



Student Academic Appeals Policy 2020/21

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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 your 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 our student support system.
 - i. treat appeals fairly, transparently and with appropriate seriousness.
 - ii. is carried out in a reasonable and transparent timescale.
 - iii. is in accordance with the policies and practices of both NMITE and The Open University.
 - iv. has due regard to any applicable law.

2. Scope of the Policy

- 2.1 This Policy and the procedures herein may be used if you wish to appeal against a final decision of an Assessment Board, or a committee or equivalent body which affects your academic status or progress in NMITE, including (but not limited to) the following:



- i. the result of a formal assessment or the award of a particular degree classification.
- ii. a requirement that you interrupt your studies on grounds of unsatisfactory progress or failure to meet academic or professional requirements.
- iii. a decision that you be expelled from NMITE or be excluded from your 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.

For further information about appealing against a decision as described in 2.1 (ii) and 2.1 (iii); please contact the Academic Registrar – registrar@nmite.ac.uk

- 2.2 This Policy does not apply to appeals relating to any of the following:
- i. Admissions - please refer to NMITE's Admissions Policy (*insert hyperlink*)
 - ii. Academic Misconduct - please refer to NMITE's Academic Misconduct Policy (*insert hyperlink*)
 - iii. Student Disciplinary - please refer to NMITE's Student Disciplinary Policy (*insert hyperlink*)
 - iv. Complaints which relate to concerns about the provision of a service or facility please refer to NMITE's Student Complaints Resolution Procedure (*insert hyperlink*)
- 2.2 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. 2.3 Grounds for Appeal

- 3.1 If you wish to appeal, you must do so on your own behalf and no later than 20 working days after the publication of your assessment result (except where there are evidenced extenuating circumstances which prevent you from doing so). An appeal submitted by a representative will not be accepted unless accompanied by written authorisation from you (the student).
- 3.2 You may appeal against a decision of an Assessment Board only on one or more of the following grounds:
- i. Where you provide written evidence in support of a claim that performance in the assessment was adversely affected by extenuating circumstances, which you 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 you 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,
 - iii. Some other material irregularity relevant to the Assessment Board's decision has occurred.
- 3.3 You 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 Please note: prior to taking a final decision as to whether to request a review or not, you are encouraged to contact your Personal Tutor to attempt to resolve the issue(s) informally.

4. Formal appeals process – Assessment Appeals Board

- 4.1 If you decide to make a formal request for a review, you must submit an application for review in writing with supporting evidence to the Academic Registrar as soon as possible and not later than 20 working days after the publication of the assessment result(s) your appeal relates to.
- 4.2 For an appeal to be valid it must meet all the following criteria:
- i. be made in writing on a Student Academic Appeals Form (*insert hyperlink*).
 - ii. specify the ground(s) for the appeal among those set down in 3.0 above.
 - 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 your full name, student number, preferred method of contact and signature.
 - vi. be submitted to the Academic Registrar – either by email (for which you will receive confirmation of receipt) or secure postal delivery. 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.



- 4.3 Once your appeal has been submitted to the Academic Registrar, you may continue with your studies, undertaking placements and/or assessments without prejudice to the outcome of the appeal, pending the conclusion of the process.
- 4.4 Any credit you attain by engaging with your studies whilst the appeal is being progressed will be declared null and void if the appeal is (a) dismissed, and (b) where the original decision of the Assessment Board was to discontinue/terminate your studies. Therefore, any such credit attained cannot contribute to the conferment of an intended or intermediate award.
- 4.5 Your appeal will be considered by the Assessment Appeals Board, a formal Committee of NMITE, 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
 - A member of NMITE not associated with the delivery of the programme and its assessments.
- 4.6 The Assessment Appeals Board will only consider the appeal based upon the grounds indicated above, in paragraph 3.
- 4.7 The Assessment Appeals Board will meet within 20 working days of receipt of the appeal.
- 4.8 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 you will be given reasons for the decision. If the appeal is rejected, there is no further right of appeal within NMITE.
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, you will be given reasons for that decision. There will be no opportunity within NMITE for you to appeal against the decision of the reconvened Assessment Board.
or,
 - iv. revoke the original decision of the Assessment Board and, as appropriate, require that you be provided with a further opportunity to satisfy the requirements for continuation on the programme or element of the programme.



5. Communicating the decision of the Assessment Appeals Board

- 5.1 You 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.
- 5.2 In the event that the appeal is upheld, the decision of the Assessment Appeals Board will be communicated to the relevant Assessment Board and Registry and your student record amended accordingly.
- 5.3 In the event that the appeal is rejected, both the relevant Assessment Board and Registry will be informed but no further action taken.

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

- 6.1 Normally the decision of the Assessments Appeals Board is final and there is no further internal process for hearing academic appeals, and you will be issued with an NMITE Completion of Procedures Letter.
- 6.2 The written outcome of the Board will also include details of any further right of appeal available to you if you remain dissatisfied with the final outcome of NMITE's procedures. This will include, where applicable, the right to appeal to The Open University.
- 6.3 There shall be a final right of appeal to The Open University (as NMITE's validating partner) against a decision of an Assessment Board only if all of the following are true:
 - i. Your appeal is against NMITE's Assessment Appeals Board and the decision related to one or more of the following:
 - your final award
 - your progression from one stage or level of the programme to the next
 - assessment on the programme
 - you can demonstrate that you have exhausted all appropriate internal procedures open to you at NMITEand,
 - ii. you have grounds to believe that NMITE's internal procedures and regulations for dealing with Academic Appeals were not interpreted or implemented correctly or fairly.
- 6.4 The procedure for appealing to The Open University is set out in The Open University Handbook for Validated Awards which can be found at <https://www.open.ac.uk/about/validation-partnerships/sites/www.open.ac.uk/about.validation-partnerships/files/files/OU-Handbook-for-Validated-Awards-2020-21.pdf>



- 6.5 If you are dissatisfied with the decision of The Open University, you may be able to complain to The Office of the Independent Adjudicator (OIA), provided the complaint is eligible under OIA rules, that the internal procedures have been concluded and the Completion of Procedures Letter has been provided.
- 6.6 Information about the role of the OIA and the procedure for submitting complaints can be obtained from the OIA website: www.oiahe.org.uk

7. Students with Disabilities and/or Protected Characteristics.

- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 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.
- 7.5 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

8. Reporting

- 8.1 Each year, the Academic Registrar will prepare a report to the NMITE Board 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.