

Academic Appeals Policy and Procedure

1. PURPOSE

- 1.1** This policy explains how academic appeals are considered at Norland. It follows OfS Sector-Recognised Standards and guidance from the Office of the Independent Adjudicator (OIA).

2. GENERAL PRINCIPLES

- 2.1** The principles underlying Norland's academic appeals procedures have been approved by the Academic Board. They are as follows:

- Appeals help improve the student experience
- Appeals procedures are accessible, inclusive, clear and transparent
- Students are treated with dignity and their wellbeing is considered
- Appeals processes are proportionate and allow for cases to be resolved as early as possible
- Appeals procedures are fair and impartial
- Confidentiality and anonymity are appropriately assured

3. WHEN A STUDENT MAY APPEAL

- 3.1** A student may lodge an appeal against the following decisions:

- decisions reached as a consequence of assessment of a student's academic performance, including those relating to the outcomes for awards, pass/fail or processing of individual marks;
- decisions reached on whether or not, and on what conditions, those who have failed an examination or other assessment should be permitted a re-assessment opportunity;
- decisions concerning student progression, including leave of absence;
- a recommendation that a student's enrolment should be terminated on the grounds that the student is academically unsatisfactory, other than where triggered by failure of the programme or failure to progress;
- decisions concerning requirements for fitness to practise or fitness to study;
- decisions relating to academic misconduct;
- decisions relating to exceptional assessment circumstances.

4. VALID GROUNDS FOR APPEAL

- 4.1** Students may appeal only if:

- **A. A procedural error occurred**
 - Examples: unfair process, errors in applying assessment rules, or failure to follow published procedures.

and/or

- **B. Exceptional assessment circumstances existed**
 - Circumstances must:

- Be relevant to the assessment,
- Have impacted performance or decision-making, and
- Could not reasonably have been raised or evidenced earlier.

4.2 Students may NOT appeal if they simply:

- Disagree with academic judgement (i.e., the mark or how work was assessed);
- Are dissatisfied with the quality of teaching or supervision;
- Disagree with how EAC were considered unless procedures were not followed.

5. OVERVIEW OF APPEALS PROCESS

5.1 Consideration of appeals has been delegated by the Academic Board to a 3-stage process, as follows:

- Stage 1 – Initial consideration by the Pro Vice Chancellor (Student Experience) or nominee to determine whether the appeal meets the criteria on which an appeal can be made.
- Stage 2 – Formal consideration stage.
 - Panel meeting determines if panel hearing is required
 - Appeal Panel Hearing hears the appeal and considers the evidence. The Appeals Panel will be made up of the Deputy Vice Chancellor (Chair) and members of staff who have not been directly involved in the academic decision being appealed. Panel members do not consider appeals made by students if they have had any previous involvement with the case.
- Stage 3 – Review Stage – If a student is dissatisfied with the decision made at either Stage 1 or Stage 2, they may request a review of that decision under certain ground by the Vice Chancellor who will determine if the appeal proceeds to the Review stage by the Board of Directors.

5.2 The Pro Vice Chancellor (Student Experience) or nominee will act as the case officer in handling appeals. The case officer for the appeal is responsible for assisting the student in understanding the procedure and the presentation of evidence.

5.3 Students have 10 working days (from the date they are formally notified of the decision against which they wish to appeal) to submit an appeal against an academic decision.

5.4 Where a student is dissatisfied with the outcome of an appeal to the Formal Consideration Stage, they have 10 calendar days to submit an appeal against the Formal Consideration Stage decision to the Review Stage.

5.5 Both stages of the appeals procedure should normally be completed within 90 calendar days.

5.6 Appeals at each stage of the process are considered by panel members who have wherever possible not had previous involvement in the case.

6. SUBMITTING AN APPEAL

6.1 Students wishing to exercise their right of appeal against an academic decision must submit an [Academic Appeal Form](#) to the Appeals Case Officer, the Pro Vice Chancellor (Student Experience) or nominee, normally within 10 working days of being notified of the recommendation or decision

against which they wish to appeal.

- 6.2** The form should be fully completed, accompanied by supporting evidence, and identify the outcome sought by the student. Wherever possible, corroborative documentary evidence of the circumstances cited in the appeal should be submitted with the form. Otherwise, an indication should be given of the timescale in which the evidence will be submitted. Documentary evidence which is contemporary with events described in the [Academic Appeal form](#), rather than retrospective, is desirable.
- 6.3** The documentary evidence must directly demonstrate and support the students' claims within the appeal. For example, an appeal based on the belief that a procedural error has occurred must be evidenced by documents that indicate a procedural error has occurred. Evidence in these cases may include, but is not limited to, email chains, copies of assessments and feedback, or witness statements from staff. An appeal based on exceptional assessment circumstances that could not reasonably have been raised, or evidenced, at the time they occurred, must be accompanied by documents from qualified professionals who are able to a) confirm that the circumstances occurred and b) explain the impact of those circumstances on the student's academic performance and/or decision-making. It is likely that these professionals will be medically qualified, for example doctors, nurses or counsellors with whom the student has an ongoing professional relationship. Evidence from family members who are not medically trained will not usually be accepted unless it is supported by evidence as described above. The Pro Vice Chancellor (Student Experience) or nominee will give advice on suitable evidence if needed.
- 6.4** Where the issues raised in an appeal affect a number of students, those students may submit a 'group appeal'. In such cases, the group may be asked to nominate one student from the group to act as the group representative. Norland will then normally communicate with the representative only and will expect the representative to liaise with the other members of the group.
- 6.5** Appeals by third parties are not normally accepted. Only a student about whom a decision has been made can lodge an appeal against that decision. Any rare exceptions to this rule must be agreed by the Vice Chancellor and can only be agreed on the basis that the student is incapable of managing their own appeal at the time or in the near future (for example on the basis of disability). There must be clear evidence to demonstrate that the student is incapable of handling the appeal on their own behalf.

STAGE 1 – INITIAL CONSIDERATION OF APPEALS

- 6.6** The Pro Vice Chancellor (Student Experience) or nominee will determine whether the grounds for appeal have been met, and the appeal can proceed to Stage 2 Formal Consideration Stage
- 6.7** The Pro Vice Chancellor (Student Experience) or nominee, can dismiss the appeal without recourse to an appeals panel on the following grounds:
- That the form has not been fully completed;
 - That evidence has not been provided and there is no indication that any evidence will be provided. In cases where an appeal is submitted without evidence but there is an indication on the form that this will be provided, the 90 calendar days for resolution of the appeal will not start until that evidence is provided or the student has subsequently indicated that they are not going to provide it;
 - That the appeal is not submitted within the deadline, except for where a reasonable

explanation has been provided;

- The appeal does not fall within the grounds on which an appeal may be made (i.e. no exceptional assessment circumstance or procedural error has been cited);
- That the appeal is not submitted under the correct procedures (in which case a student could, if appropriate, be referred to another policy or procedure, such as the [Complaints Procedure for Students and NQNs](#)).

6.8 In the case of dismissal on the grounds that the form has not been completed, the appellant may be informed by the Pro Vice Chancellor (Student Experience) or nominee that they have whatever is remaining of their 10-day appeal period to submit a new completed application. The Pro Vice Chancellor (Student Experience) or nominee will support the student to complete the form and gather evidence. However, the 10-day appeal period will not be extended on this basis. If the student subsequently fails to submit a new form after prompting, an Initial Stage Appeal Outcome letter will be issued after the 10-day appeal deadline has passed, advising the student of their right to appeal to the Review Stage.

6.9 If a student submits an [Academic Appeal form](#) on, or very close to, the 10-day deadline, or at a time when Norland is closed or over a weekend, there may not be time for the Pro Vice Chancellor (Student Experience) or their nominee to decide whether or not the submission is valid and/or complete before the deadline passes. Therefore, there may not be time for the student to make a revised submission if required. Students submitting appeals in these circumstances do so at their own risk.

Right to appeal Stage 1 Initial Consideration

6.10 If a case is dismissed, the Pro Vice Chancellor (Student Experience) or nominee will issue an Initial Consideration Stage 1 Appeal Outcome letter to the student and advise them of their right to appeal to Stage 3 Review Stage. The letter will explain the reasons for the dismissal of the academic appeal and will note that any appeal to the Stage 3 Review Stage would need to demonstrate one or more of the grounds below. The Vice Chancellor will determine if any of the following groups for appeal have been met and whether the appeal can proceed directly to Stage 3 review by Directors.

- that the student had good reason for failing to complete the form fully;
- that the student had good reason for late submission of an appeal, and also good reason for not disclosing it;
- a procedural irregularity had occurred in determining that the appeal does not fall within the grounds on which an appeal may be made or the status of the evidence provided;
- that they had good reason for failing to submit evidence at the time of submitting the appeal and good reason for failing to explain at that time why evidence had not been submitted;
- That the student had been unfairly treated at the initial stage of consideration.

STAGE 2 - FORMAL CONSIDERATION OF THE APPEAL

7. If the Pro Vice Chancellor (Student Experience) or nominee determines that the appeal should be considered, they will inform the student of the process for the Formal Consideration stage and forward the [Academic Appeal form](#) and all evidence to the Deputy Vice Chancellor or

nominee.

8. The Deputy Vice Chancellor or nominee will convene an Appeals Panel, comprising the Deputy Vice Chancellor or nominee, as Chair, and two other members of staff not directly involved in the decision about which the appeal is made. A staff representative is likely to be invited to attend in order to speak to the Board of Examiners' recommendation or decision.
9. The Appeals Panel will consider the appeal and all information obtained as part of the investigation at an initial Appeals Panel Meeting, and will determine one of the following:
 - There is no case to uphold the appeal;
 - The appeal should be upheld;
 - That an appeals hearing should be held. This is either on the basis that the appeal is considered to be sufficiently complex and difficult to resolve on paper to require a hearing, giving due consideration to what the hearing would add to the investigation.
10. If the Appeals Panel is able to make a clear decision without the need for an Appeals Panel hearing, they will do so and will issue a Formal Consideration Stage Appeal Outcome Report to the student.
11. If the appeal has been upheld, the report will outline the reasons for the decision, the remedial action to be taken by Norland and will advise them of their right to appeal to the Review Stage if they are unhappy with this remedial action.
12. If the appeal is dismissed by the panel, the report will explain the reasons for the decision made and advise the student of their right to appeal to the Review Stage.
13. Any appeal to the Review Stage would need to demonstrate one or more of the following:
 - that the student had good reason for failing to complete the form fully;
 - that the student had good reason for late submission of an appeal, and also good reason for not disclosing it;
 - a procedural irregularity had occurred in determining that the appeal does not fall within the grounds on which an appeal may be made or the status of the evidence provided;
 - that they had good reason for failing to submit evidence at the time of submitting the appeal and good reason for failing to explain at that time why evidence had not been submitted;
 - that the student had been unfairly treated at the initial stage of consideration.
14. Students will not normally be issued with a Completion of Procedures letter at this point since Norland's procedures have not been exhausted. However, should they choose not to appeal to the Review Stage, but wish to take their case directly to the Office of the Independent Adjudicator, they can request a [Completion of Procedures letter](#).
15. If the Appeals Panel decides that an Appeals Panel Hearing is required, the Vice Chancellor will write to the student, informing them of:
 - The date of the Appeals Panel Hearing
 - The people who will be present
 - The student's right to be accompanied by someone to support them
 - The process to be followed by the Appeals Panel Hearing

16. The Vice Chancellor will also inform anyone else that the panel considers necessary for the Academic Appeals Panel Hearing, which may include the Deputy Vice Chancellor, (Education and Research), the student's personal tutor and/or a student support advisor, as well as a note-taker.
17. The Appeals Panel Hearing will be held as soon as possible and where possible within 4 weeks of the Appeals Panel Initial Meeting. Every effort will be made to accommodate the students' availability.

CONDUCT OF APPEALS PANEL HEARING

18. Appeals Panel hearings are normally conducted as follows;
- The members of the panel hold a preliminary discussion amongst themselves in private.
 - All parties are invited into the hearing. The Chair of the meeting introduces the members of the Panel and explains the role of the Panel and the way in which the meeting will be conducted.
 - The student is invited to present their case, with whatever supporting evidence they wish to offer. At this point the student may, through the Chair, seek confirmation of points raised by the Panel.
 - The student's tutor and/or the student support advisor may be invited to speak, as the people involved in supporting and monitoring the academic and pastoral progress of the student (there is no expectation that the tutor or student support advisor should necessarily be supportive of the student's case).
 - Any person(s) accompanying the student are invited to speak but they must not answer questions that are directed to the student.
 - When all statements have been presented, the members of the Committee may ask questions, through the Chair.
 - The Chair will invite anyone present to ask questions or to provide further information, through the Chair.
 - The student is invited to make a brief final statement.
 - All parties, except the Panel members and the note-taker in attendance, are asked to leave the room while the Panel deliberates and reaches a decision.
 - All parties are invited to return. Normally the Chair informs them of the Panel's decision and its reasons, however, if the Panel feels it needs further time to deliberate or seek advice, the decision may be deferred until such time that the panel has been able to make its judgement. This will usually be within 10 working days of the Appeals Panel Hearing. There is no further discussion.
 - The decision and reasons are communicated in writing to the parties through the Appeals Panel Hearing report as soon as is reasonably practicable following the judgement.
19. Following the Appeals Panel Hearing, the Deputy Vice Chancellor will issue a Stage 2 Formal Consideration Stage Appeal Outcome Report to the student. If the appeal has been upheld, the report will outline the reasons for the decision, the remedial action to be taken by Norland and will advise them of their right to appeal to the Review Stage if they are unhappy with this remedial action. If the appeal is dismissed by the panel, the report will explain the reasons for the decision made and advise the student of their right to appeal to the Review Stage.
20. Any appeal to the Stage 3 Review Stage would need to demonstrate one or more of the following:
- They believe that a procedural irregularity has occurred at Stage 2 Formal Consideration

of the appeal and can demonstrate this.

- New evidence exists which the student had good reason for being unable to present at the Stage 2 Formal Consideration Stage.
- That it is possible to demonstrate that the decision made at the Stage 2 Formal Consideration Stage was manifestly unreasonable in the circumstances.

21. Students will not normally be issued with a Completion of Procedures letter at this point since Norland's procedures have not been exhausted. However, should they choose not to appeal to the Review Stage, but wish to take their case directly to the Office of the Independent Adjudicator, they can request a [Completion of Procedures letter](#).

ATTENDANCE AND PRESENTATION OF EVIDENCE AT APPEAL HEARINGS

22. When an appeal is heard the student is always given the opportunity to attend the hearing. If a student wishes to attend a hearing, they are expected to attend on the date set for the hearing, except where there is an exceptional reason for being unable to do so. Hearings are deferred if a student who previously confirmed that they would attend is unable to do so for good reasons. The Chair of the meeting reserves the right to decide that a hearing should go ahead in a student's absence.

23. A student appearing before a hearing has the right to be accompanied by a registered student or employee of Norland.

24. Participants are not permitted to be represented or accompanied by persons from outside Norland e.g. by a solicitor, trades union representative, friend or family member. A student choosing not to appear before the Panel may not send a companion instead.

25. Normally, students wishing to attend a hearing are expected to do so in person. In exceptional circumstances where, for good reason, it is impractical for a student who wishes to attend a hearing to do so in person, a video or telephone link may be arranged if appropriate.

26. The student is invited to submit written evidence if s/he has not already done so and may submit written evidence whether or not s/he chooses to attend the hearing. All written evidence submitted to the Panel is made available to all the parties. Students are strongly encouraged to submit all written evidence sufficiently in advance of the hearing to allow Panel members time to consider it and seek clarification or evidence of points made. Students may also find that they are better prepared to present their case by reference to a written statement. Students may submit written evidence from third parties in support of their case and/or identify those parties whom they believe can contribute to their case.

27. The Chair of the hearing may invite evidence from any other person it deems appropriate to the case including the personal tutor and/or student support officer, and any such persons identified by the student.

NOTIFICATION OF OUTCOME OF THE FORMAL CONSIDERATION STAGE

28. The end of the Formal Consideration Stage occurs when the Appeals Panel has made its decision, either on initial consideration of the evidence or following an Appeals Panel Hearing.

29. At the end of the Formal Consideration Stage, students will be issued with a Formal Consideration Stage Outcome Letter.

STAGE 3 - REVIEW STAGE

Initial consideration of review stage appeal

30. Students who are dissatisfied with the outcome of their appeal at **either** the Stage 1 Initial Consideration Stage or the Stage 2 Formal Consideration Stage have 10 calendar days from the date of the Initial Consideration Stage Appeal Outcome letter or the Formal Consideration Stage Appeal Outcome Report, to appeal to the Review Stage. Students must submit a Review Stage appeal form in order to appeal; they should send the form to the Pro Vice Chancellor (Student Experience) or nominee, who will instigate the Review Stage within 5 working days (where feasible) of receiving the form.

31. The Vice Chancellor will consider the case and determine whether or not the review should proceed to the Stage 3 Review Stage, based only on whether or not the appeal meets the grounds on which appeals may be heard. Students may only appeal to the Review Stage on the following grounds:

- They believe that a procedural irregularity has occurred at the Stage 1 Initial Consideration Stage or Stage 2 Formal Consideration Stage of the appeal, and can demonstrate this;
- New evidence exists which the student had good reason for being unable to present at the Stage 1 Initial Consideration Stage or Stage 2 Formal Consideration Stage;
- That it is possible to demonstrate that the decision made at either previous Stage was manifestly unreasonable in the circumstances

32. If the Vice Chancellor determines that the grounds for the review are not valid, a Completion of Procedures letter will be issued, detailing the outcome of each stage of the appeals process and advising them of their right to complain to the Office of the Independent Adjudicator.

VC Review Panel

32.1 If the Vice Chancellor determines that the grounds for the review are valid, they will appoint a Review Panel, consisting of the Chair and two other Board members to review all documents related to the academic appeal.

32.2 The review Panel will decide;

- to uphold the appeal and apply a remedy (this can only happen in cases where the appeal has already been investigated at the Formal Consideration Stage);
- to refer the appeal back to the Formal Consideration Stage for further investigation;
- to dismiss the appeal.

33. Following the completion of the Review Stage, no further right of appeal exists within Norland. A Completion of Procedures Letter will be issued to the student from the Vice Chancellor or nominee detailing the outcome of each stage of the appeals process and advising of their right to complain to the Office of the Independent Adjudicator.

THE OFFICE OF THE INDEPENDENT ADJUDICATOR



- 34.** Students who have exhausted Norland’s internal appeals procedures but remain aggrieved may be able to make a complaint to the Office of the Independent Adjudicator for Higher Education. Further information about the OIA is available on the OIA website: **www.oiahe.org.uk**.

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