

TRINITY LABAN

ACADEMIC QUALITY HANDBOOK

CHAPTER H.2 - ACADEMIC APPEALS PROCEDURES

1 Introduction

- 1.1 The Academic Appeals Procedure is a formal process by which students can request a review of a decision made by an Assessment Board regarding their assessment, progression or award.
- 1.2 This procedure applies to all registered students and recent graduates at Trinity Laban either taking or have taken programmes which are validated by Trinity Laban and which lead to a formal award or credit-bearing module.
- 1.3 Procedures for appeals relating to Research Degree Programmes validated by City, University of London are outlined on City's website:
<https://studenthub.citystgeorges.ac.uk/student-support-services/student-concerns-and-rights/student-conduct-and-compliance-team/academic-appeal-procedure>
- 1.4 This procedure is aligned to [Principle 12](#) of the QAA's UK Quality and to the Office of the Independent Adjudicator for Higher Education's [Good Practice Framework: Handling Student Complaints and Academic Appeals](#).
- 1.5 Standard timescales for the processing of appeals are set out below; students will be kept informed in case of unavoidable delays, although appeals will be investigated in as timely a manner as possible allowing for a reasonable, thorough and proportionate investigation. Students will be kept informed of the progress of their appeals at all stages.
- 1.6 The Institution will consider appeals with regard to principles of natural justice and procedural fairness, equality and diversity:
 - a. Decisions will be taken impartially, with those involved having no personal interest in the outcome or previous involvement in the consideration of the case.
 - b. Those with the power to reach a decision will be able to consider the case fully in the light of the evidence available. The Appeals Panel will have authority to make final decisions on appeals delegated from the Academic Board.
 - c. Decisions will be made on the basis of a reasonable judgment on the balance of probabilities.

2 Student Support

- 2.1 Students may receive support from Trinity Laban's Student Services Department before, during, and after making an appeal. The types of support available include assistance with making the appeal & responding to communications; and wellbeing support.
- 2.2 The student(s) may choose to be accompanied by a member of the Student Services team or by an officer of the TLSU for support. Exceptions to this rule will be considered on a case-by-case basis in accordance with relevant sector guidance.
- 2.3 Legal representation is not allowed at any stage of the proceedings for the student or the Institution. Exceptions to this rule will also be considered on a case-by-case basis in accordance with relevant sector guidance.
- 2.4 Trinity Laban Students' Union may also be available to support students and details of how to contact them can be found at TLSU.org.

3 Reasonable adjustments

- 3.1 Students who may require reasonable adjustments to enable them to navigate this procedure should make this known at the earliest opportunity.

4 Grounds for an appeal

- 4.1 An appeal may only be made on one or more of the following grounds:
 - a) that there was a **material administrative error** or a **failure to follow regulations and procedures**, either in the **conduct of the assessment** itself, or in the **proceedings of the Assessment Board**, or in the **administration of the Additional Considerations Procedure**, which **significantly affected** the Assessment Board's decision; AND/OR
 - b) that there is **substantive evidence** that **one or more** of the **examiners** can be **shown to have been biased or prejudiced against the student** in **one or more specific assessments**; AND/OR
 - c) that you were subject to **mitigating circumstances** at the **time of the assessment**, which were **unforeseen** and **outside your control**, and **which were unknown to the Assessment Board**; **could not have been made known before now** for a **demonstrated, valid and over-riding reason**; and **resulted in a significantly impaired performance**.
- 4.2 Students may not appeal on the grounds that they:
 - a) were unaware of the published assessment regulations and procedures;
 - b) disagreed with the academic or professional judgement of the examiners or the Assessment Board (subject to the ground of substantive evidence of examiner bias as set out above);
 - c) failed to submit a claim for additional considerations in accordance with the Additional Considerations Procedure.
- 4.3 Appeals may not be made regarding issues covered by the Institution's complaints procedures
- 4.4 Appeals may be rejected summarily where they are:
 - a) duplicate appeals and appeals which have already been previously considered and decided;

- b) matters where the student is looking for a remedy which lacks any serious purpose or value or a fair-minded person would consider to be trivial.

5 Informal Stage

- 5.1 Prior to making an academic appeal, students are encouraged to speak with their programme leader; head of department; or tutor to discuss the reason for their mark and the feedback they received.
- 5.2 Where a student believes an administrative error associated with the calculation of marks and/or award has taken place this may be addressed informally by contacting the relevant academic administration team.
- 5.3 Where matters are unable to be resolved informally, the student may make a formal academic appeal within the relevant time frame as set out below.

6 Stage 1: Formal Stage

- 6.1 An appeal, with appropriate evidence, must be submitted to the Registrar's nominee within 28 calendar days of the release of results following an Assessment Board meeting. The online form for making an Academic Appeal can be found [here](#).
- 6.2 An appeal may only be lodged by an individual student. An appeal may not be lodged by a member of staff or relative on a student's behalf, nor by more than one student acting together.
- 6.3 Where an appeal is submitted late, it will ordinarily be rejected and a Completion of Procedures Letter provided to the student. In accordance with OIA guidance, when deciding whether to accept a late appeal, the nominated officer will consider the student's individual circumstances, the nature and seriousness of the issues they are raising, and whether it is still reasonably possible to investigate the events. The Registrar or nominee's decision as to whether to accept an academic appeal submitted late will be final. The reason for accepting or rejecting an academic appeal received late will be recorded.

Initial scrutiny

- 6.4 The receipt of an appeal will be acknowledged within five calendar days by the Registry.
- 6.5 The initial scrutiny will be carried out by the Registrar or nominee.
- 6.6 The purposes of the initial scrutiny are:
 - a) To ensure that the appeal documentation has been fully completed and that all relevant evidence has been provided;
 - b) To reach an initial view on whether there is a case and sufficient evidence to merit consideration of a claim on one or more of the grounds for appeal;
 - c) To provide an opportunity, in consultation with the Programme Leader or another relevant member of the teaching staff, for the resolution of issue(s) informally with the student, where appropriate;
 - d) To investigate, where appropriate, the subject matter of the appeal;
 - e) To determine an outcome of the academic appeal where appropriate.

- 6.6 The possible outcomes of the initial scrutiny are:
- a) an opportunity for the student to resubmit the appeal within 10 calendar days in order to ensure the clarity of the appeal and the full presentation of relevant evidence;
 - b) referral of the case for immediate rectifying action by the Chair of the Assessment Board where the irregularity involves an administrative error associated with the calculation of marks and/or award;
 - c) permit the student (under delegated authority from Academic Board) to resit some/all failed assessments as a first or additional attempt, where necessary reinstating him/her/them on the programme;
 - d) referral of the case to an Appeal Panel where it is not possible to determine an outcome at this stage and/or the substance of the appeal;
 - e) refusal of an appeal on the basis that the documentation is not complete and/or insufficient evidence has been provided, or there are insufficient grounds for appeal as set out in section 4 above;
 - f) to refer all or part of the academic appeal to another procedure for consideration and to stay consideration of all or part of the academic appeal pending resolution of that alternative procedure. Where an appeal has been stayed pending the outcome of an alternative procedure, the student will be informed of the reason for doing so; provided with details of that procedure; and the stay will be lifted as soon as reasonably practicable following resolution of that procedure.
- 6.7 The Registrar or nominee may not recommend any alteration to the original marks.
- 6.8 The student will be informed of the outcome of the initial scrutiny, within 15 calendar days of the appeal being received. Where an appeal is refused reasons will be provided. A student whose appeal has been refused at the initial scrutiny stage will have 15 calendar days to request a review of the decision under Stage 2: Review of Academic Appeal.
- 6.9 In exceptional circumstances, where the subject matter of the appeal is unable to be investigated (for example where a relevant member of staff is unavailable due to annual leave or ill health) within 15 calendar days, the investigation may need to be suspended temporarily. In such circumstances the student will be kept informed of the reason for the suspension and likely timeline for when they can expect an outcome to be provided. No appeal may be suspended for a period of more than 60 calendar days.
- 6.10 The process and outcomes of the initial scrutiny will be documented and a record retained.

Academic Appeal Panel

- 6.11 An Academic Appeal Panel will normally be convened within 20 calendar days of the outcome of the initial scrutiny stage. No member of the panel may have had any previous involvement with the consideration of the case. The membership of the panel will be made up of:
- Artistic Director or nominated Deputy (in the Chair – the Chair must not come from the student's own subject area (Dance, Music, Musical Theatre); the nominated deputy may be the Director of Learning, Teaching & Student Experience, Head of Research & Knowledge Exchange, Head of Undergraduate Programmes, Head of Postgraduate Programmes, Head of Department or a Programme Leader)
 - One member of the teaching staff (nominated by the Chair; the member of staff should not have taught the student nor had any previous involvement in the case)
 - Secretary (nominated by the Chair)

- 6.12 The Secretary will be responsible for the administration of the proceedings. The Secretary will keep detailed records of the proceedings, and will be responsible for all notifications to the student.
- 6.13 The student will be invited to attend the Appeal Panel hearing and can choose to be accompanied in accordance with 2.2 and 2.3 above. If a student chooses not to attend, or fails to attend without submitting written notification of valid reasons for postponement, the panel may meet in the student's absence.
- 6.14 The Registry will send notification of the Appeal Panel hearing to the address listed on the appeal form and to the student's Trinity Laban email address.
- 6.15 Where the student has chosen to attend the meeting and is prevented from attending for substantial and demonstrable good reason, the Chair and the Secretary of the Panel may use discretion to rearrange the meeting. The absence of the student from the Appeal Panel does not invalidate the proceedings, where the panel has good reason to decide that the student has been given a fair opportunity to attend. The panel may take into account whether the student gave reasonable notice of his/her/their inability to attend the Appeal Panel hearing.
- 6.16 The Appeal Panel will have discretion to regulate its own operation, aiming for a fair, reasonable and timely investigation.
- 6.17 The student may submit any further written information in support of their appeal no later than seven calendar days in advance of the meeting of the panel. The panel will not normally hear witnesses other than the student concerned and the student, member of the Students' Union or member of staff acting as his/her/their representative. The Chair may, however, call for other papers; exceptionally; examine witnesses; and conduct whatever other investigations the Appeal Panel may consider appropriate to ensure fair and thorough investigation of the case, bearing in mind the interests of all parties. The Appeal Panel may postpone a decision to clarify evidence or allow further investigation.
- 6.18 The Appeal Panel will consider the appeal with delegated authority from the Academic Board and make a recommendation either to:
- a) permit the student to resit some/all failed assessments as a first or additional attempt, where necessary reinstating him/her/them on the programme; OR
 - b) refuse the appeal, accompanied by clear reasons that will be provided to the student
- 6.19 The panel may not recommend any alteration to the original marks.
- 6.20 The Secretary to the Appeal Panel will make the panel's decision known to the student in writing normally within 10 calendar days of the Appeal Panel hearing and the correspondence will be copied to all relevant senior staff. Such notice will be accompanied by a statement of the reasons for the decision.
- 6.21 A student whose appeal has been refused is entitled to request a review of that decision within 15 calendar days under stage 2 of these Regulations.
- 6.22 The Assessment Board will be notified of the outcome of the Appeal Panel hearing only where an appeal has been upheld.

7 Stage 2: Review of Academic Appeal

- 7.1 Where a student is dissatisfied with the outcome of Stage 1, they may request a review of the decision within 15 calendar days of the date of the Academic Appeal Panel's/Initial Scrutiny letter setting out the decision.

- 7.2 Students can request a review of the decision as long as the request is based on one or more of the following grounds:
- a) a claim that the procedure has been implemented improperly
 - b) there is significant new evidence or information, which was unavailable at a previous stage
 - c) the outcome was not reasonable in the circumstances
- 7.3 Requests for a review should be made in writing using the standard form (available from the Registry or the Students' Union or [here](#)). The completed form should be returned to the Registrar who will organise a suitable member of staff to conduct the review. This will be the Artistic Director; Director of Learning, Teaching & Student Experience, Head of Undergraduate Programmes or Head of Postgraduate Programmes who does not come from the students' own subject area (Music, Dance, Musical Theatre) and has had no prior involvement in the appeal.
- 7.4 The reviewer may:
- a) Uphold the original decision either in whole or in part
 - b) Refer the decision to an Appeal Panel for reconsideration
 - c) Overturn the original decision either in whole or in part
- 7.5 The outcome of Stage 2 will be communicated to the student within 20 calendar days and will include a clear explanation and outline of the reasons for the decision.

8 Completion of Procedures: Office of the Independent Adjudicator

- 8.1 The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review academic appeals. Trinity Laban is a member of this scheme. If you are unhappy with the outcome you may be able to ask the OIA to review your academic appeal. You can find more information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right here: [https://www.oiahe.org.uk/students\(/students/\)](https://www.oiahe.org.uk/students(/students/)).
- 8.2 You normally need to have completed our Academic Appeals Procedure (or those of City, University of London for Research Degree Programmes) before you complain to the OIA. We will send you a letter called a "Completion of Procedures Letter" when you have reached the end of our processes and there are no further steps you can take internally. If your academic appeal is not upheld, we will issue you with a Completion of Procedures Letter automatically. If your academic appeal is upheld or partly upheld you can ask for a Completion of Procedures letter if you want one. You can find more information about Completion of procedures letter and when you should expect to receive one here: [https://www.oiahe.org.uk/providers/completion-of-procedures-letters\(/providers/completion-of-procedures-letters/\)](https://www.oiahe.org.uk/providers/completion-of-procedures-letters(/providers/completion-of-procedures-letters/)).
- 8.3 A request to review the outcome of your academic appeal must be sent to the OIA within 12 months of the date of the Completion of Procedures letter.

9 Recording and monitoring

- 9.1 We are committed to learning from feedback received through all routes, including the academic appeals procedure. The Academic Standards and Quality Board has oversight of the management of systems for feedback from academic appeals and reports to the Academic Board. The Registrar or nominee will:

- a) Maintain an accurate record of all academic appeals received and outcomes reached at stages one to three;
- b) Alert relevant departments to any managerial or quality assurance issues raised as a result of the investigation of any academic appeal;
- c) Prepare an annual summary report for the Academic Standards and Quality Board – reporting to the Academic Board.

The Academic Standards and Quality Board will oversee the periodic review of the academic appeals procedure - at least once every four years, ensuring that the procedure is in line with external good practice, including that set out in the Quality Assurance Agency's Code and the OIA Good Practice Framework.

10 Confidentiality

- 10.1 We shall handle all appeals with appropriate levels of confidentiality, releasing information only to those who need it to investigate or respond to the appeal or any outcome.
- 10.2 Personal and sensitive information gathered in relation to investigations under these procedures will be held securely, whether held physically or electronically and in a separate location to your main file.
- 10.3 We will retain personal and sensitive information gathered in relation to investigations under these procedures for two years following any Completion of Procedures Letter.
- 10.4 Where we received notice that the OIA has been asked to investigate, we will retain the information for a year following any outcome provided by the OIA.

11 Expectations of Behaviour

- 11.1 It is important for Trinity Laban that we provide a safe working environment for members of staff processing appeals. This includes taking into account the negative impact that some behaviour may have on them and their work.
- 11.2 Students are expected to behave in accordance with the [Student Code of Conduct](#). Where students fail to do so, these procedures may be stayed for an appropriate period of time; proceedings may continue without the presence of the student; and/or referral to the Student Disciplinary Procedures may be made.