

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 expelled 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. Disciplinary and Reasonable Adjustments – please refer to NMITE's Disciplinary 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.

- 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.
- 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.
- 3.3 Students cannot appeal on any ground which:
- i. disputes an academic judgement which was arrived at following due process (and it should therefore be noted that there is no provision for appeal against the academic judgement of the Examiners), 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, students are encouraged to contact their Personal Tutor to attempt to resolve the issue(s) informally.

4. The Stages of the Academic Appeals Procedure

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

- Stage 1 The formal appeals process – Assessment Appeals Board
- Stage 2 The review stage

Students must go through the formal appeals process (Stage 1) before they can submit a request for a review (Stage 2).

5. Stage 1: Formal appeals process – Assessment Appeals Board

5.1 If a student decides to submit an application for a appeal under Stage 1 of the process, they must meet all the criteria listed in paragraph 5.2.

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

- i. be made in writing on a Student Academic Appeals Form.
- ii. specify the ground(s) for the appeal among those set down in paragraph 32.
- iii. state the title and code of the module affected and the assessment period/year in respect of which the appeal is being made.
- iv. include all appropriate supporting evidence. Appeals without any independent supporting evidence shall not be considered.
- v. be dated and include the student's full name, student number, preferred method of contact and signature.
- vi. be submitted to the Academic Registrar – by email via 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.
- vii. 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 Academic Registrar (or nominee) within 5 working days*, to ensure the criteria have been met by the student. If the submission meets the criteria, the Assessment Appeals Board 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.

- 5.4 Once the appeal has been submitted to the Academic Registrar, the student may continue with their studies and/or assessments without prejudice to the outcome of the appeal, pending the conclusion of the process.
- 5.5 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.
- 5.6 The appeal will be considered by the Assessment Appeals Board, consisting of the following:
 - The Chief Academic Officer (or appropriate nominee)
 - The Academic Registrar (or appropriate nominee)
 - An academic not currently associated with the appellant and/or with the issue(s) under review
 - The Quality Assurance Manager (who will not be associated with the delivery of the programme and its assessments)
 - The appellant (student)
- 5.7 The Assessment Appeals Board will meet within 20 working days* of receipt of the appeal. Arrangements for the Assessment Appeals Board, including date and location will be made by NMITE. If the student is unable to attend the scheduled Assessment Appeals Board, 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. If a student chooses not to attend, or is unable to make a second proposed date, the appeal will be decided in the student's absence based on the evidence presented. Students may choose to attend the Assessment Appeals Board via video-link.
- 5.8 During the Assessment Appeals Board, 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.

- 5.9 The student may present relevant written evidence to the Assessment Appeals Board, 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).
- 5.10 After the student has presented their case, the student and their representative will be asked to leave the meeting and the Assessment Appeals Board will then consider all the evidence submitted and determine the decision of the Stage 1 appeal.
- 5.11 Having considered the evidence, the Assessment Appeals Board may take one of the following actions:
- 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 Board. 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,
 - iv. 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.

6. Communicating the decision of the Assessment Appeals Board

- 6.1 The student will be notified in writing of the Board's decision to uphold or reject an appeal within 5 working days* of the Board meeting and will be issued with a Completion of Procedures letter.
- 6.2 In the event that the appeal is upheld, the decision of the Assessment Appeals Board will be communicated to the relevant Assessment Board and the Academic Registrar and the student's record amended accordingly.
- 6.3 In the event that the appeal is rejected, both the relevant Assessment Board and Academic Registrar will be informed but no further action taken.

7. Stage 2: Review Stage

- 7.1 If the appeal is rejected or if the student is dissatisfied with the outcome of the formal stage, 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 formal 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.
- 7.1.1 The review stage will not normally consider the issues afresh or involve a further investigation.
- 7.1.2 A request for a review must be submitted to the Academic Registrar – by email via 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 to the Academic Registrar within 5 working days* of the student being notified of the outcome of the Stage 1 process.
- 7.1.3 Upon receipt, each Academic Appeal submission will be checked by the Academic Registrar (or nominee) to ensure the criteria have been met by the student. If the submission meets the criteria, the Academic Registrar (or nominee) will allocate the request for review to a designated member of staff not involved at any previous stage. 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 formal stage, the review will be upheld and the matter will be referred back to the formal stage (Stage 1) for reconsideration. Reconsideration of the case will be concluded as soon as possible, and reconsideration of the case by the Assessment Appeals Board may take place by correspondence. The student will not be involved in the reconvened Assessment Appeals Board.

8. Communicating the decision of the Review Stage

- 8.1 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, both the relevant Assessment Board and Academic Registrar will be informed but no further action taken.

- 8.2 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 Academic Registrar and the student's record amended accordingly. The decision made by the reviewer as part of the Review Stage is final.

9. Completion of Procedures, The Open University and The Office of the Independent Adjudicator (OIA)

- 9.1 A student has the right of final appeal to The Open University, provided that the student has exhausted all internal NMITE procedures and if all of the following are true:

The appeal is against NMITE's Assessment Appeals Board and the decision is related to one or more of the following:

- The student's final award
- The student's progression from one stage or level of the programme to the next assessment on the programme
- The student can demonstrate that you have exhausted all appropriate internal procedures open to you at NMITE and,
- The student has grounds to believe that NMITE's internal procedures and regulations for dealing with Academic Appeals were not interpreted or implemented correctly or fairly.

- 9.2 The procedure for appealing to The Open University is set out in The Open University Handbook for Validated Awards.

- 9.3 If a student is dissatisfied with the decision from The Open University, they may be able to complain to The Office of the Independent Adjudicator (OIA), provided that: the complaint is eligible under OIA rules, that the internal procedures have been concluded and the Completion of Procedures Letter has been provided.

- 9.4 Information about the role of the OIA and the procedure for submitting complaints can be obtained from the OIA website:

www.oiahe.org.uk

- 9.5 The time limit for bringing a complaint to the OIA is 12 months.

10. Students with Disabilities and/or Protected Characteristics.

- 10.1 Students at NMITE are encouraged to disclose a disability and make an application for reasonable adjustment under NMITE's Disability and Reasonable Adjustments Policy.
- 10.2 Students who feel that they may have been discriminated against because of their disability or any other Protected Characteristics, as defined by the Equality Act 2010, can make a complaint through NMITE's Student Complaints Resolution Procedure. In addition, they also have the right to pursue a complaint under the terms of the Equality Act 2010 via the courts.
- 10.3 If a student feels they have a case, they may start proceedings against the governing body of NMITE. Any such claim must normally be started within 6 months of the alleged discrimination. Where it is alleged that there has been a process of discrimination taking place over a period of time, the six months begins at the date of the last discriminatory act. Courts have the discretion to consider a claim brought outside the six-month period if they consider that it is fair to do so.
- 10.4 Students may, if they wish, pursue a case under the Equality Act 2010 at the same time as making an appeal through NMITE's procedures outlined here.
- 10.5 Most of the cases brought under the Equality Act 2010 will be dealt with in the first instance by the Equality and Human Rights Commission (EHRC), which has set up an independent conciliation service for disputes arising under the Act and tries to promote settlement of disputes without recourse to the courts. Agreeing to the conciliation process does not prevent a complainant from pursuing a case through the courts and the time limit for bringing an action in court is extended by two months if the conciliation process has been used within six months of a discriminatory act.
- 10.6 For further information about the EHRC and conciliation service, contact the EHRC helpline by ringing 08457 622 633. Textphone users should dial 08457 622 644. Further information can be obtained from the EHRC website: www.equalityhumanrights.com

11. Reporting

- 11.1 Each year, the Academic Registrar will prepare a report to both the Academic Council and the NMITE Board of Trustees to provide information about the number and nature of all Student Academic

Appeals, identifying any general issues that may have arisen and the action that has been/is being taken to address them.

(*‘working days’ are defined as a Monday to Friday working week, excluding UK Public Holidays).