

## Academic Appeals Policy and Procedures

### ACADEMIC APPEALS POLICY AND PROCEDURES DURING COVID-19

Panel meetings will be conducted virtually.

### INTRODUCTION

1. This policy relates to the appeal against the decision of a Progression and Award Board (PAB) or of an Extenuating Circumstances Panel (ECP) for all programmes awarded by NCH at Northeastern (the College).
2. The College is committed to having in place fair, effective and timely procedures for handling academic appeals.
3. The College defines an appeal 'as a request for a review of a decision of an academic body charged with making decisions on student progress, assessment and awards'.
4. This policy outlines a two-stage process for an appeal against the decision of a PAB or ECP. The first stage is an initial appeal to Assistant Registrar; with further recourse to a request for an academic appeal review to the Head of Quality Assurance should the query not be resolved to the satisfaction of the student.<sup>1</sup>
5. The policy and procedure apply to all current students and may be accessed without concern that they may be treated less favourably as a result of an appeal.
6. Where a student raises new Extenuating Circumstances these will be treated in line with the College's [Extenuating Circumstances Policy](#).
7. The procedure shall enable the process to be conducted in a timely, fair and reasonable manner, and have due regard to any applicable law.
8. The College will ensure that appropriate action is taken following an appeal to communicate decisions to all parties and ensure that these are acted upon in a fair and timely manner.
9. The College will ensure that appropriate guidance and support is available for students making an academic appeal.

<sup>1</sup> For the purposes of this policy, 'student' refers to undergraduate students, postgraduate students and learners on a degree apprenticeship programme.

10. The College will have effective arrangements, through its Academic Board, to monitor, evaluate and improve the effectiveness of its policy and procedure and to reflect on the outcomes for enhancement purposes.
11. The College shall ensure that suitable briefing and support is provided for all staff and students involved in handling or supporting appeals.

### OTHER POLICIES AND PROCEDURES

12. The policy does not cover the following matters, for which separate procedures exist:
  - 12.1. Disciplinary matters (refer to the [Student Code of Conduct and Disciplinary Procedures](#))
  - 12.2. Complaints relating to the NCH Student Union (further information can be sought from the President of the NCH Student Union)
  - 12.3. Complaints of personal misconduct against a member of staff (refer to the [Student Complaints Policy and Procedures](#))
  - 12.4. Complaints of specific concern or expression of dissatisfaction about the programmes, facilities or services provided by the College, or about actions or lack of actions by the College and its staff (refer to the [Student Complaints Policy and Procedures](#))
13. Where an appeal is deemed to fall under the separate procedures listed above, the College will inform the student that the matters raised have been referred to be dealt with under the appropriate procedure.
14. The College takes appeals seriously and expects students to submit an appeal in a responsible manner. Where the College receives a frivolous or vexatious appeal, the College will terminate consideration of the matter and inform the student of the reasons for doing so and any right of appeal against that decision. Examples of such appeals include:
  - Academic appeals which are obsessive, harassing, or repetitive
  - Insistence on pursuing non-meritorious academic appeals and/or unrealistic, unreasonable outcomes
  - Insistence on pursuing what may be meritorious academic appeals in an unreasonable manner
  - Academic appeals which are designed to cause disruption or annoyance
  - Demands for redress which lack any serious purpose or value
15. An appeal can only be lodged by the student and cannot be made by a third party, other than in circumstances where, at the time allowed for the appeal to be lodged, the student is suffering from such physical or mental incapacity as to prevent the student acting for themselves.
16. Where students receive their formally published results and are unclear on any terminology or the impact of these results, they should in the first instance contact the Academic Services Coordinator, who can advise students on their results. Where they remain dissatisfied, students have the right to submit an academic appeal.

## GROUNDS FOR AN ACADEMIC APPEAL

17. The College defines academic judgment as 'a decision about scholarship that only a suitably experienced academic can make', similar to the definition used by the Office of the Independent Adjudicator (OIA). There is no right of appeal by students against the academic judgments of academic staff or of recognised committees of Academic Boards, including PABs and ECPs, i.e. a student cannot appeal a mark or grade given for an assessment except where there has been an irregularity in the assessment process.
18. A student may appeal the decision of a PAB or an ECP where:
  - 18.1. New, relevant, written extenuating circumstances are presented (see the [Extenuating Circumstances Policy](#)), supported by appropriate evidence, that for good reason were not originally made available to the ECP, and therefore were not considered at the time of the decision of the PAB.
  - 18.2. Processes were not conducted in accordance with current approved policies and procedures or other irregularity concerned with the assessment process.
  - 18.3. There has been a material and significant error in the recording and/or processing of assessments/results.
  - 18.4. There has been a procedural error in the calculation of the award/progression decision.
  - 18.5. There is evidence of bias.
  - 18.6. Academic penalties were not applied in accordance with current approved policies and procedures.
19. In making an academic appeal the burden of proof is on the student to show that one of the matters listed above applies.
20. The standard of proof in academic appeals is on the 'balance of probabilities' rather than 'beyond reasonable doubt'.

## STAGE 1: AN APPEAL ABOUT THE DECISION OF A PROGRESSION AND AWARD BOARD OR AN EXTENUATING CIRCUMSTANCES PANEL

21. A student wishing to appeal the decision of a PAB or an ECP must submit an Academic Appeal Form to the Assistant Registrar (AR) within ten working days of the date of the results of publication. Where an appeal is received outside of this deadline it will be considered at the discretion of the AR.
22. The AR and a member of the Quality Team will investigate the appeal and the AR will provide a written response within 10 working days of receipt of the appeal.
23. Where the appeal is not resolved to the student's satisfaction, the student may request an academic appeal review within ten working days of the receipt of the AR's written notification.

## STAGE 2: ACADEMIC APPEAL REVIEW

24. A request for an academic appeal review to the Registrar must be made by the submission of an Academic Appeal Review Form, accompanied by any necessary supporting evidence, within ten working days of receipt of the appeal outcome. Where a request for an academic appeal review is received outside of these deadlines, it will be considered at the discretion of the Registrar.
25. The Registrar shall assess whether there are valid grounds for a review.

26. Where the Registrar, on the basis of evidence, upholds the Stage 1 appeal, the Chair of the relevant PAB or ECP will be required to take Chair's action to amend the decision of the PAB or ECP.
27. Where elements of the appeal relate to non-procedural matters, the Registrar will consult with the Chair of the relevant PAB or ECP.
28. Where the Registrar, having reviewed the appeal, considers that there is ambiguity in the procedures or evidence an Academic Appeal Review Board (AARB) will be convened, to which the student will be invited.
29. Where there are no grounds for an appeal review, the student will be informed and notified that this marks the end of the College's internal procedures and will be issued a 'Completion of Procedures' letter (COP). The letter will draw the student's attention to the Office of the Independent Adjudicator, to whom any final appeal can be made.

### **ACADEMIC APPEAL REVIEW BOARD**

30. The composition of each AARB shall be:
  - 30.1. A Dean (Chair)
  - 30.2. A Head of Faculty
  - 30.3. One member drawn from Academic Board or the Teaching, Learning and Enhancement Committee
31. All members must be independent of any Faculty to which the appeal relates.
32. All members must be present.
33. A member of the Quality Team will serve as the Secretary of the AARB to advise the panel on procedural issues and record the decisions of the panel.

### **DECISION OF AN ACADEMIC APPEAL REVIEW BOARD**

34. The Chair of the relevant PAB or ECP is required to accept the decision of the AARB.
35. Where the appeal is upheld, the Secretary will write to the student within five working days with AARB's decision.
36. Where the appeal is rejected or not resolved to the student's satisfaction at this stage, they will be informed in writing that this will mark the end of the College's appeals process. The College will provide the student with a COP.

### **EXTERNAL EXAMINERS**

37. The appropriate Award External Examiner will be informed of any changes to PAB decisions made as a result of an academic appeal that a change to a progression or award decision is required.

**MONITORING AND REPORTING, MONITORING, AND REVIEWING**

- 38. The Registrar will report to Academic Board statistical information relating to academic appeals on an annual basis.
- 39. Academic Board will monitor the data and make recommendations as appropriate.
- 40. Academic Board will review the policy and procedures for their effectiveness.

| <b>Title: Academic Appeals Policy and Procedures</b> |  |                |           |   |                           |
|--|--|----------------|-----------|---|---------------------------|
| <b>Approved by: Academic Board</b>                   |  |                |           |   |                           |
| Version number                                       | Date approved  | Date published | Owner     | Location  | Proposed next review date |
| 1.1  | November 2020  | November 2020  | Registrar | Academic Handbook/ policies and procedures / academic policies and procedures | May 2022                  |
| 1.0  | September 2020   | September 2020 | Registrar | Academic Handbook/ policies and procedures / academic policies and procedures | May 2022                  |
| Referenced documents                                 | Student Code of Conduct and Disciplinary Procedures; Student Complaints Policy and Procedures; and Extenuating Circumstances Policy. |                |           |   |                           |
| External Reference Point(s)                          | UK Quality Code Theme: Concerns Complaints and Appeals; Office of the Independent Adjudicator  |                |           |   |                           |