



<b><u>Policy Title</u></b>	<b>HE Academic Appeal Procedure</b>	
<b><u>Policy Category</u></b>	Compliant	
<b><u>Owner</u></b>	HE Academic Registrar	
<b><u>Group Executive Lead</u></b>	Deputy Principal Newcastle College, Executive Lead HE	
<b><u>Date Written</u></b>	October 2023	
<b><u>Considered By</u></b>	HE Academic Board	
<b><u>Approved By</u></b>	HE Academic Board	
<b><u>Date Approved</u></b>	November 2023	
<b><u>Equality Impact Assessment</u></b>	The implementation of this policy is not considered to have a negative impact on protected characteristics.	
<b><u>Freedom of Information</u></b>	This document will be publicly available through the Groups Publication Scheme.	
<b><u>Review Date</u></b>	November 2026	
<b><u>Policy Summary</u></b>	The purpose of this procedure is to enable a student to request that NCG reconsiders a decision about their academic progress that could have the effect of hindering progress, terminating studies, or affecting the level of award. The process is intended to provide a student with the opportunity to demonstrate their academic ability without any hindrance.	
<b><u>Applicability of Policy</u></b>	<b><u>Consultation Undertaken</u></b>	<b><u>Applicable To</u></b>
Newcastle	Yes	Yes
Newcastle Sixth Form	No	No
Carlisle	Yes	Yes
Kidderminster	Yes	Yes
Lewisham	No	No
Southwark	No	No
West Lancashire	No	No
Professional Services	No	No
HE Partnerships (*partner may have an equivalent policy)	No	Yes
<b><u>Changes to Earlier Versions</u></b>		
<b><u>Previous Approval Date</u></b>	<b><u>Summarise Changes Made Here</u></b>	
October 2020	Language changes from Divisions to Colleges. Addition of collaborative partners.	
<b><u>Linked Documents</u></b>		
<b><u>Document Title</u></b>	<b><u>Relevance</u></b>	

## Equality Impact Assessment

	Judgement
<b>EIA 1 - Does the proposed policy/procedure align with the intention of the NCG Mission and EDIB Intent Statement in 2.0?</b>	Yes
<b>EIA 2 - Does the proposed policy/procedure in any way impact unfairly on any protected characteristics below?</b>	
<b>Age</b>	No
<b>Disability / Difficulty</b>	No
<b>Gender Reassignment</b>	No
<b>Marriage and Civil Partnership</b>	No
<b>Race</b>	No
<b>Religion or Belief</b>	No
<b>Sex</b>	No
<b>Sexual Orientation</b>	No
<b>EIA3 - Does the proposed policy/processes contain any language/terms/references/ phrasing that could cause offence to any specific groups of people or individuals?</b>	No
<b>EIA4 - Does the policy/process discriminate or victimise any groups or individuals?</b>	No
<b>EIA 5 - Does this policy/process positively discriminate against any group of people, or individuals?</b>	No
<b>EIA 5 - Does this policy/process include any positive action to support underrepresented groups of people, or individuals?</b>	No
<b>EIA 6 - How do you know that the above is correct?</b>	Consultation has been carried out with relevant colleagues within NCG and with a higher education (HE) committee within our HE deliberative structure, which includes HE student representation.

## **1. Purpose, Definition and Scope**

1.1 The purpose of this procedure is to enable a student to request that NCG reconsiders a decision about their academic progress that could have the effect of hindering progress, terminating studies, or affecting the level of award. The process is intended to provide a student with the opportunity to demonstrate their academic ability without any hindrance.

1.2 An Academic Appeal Committee is composed of experienced academic staff that considers appeals cases. An Academic Appeal Committee is not constituted as a Board of Examiners and does not have the authority to set aside the decision of a Board of Examiners but it can ask a Board of Examiners to reconsider a decision. NCG will not adjust marks, grades or degree classifications as a result of this process. Any Academic Appeal recommendation is advisory to the Board of Examiners.

1.3 This Procedure applies to Taught programmes approved by NCG and delivered in the divisional colleges.

1.4 Concerns relating to the operation of this Procedure must be considered in accordance with the Review Stage established by this Procedure. Concerns cannot be investigated using the division's Student Complaints Policy and Procedure.

## **2. Eligibility**

2.1 This Procedure applies to students who are registered or enrolled on a NCG approved programme of study. The Procedure also applies to former students who have submitted their Academic Appeal within the time scales set out in Paragraph 21.1.3.

2.2 This Procedure only applies to decisions which are academic in basis and are made by a Board of Examiners or Mitigation Panel. They do not apply, for example, to decisions which require a student to leave a programme on disciplinary grounds, or due to non-payment of fees or visa issues.

2.3 The following do not constitute grounds for an Academic Appeal:

- Questioning the academic judgement of a properly convened and constituted Board of Examiners.
- Questioning marks or grades awarded.
- Questioning the overall decision on a student's progression or on the final level of award based on the marks or grades awarded.
- Complaints made against NCG or its staff, or the level of supervision and teaching. These should be made using the divisional College's Student Complaints Policy and Procedure at the time when the concern arises.

### **3. Legal Proceedings**

The institution tries to resolve all Academic Appeals through its internal processes. If a student chooses to start legal proceedings against the institution any Academic Appeal will be paused until those legal proceedings are completed. If the matters appealed about are disposed of in these proceedings then the institution may terminate consideration of the Academic Appeal and the student would be issued with a 'Letter of Completion'.

### **4. Simultaneous Applications**

4.1 If a student submits an Academic Appeal Application under this Procedure at the same time as an application under any other relevant process, for example the Student Complaints Policy and Procedure, relating to the same set of circumstances, the application under the relevant process may be held until the conclusion of the Academic Appeal. In exceptional circumstances, the college Principal's nominee may ask the members of the Academic Appeal Committee to consider the other related process at the same time as the Academic Appeal.

4.2 Where consideration of the other related process is incorporated into the process for an Academic Appeal, the Academic Appeal Committee, after consideration of the issues related to academic progress, may make a decision to resolve any associated issues, sitting for this purpose as a Panel constituted under the relevant process.

4.3 Where, on receipt and subsequent investigation of an Academic Appeal, it appears that the matter can, in the interest of the student, be better dealt with via another relevant process, it will be transferred to that process and the student will be informed of the transfer. Where only part of the matter raised in the Academic Appeal is transferred to the related process this will be put on hold pending the outcome of the Academic Appeal, or the Academic Appeal Committee may be asked to consider a related issue on the same occasion as consideration of an associated issue relating to academic progress. The student will be told of the change within the time limits for dealing with his/her case.

4.4 If, after any initial investigation, it appears to the HE Registry, or the College, that the Academic Appeal falls within the scope of any other Regulation or Procedure, reclassification of the Academic Appeal will be discussed with the student, and the appropriate referral made.

## **5. Group Academic Appeal Applications**

A group of students may use this Procedure, but the group must identify, on their Application Form, one person as spokesperson and correspondent. Each member of the group must be able to demonstrate that he/she has been affected by the matter which is the subject of the application. All students individually must agree, in writing, to the spokesperson (or third party) acting on his/her behalf. Students who have not associated themselves with the Academic Appeal, at the point of submission, will not normally be permitted, subsequently, to do so.

## **6. Third Party Academic Appeal Applications**

Representation of a student under this Procedure cannot be made by a third party unless written consent is received from the student(s) allowing an individual to act on his/her behalf. This includes an Academic Appeal submitted by a parent, guardian, or spouse of the student. Where consent is provided to and accepted, all communications relating to this Procedure will be made through the nominated individual only.

## **7. Academic Progress during an Appeal**

7.1 If a student has a reassessment, they should continue with that work pending the outcome of their Academic Appeal unless advised otherwise by the Board of Examiners.

7.2 If a student has failed or been withdrawn from their programme of study, they would not normally be allowed to continue or progress whilst an Academic Appeal is pending. However, this may be granted on an exceptional basis by the appropriate College Principal in consultation with Chair of the Academic Appeal Committee. If this does happen, it is on the understanding that if an Academic Appeal is not successful, the student will be discontinued from study with immediate effect. The decision of the college Principal on whether or not to exceptionally allow a student to continue is final and not subject to further appeal.

7.3 A student is not typically required to be physically present at the relevant institution for an Academic Appeal Application to be investigated, though participation in a Meeting, may be necessary via electronic communication, such as Skype.

## **8. Attendance at an Award Ceremony**

Students who are eligible to receive an award may attend an Award Ceremony. In such cases the award will be that previously determined by the Board of Examiners. If the award is subsequently amended there will be no further opportunity to attend an Award Ceremony. If preferred, students may defer attendance at the Award Ceremony until the outcome of their Academic Appeal. Should the student receive a Certificate of Award whilst an Academic Appeal is ongoing and the Board of Examiners amends its decision, the Award Certificate must be returned to the HE Registry and a replacement will be issued. Attendance at an Award Ceremony does not stop a student's Academic Appeal going through the Academic Appeal process.

## **9. Fair Treatment**

9.1 No student submitting an Early Resolution Application or formal Academic Appeal (see section 20) whether successfully or otherwise, will be treated less favourably by

any member of staff. All staff involved in handling any stage of an Academic Appeal have a duty to ensure that no decision they make regarding assessment of academic work, or the way a student is treated, is influenced by the submission of an Academic Appeal. If evidence to the contrary is found, the member of staff may be subject to action under the Staff Disciplinary Procedure.

9.2 Where a student or staff member believes that consideration of an Academic Appeal is likely to affect the relationship between them, all parties will be expected to continue that relationship in a professional manner. Only in exceptional circumstances will the appropriate college Principal consider agreeing to a request for alternative working arrangements whilst the Academic Appeal is being investigated.

## **10. Confidentiality**

10.1 Information provided by students will be handled in confidence, and released only to those members of staff who need it for the purposes of investigating and responding to the Academic Appeal. No third party will receive any information other than is necessary in order to obtain the information required. Breach of confidentiality may result in formal disciplinary action being taken through Student or Staff Disciplinary Procedures.

10.2 Any outcomes of a Meeting must be confidential until formal notification is sent to the parties involved.

## **11. Timescales**

11.1 Procedures shall normally be completed within the timescales. There may be circumstances where the timescales cannot be met. When this happens the HE Registry must keep the student and College updated on progress. The HE Registry also expects students and the College to meet the timescales when communicating with the HE Registry, unless there are exceptional circumstances beyond the reasonable control of the student or College. In such circumstances, the student or College should contact the HE Registry to discuss the feasibility of a new date.

11.2 Reference to timescales in this Procedure relate to working days excluding the Christmas closure period of the colleges.

11.3 For the purpose of this Procedure written communication with a student and College can be in paper or electronic format, for example email.

## **12. Attendance at Meetings**

12.1 Students and the relevant member of staff are expected to attend all relevant Meetings convened under this Procedure.

12.2 If a student or member of staff does not attend a Meeting without providing a good reason for their non-attendance in advance, the Meeting may proceed in their absence. If this happens, the Academic Appeal will be considered on the evidence available at the time.

12.3 If, for good reason, a student or member of staff is unable to attend a Meeting, then they may request that the Meeting is postponed until a later date, or request that a third party attend the Meeting on their behalf. The decision on whether a Meeting will be deferred will be made by the relevant Chair.

12.4 A student or member of staff also has the right to be accompanied to a Meeting by a friend. The 'friend', is not entitled to speak or act on the student's/member of staff's behalf. Their role is to provide support and/or to take notes. Where a student has a known disability and requires assistance with communication or personal care they are permitted this additional support, in addition to the friend. The additional support worker should not contribute directly into the meeting.

12.5 If a student, or member of staff is accompanied at any Meeting by a friend, it is their responsibility to provide all relevant notices, communications, and documents to their friend.

12.6 The student, or member of staff, must provide the name of the representative to the relevant Chair of the Meeting 5 days prior to any Meeting.



### **13. Behaviour at Meetings**

All participants are expected to behave in an orderly and non-confrontational manner during any Meetings. The college Principal nominee at the Early Resolution Stage or Chair of the Academic Appeal Committee at the Formal Stage may adjourn proceedings if, in their opinion, progress of the Meeting is being hampered.

### **14. Recording of Proceedings**

The audio recording of Meetings held under this Procedure is prohibited subject to such reasonable adjustments as may be agreed where required under the Equality Act 2010.

### **15. Monitoring and Evaluation**

Once a year, the HE Registry shall provide a written report to the HE Quality and Standards Committee and to the HE Academic Board. That report shall provide statistical data, identify any trends or wider issues, and make any observations and/or recommendations which may assist to further good practice in the management of the assessment processes.

### **16. Expenses**

16.1 In the event that a case is upheld during the formal process, the HE Registry will consider meeting reasonable and proportionate incidental expenses such as travel (within the UK), subsistence and accommodation costs where the HE Registry is satisfied that it was necessary for the student to incur such expenses. Expenses will not be met without the production of original copies of receipts to the HE Registry, and any monies will not be paid until completion of the Procedure. Students are required to submit claims, in writing, to the HE Registry. Students who are in doubt should check in advance with the HE Registry, as to the acceptability of any expenses. The decision on whether to meet incidental expenses will be made by the Chair of the Academic Appeal Panel and this decision will be final.

16.2 The student or member of staff will initially be responsible for paying the costs for his/her friend's attendance at any Meeting, and third party costs will only be reimbursed subject to approval by the Chair of the Academic Appeals Panel.

## **17. Advice and Guidance**

17.1 Students and staff can obtain advice on this Procedure from a number of sources. In particular, an adviser in the Students' Union can provide students with advice, independent of the College. This can include assistance in submitting an application and attending Meetings in a supporting role. Staff and students can also seek advice and support on understanding the Procedure from the HE Registry.

17.3 The HE Registry can only provide advice on the operation of this Procedure, and staff will not be able to provide advice to students on individual Academic Appeal Applications.

## **18. Publication of Results**

18.1 It is the responsibility of the student to ensure they know his/her results.

18.2 The date of formal publication of results is the date specified beforehand by the relevant college Principal (or other responsible officer).

## **19. Grounds for Review**

19.1 For students enrolled on Taught programmes a Board of Examiners may be asked to reconsider a decision at the request of a student in the following circumstances:

19.1.1 The student's academic achievement or progression was adversely affected by illness or other factors which the student was unable, for valid reasons, to bring to the attention of the relevant Mitigation Panel (Incapacity). The student's request must be supported by a clear statement explaining why the student was 'unable' to submit a mitigating circumstances application at the appropriate time, together with medical

certificates or other documentary evidence acceptable to the Academic Appeal Committee.

And/or

19.1.2 The student's performance in an assessment was adversely affected by a material administrative error attributable to the institution, or to an agent acting on behalf of the institution, or that an assessment was not conducted in accordance with the current Regulations (Procedural Error).

19.2.1 On evidence produced by a student or any other person, that there is prima facie evidence of unfair or improper assessment on the part of one or more of the Examiners or other assessors.

## **PROCEDURE**

### **20. THE EARLY RESOLUTION STAGE**

20.1 If a student considers that he/she may have grounds to request reconsideration of a decision by a Board of Examiners, he/she is normally expected to, firstly attempt to resolve the issue informally. The Early Resolution Stage must be commenced within 25 days of the date of publication of results.

20.2 Students in the first instance should contact the HE Registry. The HE Registry must decide whether they wish to engage with a student using the Early Resolution process. If necessary, the HE Registry's nominee will inform the student why the Early Resolution process is not suitable, and tell the student that they can make a formal Academic Appeal Application, making clear the timescales for doing so.

20.3 The Early Resolution Stage does not stop the student from submitting an Academic Appeal Application. Any Academic Appeal must be submitted in accordance with the timescales outlined in this document. If a student submits an Academic Appeal Application late because of a delay in resolving his/her issues informally, then the Academic Appeal will be considered under the provision of Paragraph 21, subject to confirmation that the delay was due to undertaking the Early Resolution process. 20.4

A student is strongly encouraged to contact an adviser in the Students' Union before starting the Early Resolution Stage.

20.5 The Early Resolution Stage should normally be resolved within 25 days from approaching the college Principal's nominee. At the conclusion of the Early Resolution Stage, the student will be informed in writing of the outcome. Receipt of the letter concludes the Early Resolution Stage. A copy of the outcome will be kept in the student's file, and may be circulated, in confidence, to members of staff involved in the investigation of the Academic Appeal.

20.6 In the event that agreement has not been reached, a student may submit an Academic Appeal Application Form within 15 days from the conclusion of the Early Resolution Stage.

## **21. FORMAL STAGE**

### **21.1 Submitting an Academic Appeal Application**

21.1.1 Students must submit their formal request on an Academic Appeal Application Form. An Application Pack is available from the HE Registry or the College website, or by emailing [HERegistry@ncgrp.co.uk](mailto:HERegistry@ncgrp.co.uk).

21.1.2 All sections of the Application Form must be completed as fully as possible, following the guidelines issued in the Academic Appeal Application Pack.

21.1.3 The Academic Appeal Application must be received by the HE Registry within 25 days of the date of formal publication of results established by the Board of Examiners unless Paragraph 20.6 applies.

21.1.4 An Academic Appeal Application Form must clearly identify the relevant ground(s). A student must normally be able to substantiate their case with documentary evidence. The evidence should normally be the original (for example a Doctor's note) and not a copy.

21.1.5 It is expected that the supporting documentary evidence will be submitted at the same time as the Academic Appeal Application. Where the submission of supporting documentary evidence is not possible, due to circumstances outside the

student's control, the Application Form should be submitted prior to the deadline date together with a clear statement that evidence will follow, normally within 10 days. If no subsequent supporting evidence is received, the HE Registry will process the Academic Appeal Application based on the available documentation.

21.1.6 Only in exceptional circumstances will an Academic Appeal Application be accepted after the cut-off date, and then only to an absolute deadline of 35 days after the formal publication of results date. Any late Academic Appeal Applications will be considered in accordance with Paragraph 21.1.8.

21.1.7 The HE Registry, on receipt of the Academic Appeal Application, will have the right to ask for further clarification and/or information from the student prior to referring the Academic Appeal Application to the relevant Chair of the Board of Examiners or Chair of the Academic Appeal Panel.

21.1.8 Incomplete Academic Appeal Applications; applications that do not meet the criteria; or late-submissions, will normally be rejected. If a student submits an Academic Appeal Application late, they must enclose with their Application, a written explanation for the late submission. The decision on whether, exceptionally, to accept an Application will be at the discretion of the Chair of the Academic Appeal Panel. A student who is not happy with the decision of the Chair is entitled to submit a request for review as detailed in Paragraph 24.

21.1.9 A student will be entitled to make only one Academic Appeal Application in respect of any one assessment decision.

21.1.10 Students are advised to retain a copy of their Academic Appeal Application Form and supporting documentation. Documents supplied as part of the application process will not be returned. Where photocopies of documents are submitted, the student may be required to provide the HE Registry with sight of the original documents in order to verify their authenticity. If evidence is provided in a language other than English, it is the student's responsibility to have it independently translated.

21.1.11 If a student is suspected of submitting fraudulent Application or documentary evidence, this will be investigated under the Academic Misconduct process.

21.1.12 The HE Registry reserves the right to contact any person named in the submission, to seek clarification or further information.

## **21.2 Processing of an Academic Appeal Application**

21.2.1 The formal process is started by the submission of an Academic Appeal Application Form in accordance with Paragraph 21.1.

21.2.2 Receipt of the Academic Appeal Application will normally be acknowledged by the HE Registry within 3 days of receipt.

21.2.3 The HE Registry will normally circulate the Academic Appeal Application to the Chair, or Registry nominee of the relevant Board of Examiners for consideration unless the Application falls within Paragraph 21.1.8. 21.2.4 If the Chair of the relevant Board of Examiners believes that there appears to be a case for the decision of the Board of Examiners to be reviewed, he/she may, if required, request further clarification directly from the student and reconvene, if appropriate, the Board of Examiners to consider the case. In cases where there may be a delay in convening a Board of Examiners, it may be necessary for Chair's Action to be taken. In this event, the decision must be formally recorded for ratification at the next appropriate Board of Examiners.

21.2.5 The Registry will then inform the student, in writing, explaining the decision of the Board of Examiners, and/or the decision taken by Chair's Action. The Registry must advise the student of his/her right to continue to pursue the case through the formal Academic Appeal process, and to contact them if they remain dissatisfied with the decision. If no request for the pursuit of the case is received within 10 days, the student will be issued with a 'Letter of Completion'.

21.2.6 Where it appears that there is no reason for the decision of the Board of Examiners to be reviewed, the Registry must provide a written report within 12 days of receipt of the Application.

21.2.7 The report must normally contain:

A clear statement relating to the application to the Mitigation Panel and/or Board of Examiners at the time of the decision. The report must be confined to factual

comments on the case and must not include comments on the merits of the Academic Appeal Application.

- A copy of the relevant part of the Board of Examiners minutes which have been endorsed by the Chair of the Board of Examiners.
- A copy of the relevant External Examiner Confirmation of Endorsement of Assessment Process Form.
- The outcome of any Early Resolution discussions.

21.7.8 The Registry is responsible for ensuring that an appropriate member of staff is available to provide the report within the timescales cited at Paragraph 21.2.6. Where complex matters are identified, an extension to this timescale may be granted by the HE Registry on request. Where an extension is granted, the HE Registry will inform the student of the delay in processing their Academic Appeal Application.

## **22. ACADEMIC APPEAL PANEL**

22.1 Within 5 days of receipt of the Chair's Report the HE Registry will convene an Academic Appeal Panel. It will be Chaired by a CEO nominee, (the Chair), a senior member of academic staff, and a student representative, normally a student fellow. A minimum two members must be present at the meeting, one being a student representative. A Secretary shall also be in attendance. The student will not be invited to attend this meeting.

22.2 The Academic Appeal Panel will consider:

- The student's Academic Appeal Application; Report
- from the Chair of the Board of Examiners; Any other
- additional relevant information.

22.3 After consideration of the available evidence, the Panel may:

22.3.1 Request further information from the College or student, or any other relevant person. This information should normally be provided to the Secretary of the Panel within 3 days of the request.

22.3.2 Dismiss the Academic Appeal Application, where it is agreed that the Application does not meet the grounds for an Academic Appeal, based on the evidence submitted.

22.3.3 If the case is well founded, request, in consultation with the College, that the Board of Examiners is reconvened to consider the student's Academic Appeal Application. If a student is dissatisfied with the decision of the reconvened Board of Examiners they may request a review under Paragraph 24.

22.3.4 Where it is felt that further investigation is required, refer the case to an Academic Appeal Committee to consider an Academic Appeal Application with reference to the procedure set out in Paragraph 23.

22.4 The student will normally be informed of the decision of the Panel within 5 days of the meeting. A copy of the Chair's Report, and any additional documentation, will be provided to the student along with the Panel's decision letter. If the Academic Appeal Application is unsuccessful the student will be told they have the right, in certain circumstances, to request a review of the decision under the Review Stage process (see Paragraph 24).

22.5 If a student does not submit a request for review under Paragraph 24 within 10 days the student will be issued with a 'Letter of Completion'.

## **23. ACADEMIC APPEAL COMMITTEE**

### **23.1 Membership of the Academic Appeal Committee**

23.1.1 The Committee shall consist of two members who, in addition to the chair, have not previously participated in the case under consideration. A Committee will have the following membership:

- The nominee of the Chair of the HE Academic Board (normally the CEO) from the relevant division as appointed by HE Registry, who shall Chair the Committee;
- One student representative;
- One senior representative of a School not related to the case.



23.1.2 The Committee will have an advisor from HE Registry and a Secretary.

## **23.2 Academic Appeal Committee procedure**

23.2.1 Meetings of the Committee will normally be held within 20 days of a request for a Committee to be convened. The student and the relevant College representative will be advised of the date and time of the meeting.

23.2.2 The Committee will normally be held at the main college campus that the student is studying at. Students and staff who wish to use electronic communication to attend the Committee must inform the HE Registry prior to the meeting.

23.2.3 It will not normally be possible for the date of the meeting to be changed. This will only be done in exceptional circumstances, for example medical treatment. Holiday arrangements do not normally constitute a valid reason. Any requests for a change in the date of a meeting must be submitted in writing to the HE Registry, and the decision to change any previously agreed arrangements will be taken by the Chair. Where a decision to re-arrange a meeting has been refused, the student and College will be informed, in writing, of the refusal and the case will be considered in the absence of the student.

23.2.4 No person has the right to be present except the student concerned, who may be accompanied by his/her friend, disability support worker and the Chair of the relevant Board of Examiners accompanied by, where appropriate, one other College representative. The Chair of the relevant Board of Examiners may request additional members of staff to attend the meeting, but this is at the sole discretion of the Chair and all relevant parties will be informed of this prior to the meeting.

23.2.5 At least 5 days before the meeting, the student and the Chair of the relevant Board of Examiners should confirm to the HE Registry who will be attending.

23.2.6 In considering the Academic Appeal Application, the Committee may call any appropriate persons to give evidence. 5 days' notice of the meeting should normally be given if it is expected that attendance of a member of staff may be required by the Committee. The member of staff may be accompanied to the meeting by a 'friend'. The Chair will provide the member of staff with the appropriate documentation. If it

appears to the Chair that the Academic Appeal Application, or associated documentation, or oral evidence, raises allegations of misconduct this may lead to action under the Staff Disciplinary Procedures.

23.2.7 In preparing papers for the Committee, there must be no involvement of external examiners, in case this may prejudice any later involvement with a reconvened Board of Examiners.

23.2.8 Normally the HE Registry will obtain all relevant papers from everyone concerned before the Meeting. These papers will normally include the student's Academic Appeal Application; a copy of the Academic Appeal Procedure; the report from the Chair of the Board of Examiners and any additional documentation obtained by the Academic Appeal Panel or requested by the Chair of the Academic Appeal Committee.

23.2.9 The papers to be considered by the Committee will be circulated to all parties prior to the Meeting. The presentation of any new documentation, by either party, will only be accepted in exceptional circumstances with agreement of the Chair. This may result in a suspension of proceedings to provide all parties with the opportunity to consider the new documentation.

23.2.10 The student and his/her friend and the relevant member(s) of staff from the College will normally be allowed to be present throughout the whole of the Meeting except when the decision is being debated. If the Committee, in its absolute discretion, decides that the presence of anyone is not appropriate throughout the whole meeting or during any specific part of it, the Chair shall use reasonable endeavours to ensure that such a person is given an adequate opportunity to present his/her case.

23.2.11 During the Academic Appeal Committee:

- The Chair will outline the procedure of the meeting to all parties;
- The Chair will ask the student and/or friend to present their case in support of their Academic Appeal Application;
- Members of the Committee may ask questions of the student and/or friend;

- The College may ask for clarification on any representations made by the student by addressing questions via the Chair;
- The Chair will ask the College representative(s) to present their case;
- Members of the Committee may ask questions of the College representative(s);
- The student may ask for clarification on any representations made by the College addressing questions via the Chair;
- The Chair will ask the student and/or friend and the College representative(s) to leave the meeting;
- The Committee will consider the evidence in private and reach a decision in accordance with Paragraph 23.3.

23.2.12 The Committee has the authority to adjourn the meeting if it requires further information or evidence as is considered appropriate to assist in making its decision.

### **23.3 Decision of the Academic Appeal Committee**

23.3.1 The decision of the Committee will be by majority decision.

23.3.2 After consideration of the available evidence relating to the Academic Appeal Application, the Committee may reach any of the following decisions:

- (a) The Academic Appeal Application is rejected; or
- (b) The Academic Appeal Application is upheld and the Board of Examiners will be asked to reconvene to reconsider its decision along with any additional recommendation(s)/ direction(s) made by the Committee.

### **23.4 Procedure following decision of Academic Appeal Committee**

23.4.1 Within 5 days, the student and the College shall be informed, in writing, of the decisions of the Academic Appeal Committee.

23.4.2 This decision will be circulated to the student, the College. The Committee will also keep a record of its proceedings.

23.4.3 Where an Academic Appeal Application is not upheld, the decision of the Committee shall be immediate.

23.4.4 When it is decided that an assessment matter shall be referred back to a Board of Examiners, the Board will be convened at the earliest opportunity. In cases where there may be a delay in convening a Board, it may be necessary for Chair's Action to be taken. In this event, the decision must be formally recorded for ratification at the next appropriate Board of Examiners.

23.4.5 No member of staff directly involved in the College's submission to the Academic Appeal Application shall act as Chair, or as a panel member, for the reconvened Board of Examiners.

23.4.6 The HE Registry will advise the student that some delay is inevitable before a final decision is reached. They will also be given a commitment on the timing of the next contact.

23.4.7 The HE Registry will also advise the student that they are not allowed to attend the reconvened Board of Examiners.

23.4.8 The Registry will advise the student that it is in their own interest to provide the Secretary of the reconvened Board of Examiners, in writing, with any new information presented orally to the Academic Appeal Committee, if the student wishes that information to be known to the reconvened Board of Examiners.

23.4.9 The Chair of the relevant Board of Examiners will forward the documentation considered by the Committee to the Chair of the reconvened Board of Examiners (together with the reasoned decision of the Committee) unless, in exceptional circumstances, the Chair of the Committee directs that it would be appropriate to withhold some of the documentation or agrees with a request by the student to withhold sensitive personal information.

23.4.10 Where an Academic Appeal Application is referred back to a reconvened Board of Examiners, that Board's ultimate decision shall be final, except in the exceptional circumstances outlined in Paragraph 24.

23.4.11 The reconvened Board of Examiners shall meet as promptly as possible (normally within 15 days of the publication of the Academic Appeal Committee's decision) to consider a referral back and make a decision.

23.4.12 At the reconvened Board of Examiners it is not necessary for attendance to comply with the standard quorum requirements of the Board of Examiners, it is the responsibility of the Chair to ensure an appropriate balance in the circumstances.

23.4.13 The appropriate external examiner(s) must be invited to attend the meeting, but their absence will not invalidate the decision of the reconvened Board of Examiners which is properly constituted in other respects, and the views of external examiner(s) must have been ascertained before the decision of the Board is published. The comments of external examiner(s) who are unable to attend must be recorded and attached to the minutes.

23.4.14 The Chair of the Academic Appeal Committee may nominate a representative to attend the reconvened Board of Examiners. The name of the representative will be communicated to the Secretary of the reconvened Board of Examiners by the HE Registry. The Observer shall, if requested, provide clarification to the reconvened Board of Examiners on the recommendation of the Committee. The representative can provide advice but will not be involved in the decision making process.

23.4.15 The Chair of the reconvened Board of Examiners is responsible for communicating the outcome to the student and to the HE Registry in writing, within 5 days. The reconvened Board of Examiners must provide a reason for its decision to the student. If the reconvened Board of Examiners amended its previous decision then the communication should explain the decision and when the remedy will be implemented.

## **24. REVIEW STAGE**

24.1 Review of Decision of Academic Appeal Panel/Committee (at instigation of Student)

24.1.1 In exceptional circumstances, within 7 days of notification of the decision of the Academic Appeal Panel or Academic Appeal Committee, a student may make a written

request for a review, asking for reconsideration of their Academic Appeal Application. The request should be made to the HE Registry in the first instance. This Review Stage will not usually consider the issues afresh or involve a further investigation.

24.1.2 Only in exceptional circumstances will a request for a Review be accepted after the cut-off date, and then only to an absolute deadline of 35 days after the formal publication of the Academic Appeal Panel or Academic Appeal Committee. The decision on whether, exceptionally, to accept a late Review will be at the discretion of the Chair of the Academic Appeal Committee. Their decision is final and not subject to further review. If the Review is declined, the student will be issued with a 'Letter of Completion'.

24.1.3 A Review of the decision of the Academic Appeal Panel or the Academic Appeal Committee, submitted on time, will normally be considered by the relevant CEO's nominee.

24.1.4 Receipt of the Review will normally be acknowledged by the HE Registry within 3 days of its receipt.

24.1.5 The request must identify the grounds and reasons for the Review. If the relevant information is not provided the HE Registry will return the Review to the student asking that he/she provide the necessary information. The student will have 3 days to provide this information to the HE Registry. If the required information is not received the Review will automatically be rejected and the student will be issued with a 'Letter of Completion'.

24.1.6 A Review can only be made on the grounds:

- (a) That the decision of the Academic Appeal Meeting or Academic Appeal Committee was inconsistent with and unsupported by evidence; **and/or**
- (b) That there was a material procedural irregularity by the Academic Appeal Panel or Academic Appeal Committee which has prejudiced the student's case; **and/or**
- (c) That additional evidence has come to light since the decision of the Academic Appeal Panel or Academic Appeal Committee, which could not reasonably have been expected to have been produced at the time of the consideration of the Academic Appeal Application.

24.1.7 The HE Registry will normally forward the case, within 5 days, to the CEO's nominee for his/her consideration.

24.1.8 The student will be informed of the decision on their review within 15 days of its receipt by the CEO's nominee.

24.1.9 The decision as to whether or not to convene/reconvene an Academic Appeal Committee is not subject to further consideration and concludes the Academic Appeal process within the institution.

## **25. THE OFFICE OF THE INDEPENDENT ADJUDICATOR FOR HIGHER EDUCATION**

At the conclusion of the internal processes connected with this Procedure, the student shall be issued with a 'Letter of Completion' of internal proceedings in the manner prescribed by the Office of the Independent Adjudicator for Higher Education (OIA). A student who is of the opinion that his/her case is unresolved may apply to the OIA for reconsideration of the case under the rules of its scheme within three months of the issue of the 'Letter of Completion'. Information on the process may be obtained directly from the OIA at <http://www.oiahe.org.uk>

## **26. REVIEW OF DECISION**

26.1 Review of Decision of Board of Examiners (at instigation of a Member)

26.1.1 A participant in a meeting of a Board of Examiners has the right to request a review by the HE Academic Board of the Board of Examiners conduct, or of a particular decision relating to the outcome of an Academic Appeal Application if he/she believes that the decision of the Board of Examiners had been inconsistent and/or unsupported by evidence or that there had been a material procedural irregularity.

26.1.2 A request for review by the HE Academic Board shall be made in writing to the Chair of HE Academic Board (who shall inform the Chair of the Academic Appeal Committee).

26.1.3 The Chair of the Academic Appeal Committee will consult with the relevant Dean or Head of College (or other appropriate authority) as to whether the matter can be resolved prior to consideration by HE Academic Board, in conformity with the Assessment Regulations and, where appropriate, the approval of the internal and external examiners. Following such consultation, the Chair of the Academic Appeal Committee will report back to the HE Academic Board. The participant will be informed of the outcome.

26.1.4 Where such resolution is unacceptable to the person seeking review, or it is not practicable for the Chair of an Academic Appeal Committee, working with the Chair of Board of Examiners, to arrange a sufficiently rapid resolution to serve a student's interests, a request may be made to the HE Academic Board by way of the HE Registry. Such a request for Review by the HE Academic Board will be directed to the Academic Appeal Committee in the first instance (and normally, thereafter, unless the circumstances described in Paragraph 26.2 applies) unless the Academic Appeal Committee has already considered the relevant circumstances.

## 26.2 Review by the HE Academic Board

If a Board of Examiners does not, or becomes unable to, act as directed by the Academic Appeal Committee, the Committee has the right and duty to inform the HE Academic Board. If, after enquiry, the HE Academic Board finds that a Board of Examiners will not, or cannot, conduct itself appropriately in the light of the relevant constitution, terms of reference and current regulations, the HE Academic Board shall consider and institute any necessary reforms of a Board of Examiners and/or any emergency arrangements and procedures necessary to ensure equity for affected students. In circumstances where the Board of Examiners does not heed the advice of the HE Academic Board, the HE Academic Board may annul decisions of that Board of Examiners.