

Student Academic Appeals Policy

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1. Introduction

- 1.1 The Policy and Procedures set out here are intended to provide a clear and impartial process for handling student appeals against assessment results or a decision of a committee or equivalent body which affects a student's academic status or progress in NMITE as detailed in 2.1.
- 1.2 In preparing this document, NMITE has been informed by the QAA UK Quality Code for Higher Education, and the Good Practice Framework for handling complaints and academic appeals produced by the Office of the Independent Adjudicator.
- 1.3 NMITE recognises that it has a duty to act fairly, which both informs and underpins all its processes when dealing with students.

NMITE is committed to addressing appeals made under this policy in a manner that:

- i. where appropriate, seeks to resolve issues informally through the student support system.
- ii. treat appeals fairly, transparently and with appropriate seriousness.
- iii. is carried out in a reasonable and transparent timescale.
- iv. is in accordance with NMITE's published policies and practices
- v. has due regard to any applicable law.

2. Scope of the Policy

- 2.1 This Policy and the procedures herein should be used if a student wishes to appeal against a final decision of an Assessment Board, or a committee or equivalent body which affects their academic status or progress, including (but not limited to):
 - i. the result of a formal assessment or the award of a particular degree classification.

- ii. a requirement that a student interrupt their studies on grounds of unsatisfactory progress or failure to meet academic or professional requirements.
 - iii. a decision that that a student be withdrawn from NMITE or be excluded from their programme, element of programme, or study, on grounds of unsatisfactory progress or failure to meet academic or professional requirements or arising from unsatisfactory work and attendance.
- 2.2 This Policy does not apply to appeals relating to any of the following:
- i. Admissions - please refer to NMITE's Admissions Policy.
 - ii. Academic Misconduct - please refer to NMITE's Academic Misconduct Policy.
 - iii. Student Disciplinary - please refer to NMITE's Student Disciplinary Policy.
 - iv. Disability and Reasonable Adjustments – please refer to NMITE's Disability Support and Reasonable Adjustments Policy.
 - v. Complaints which relate to concerns about the provision of a service or facility - please refer to NMITE's Student Complaints Resolution Procedure.
- 2.3 NMITE seeks to resolve academic appeals as quickly as possible and normal timescales are included within this policy. In some circumstances, a student or NMITE may not be able to meet the normal timescales for a good reason and all parties will be kept informed of any changes to timescales.
- (*working days are defined as a Monday to Friday working week, excluding UK Public Holidays).
- 2.4 No student appealing under this Policy, whether successfully or otherwise, shall be treated less favourably than would have been the case had an appeal not been made.

3. Grounds for Appeal

- 3.1 If a student wishes to appeal, they must do so on their own behalf. An appeal submitted by a representative will not be accepted unless accompanied by written authorisation from the student. Support and advice on any aspect of the appeals process is available from their Personal Tutor, including the ability for reasonable adjustments to be made.
- 3.2 A student may appeal against a decision of an Assessment Board on one or more of the following grounds:
- i. Where the student provides written evidence in support of a claim that performance in the assessment was adversely affected by extenuating circumstances which they were unable or, for valid reasons, unwilling to divulge before the Assessment Board reached its decision, or,
 - ii. Where there is clear evidence, whether provided by the student or otherwise, that:
 - there has been a material administrative error, and/or

- the assessments were not conducted in accordance with the regulations for the programme and/or special arrangements formally agreed, or
- some other material irregularity relevant to the Assessment Board's decision has occurred, or
- there has been bias, or reasonable perception of bias (bias is a tendency to treat one person or group, thing or point of view more or less favourably than another, especially in a way considered to be unfair).

3.3 Students cannot appeal on any ground which:

- i. disputes an academic judgement which was arrived at following due process, that is, a decision made by academic staff on the quality of the work itself or the criteria being applied to mark the work (rather than the administrative marking process), or,
- ii. has already been considered and rejected by the Extenuating Circumstances Committee, unless additional evidence in support of the original claim is provided for the purpose of the appeal, and there is a valid reason why the additional evidence was not submitted with the original claim for extenuating circumstances.

3.4 Prior to taking a final decision as to whether to request a review or not under this policy, students are encouraged to contact their Personal Tutor and/or Module Lead to discuss their concerns and attempt to resolve the issue(s) informally.

4. Academic Appeals Procedure

4.1 There are two possible stages included within the Student Academic Appeals Procedure at NMITE:

- The formal appeals process – Assessment Appeals Panel
- The Outcome Review

Students must go through the formal appeals process before they can submit a request for a review.

5. Academic Appeals Panel

5.1 If a student decides to submit an application for an appeal, they must meet all the criteria listed in paragraph 5.2. It must be made in writing on a Student Academic Appeals Form.

5.2 For an appeal to be valid it must meet all the following criteria:

- i. specify the ground(s) for the appeal among those set down in paragraph 3.2.
- ii. state the title and code of the module affected and the assessment period/year in respect of which the appeal is being made.
- iii. include all appropriate supporting evidence. Appeals without any independent supporting evidence shall not be considered.
- iv. be submitted to the Director of Registry and Student Life – by email to

registrar@nmite.ac.uk (the student will receive confirmation of receipt within 3 working days*). Postal submissions are not advised and NMITE cannot accept any responsibility for the late receipt of any such appeals submitted by post.

- v. be received within 20 working days* of the date of publication of the result(s) of the assessment(s) concerned, unless there are evidenced extenuating circumstances which prevented the student from doing so.
- 5.3 Upon receipt, each Academic Appeal submission will be checked by the Director of Registry and Student Life (or nominee) and a member of the NMITE Quality Office within 5 working days*, to ensure the criteria have been met by the student.
- 5.4 If the submission meets the criteria, the Assessment Appeals Panel will be convened; if the submission fails the validity checks, the student will be contacted in writing to explain the reasons why the Academic Appeal they have submitted is ineligible. In this event, the student will be issued with a Completion of Procedures Letter ref. Section 9.
- 5.5 If the submission meet the criteria, the relevant module lead and programme lead will be informed and asked to provide any information or evidence they believe is relevant.
- 5.6 Once the appeal has been submitted to the Director of Registry and Student Life, the student may continue with their studies and/or assessments without prejudice to the outcome of the appeal, pending the conclusion of the process.
- 5.7 Where the original decision of the Assessment Board was to discontinue/terminate a student's studies, any credit a student attains by engaging with their studies whilst the appeal is being progressed will be declared null and void if the appeal is dismissed. Therefore, any such credit attained cannot contribute to the conferment of an intended or intermediate award.
- 5.8 The appeal will be considered by the Assessment Appeals Panel, consisting of the following:
- The Academic Director (or nominee)
 - The Director of Registry and Student Life (or nominee)
 - An academic not currently associated with the appellant and/or with the issue(s) under review
 - A member of the Quality Office (who will not be associated with the delivery of the programme and its assessments)
- No member of the Academic Appeal Panel shall consider an appeal in which they have a direct interest or involvement.
- 5.9 The Assessment Appeals Panel will meet within 20 working days* of receipt of the appeal. Arrangements for the Academic Appeals Panel, including date and location will be made by NMITE.
- 5.10 Students will be given 10 working days' notice of the date and time of the meeting and may choose to attend the Academic Appeals Panel via video-link.

- 5.11 If the student is unable to attend the scheduled Academic Appeals Panel, they may request that their case be deferred, and a new panel date will be arranged. However, in this situation, the student should be aware that this may delay consideration of their case for a number of weeks.
- 5.12 If a student chooses not to attend, or is unable to make a second proposed date, the appeal will be decided in absentia, based on the evidence presented.
- 5.13 During the Academic Appeals Panel, the student will be invited to present their case. The student may have a friend, or a fellow student accompany them to provide appropriate support, guidance, or representation. However, a friend may not be a lawyer acting in a professional capacity.
- 5.14 The student may present relevant written evidence to the Academic Appeals Panel, either in addition or in lieu of their attendance, and this must normally be provided 5 working days* in advance of the hearing, unless suitable evidence can be provided to support the delay of their submission (for example, medical evidence).
- 5.15 After the student has presented their case, the student and their representative will be asked to leave the meeting, and the Academic Appeals Panel will then consider all the evidence submitted and determine the outcome.
- 5.16 The Academic Appeals Panel may decide on one of the following outcomes:
- i. uphold the appeal and substitute an alternative result, or,
 - ii. reject the appeal, in which case the student will be given reasons for the decision. or,
 - iii. refer the matter back to the original Assessment Board for reconsideration taking into account the new information or any guidance from the Panel.
 - The reconvened Assessment Board will have the power to confirm or alter its original decision. Where the original decision is confirmed, the student will be given reasons for that decision. or,
 - revoke the original decision of the Assessment Board and, as appropriate, require that the student be provided with a further opportunity to satisfy the requirements for continuation on the programme or element of the programme by way of granting a further assessment resit or re-mark of an assessment.
- 5.17 The student will be notified in writing of the Panel outcome within 5 working days* of the Panel meeting and will be issued with a Completion of Procedures letter.
- 5.18 In the event that the appeal is upheld, the decision of the Assessment Appeals Panel will be communicated to the relevant Assessment Board and the Director of Registry and Student Life will amend the student's record accordingly.
- 5.19 In the event that the appeal is rejected, both the relevant Assessment Board will be informed but no further action taken.

6. Outcome Review

- 6.1 If the appeal is rejected or if the student is dissatisfied with the outcome of the Academic Appeal panel, they may be able to request a review. A request for a review will only be considered on the following grounds:
- i. A review of the procedures followed at the appeal stage
 - ii. A consideration of whether the outcome was reasonable in all the circumstances
 - iii. New material evidence which the student was unable, for valid reasons, to provide earlier in the process.
- 6.2 The review stage will not normally consider the issues afresh or involve a further investigation.
- 6.3 A request for a review must be submitted to the Director of Registry and Student Life – via email to registrar@nmite.ac.uk (for which the student will receive confirmation of receipt within 3 working days*). Postal submissions are not advised and NMITE cannot accept any responsibility for the late receipt of any such appeals submitted by post. The request for review must be submitted within 5 working days* of the student being notified of the outcome of the Academic Appeals Panel.
- 6.4 Upon receipt, each Academic Appeal submission will be checked by the Director of Registry and Student Life (or nominee) to ensure the criteria, within 7.1 have been met. If the submission meets the criteria, the Director of Registry and Student Life (or nominee) will allocate the request for review to a designated member of staff not involved at any previous stage.
- 6.5 It is expected that reviews will be completed within 10 working days* of receipt. Where a review identifies issues with the outcome of the case at the appeal stage, the review will be upheld, and the matter will be referred back to the Academic Appeal Panel for reconsideration. Reconsideration of the case will be concluded as soon as possible, and reconsideration of the case by the Academic Appeals Panel may take place by correspondence. The student will not be involved in the reconvened Academic Appeals Panel.
- 6.6 If the academic appeal is not upheld, the outcome of the review stage will be communicated to the student in writing by issuing a Completion of Procedures Letter as soon as possible and within 5 working days*. In the event that the appeal is rejected, the relevant Assessment Board will be informed but no further action taken.
- 6.7 Where an academic appeal is upheld, the student will receive notification in writing within 5 working days*, explaining the outcome and how and when any remedy will be implemented. The decision of the Review Stage will be communicated to the relevant Assessment Board and the Director of Registry and Student Life will amend the student's record accordingly. The decision made by the reviewer as part of the Outcome Review is final. In this case the student may request a Completion of Procedures letter.

7. Office of the Independent Adjudicator (OIA)

- 7.1 If a student believes that the internal appeal process has been incorrectly conducted or feels that the outcome is unreasonable in relation to the evidence, then they have the right to raise the matter for external and independent review by the Office of the Independent Adjudicator (OIA).
- 7.2 Information on the process may be obtained directly from the OIA at: <http://www.oiahe.org.uk> and will be included in the letter of completion. The complaint needs to be submitted to the OIA within 12 months of the date of the Completion of Procedures Letter.
- 7.2 NMITE report annually to the Office of the Independent Adjudicator on the number of Completion of Procedures issued.

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