitted. Where a student is awaiting evidence from a third party, they should submit their appeal and indicate that further evidence will be submitted at a later date using the relevant option in the online system.
50. The Stage 2 process **can take up to 20 University working days** to complete. During this time, the original decision of the Assessment Board must be assumed to be the final decision.
51. The evidence submitted by the student 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
 - hear the appeal (see Section 5)
 - Uphold the request for review and refer the case back to a new Stage 1 investigation

- Uphold the appeal and refer to the Chair of the Assessment Board for reconsideration of results
52. The student 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.
 53. If the decision is to refer the case back to stage 1, the outcome of the subsequent investigation can be challenged at a new stage 2 review.
 54. If the decision is to reject or uphold the appeal, the appeal procedures are considered completed (see Section 5).

Section 4

The Appeal Hearing

55. The Appeal Hearing will be conducted by a panel of the Academic Board and its composition will be as follows:

Role	Title
Chair	Pro Vice-Chancellor (Education) (or nominee)
Members	Two staff members of Academic Council and a Union of Kingston Students nominee
Clerk	The Academic Registrar (or nominee)

The panel is quorate when three members including the Chair and the Clerk are present.

56. The criteria for the selection of the staff members of the panel should ensure that they:
- have experience of serving on an Assessment Board
 - are unconnected with the original decision against which the review is being sought
 - are unconnected with the teaching or assessment of the applicant's programme of study.
57. The panel will meet as soon as reasonably practicable after the student is notified that a hearing is required, normally **within one calendar month**. Where possible the date set will be at the student's convenience. The student's expenses for attending an appeal hearing will not be reimbursed by the University.

Procedures for conducting an appeal hearing

58. At least **10 University working days in advance** of the hearing the University will write to the student with details of the hearing including the membership of the appeal panel and ask that **within five University working days** the student:
- Confirm their attendance at the hearing and that they are happy with the arrangements
 - Confirm the name and relationship of the person who will be accompanying them to the hearing (see paragraphs 18-19)
 - Confirm the name and relationship of any witnesses that the student wishes to call during the hearing
 - Provide any additional evidence that they wish the appeal panel to consider that has not previously been submitted at stage one or stage two of the appeals process
 - Provide an indication of the outcome they are seeking within the scope of the regulations.

54. The members of the appeal panel, the student, the person accompanying the student and the Dean of the relevant Faculty (or nominee) will receive the same documentation prior to the hearing including:
- the student's submission and supporting evidence
 - the minuted discussion relating to the candidate at the Assessment Board
 - the evidence on which the original decision was based such as the assessment results
 - the relevant assessment regulations
 - information on how to access further advice and support
 - information about the composition of the panel, and
 - other documents which may be considered relevant.
55. Submission of additional evidence will not be permitted except orally during the hearing. Tabled evidence will not be permitted.
56. The panel will interview:
- the student (who may be accompanied– see paragraphs 18-19)
 - any witnesses that the student wishes to call
 - the Chair of the appropriate Assessment Board
 - any witnesses that the Faculty wish to call, who should include the Course Director (or equivalent) and any other appropriate members of the Assessment Board.
57. The student will be invited to hear the evidence of the programme team and the Dean of the relevant Faculty (or nominee) will be invited to hear the evidence of the student. Any witnesses for either the student or the Faculty are only permitted to attend the hearing during the period in which they are giving evidence.
58. It is a requirement that academic staff from the Faculty attend the meeting. An appeals panel has the power to call upon independent external expert(s) or adviser(s) as it deems fit.
59. The student is expected to attend the hearing in person. In the event of a student's non-attendance the appeal hearing will proceed. A representative will not be allowed to attend on the student's behalf. Exceptionally, this condition may be waived by the Chair of the appeals panel where there is evidence to show that a student is unable to comply, e.g where a student is too incapacitated by illness to attend.
60. Students have the right to call any witnesses that they choose who will be able to provide information pertinent to the issues under consideration at the appeal hearing. The Faculty also have the right to call any witnesses that they choose who will be able to provide information pertinent to the issues under consideration at the appeal hearing. Witnesses will not be able to ask questions on behalf of the student and are only permitted to be present whilst giving evidence.

61. The appeals panel will consider the evidence and agree on the balance of probabilities either that:
 - the Assessment Board should be asked to reconsider its original decision; or
 - the Assessment Board decision should stand.
62. After all evidence has been heard the appeals panel will retire to a private meeting to consider their decision. Therefore the student and the Faculty will be informed of the outcome of the appeal hearing in writing **within five University working days** and provided with a copy of the report.
63. The decision of the appeals panel is final and cannot be the subject of any further appeal unless there is evidence of significant procedural irregularity.
64. Where the appeals panel decide that the original Assessment Board decision should stand the student will be provided with a completion of procedures letter as stipulated below from paragraph 71.

Reconsideration by the Assessment Board

65. If the appeals panel decide that the Assessment Board is required to reconsider its decision, this must be done at the earliest opportunity and normally **within 20 University working days**. The student must be informed of the outcome **within five University working days** of the Assessment Board meeting and the minutes of the meeting sent to the Academic Registrar who will inform the members of the appeals panel.
66. If it is felt that the irregularity may have affected other students, Academic Council may annul part or all of the assessment process.

Section 5

Completion of Procedures

67. At the completion of the University's internal processes relating to appeals, the Academic Registrar will issue a letter informing a student that the University's procedures are complete. If a student remains 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.
68. If a student requests a Completion of Procedures Letter from the University following completion of Stage 1 and prior to the completion of Stage 2, the Faculty should provide a letter confirming that the student has not yet completed the University's internal processes.

Section 6

Managing Unacceptable Behaviours in the Academic Appeals Process

69. 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 phone-calls, emails or letters, insisting on speaking to particular members of staff, requesting responses within unreasonable timescales, continuing to pursue once a case has been closed.