

# **NCIUL STUDENTS APPEALS PROCEDURE**

**ACA-SAP-110**

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## 1. INTRODUCTION

Niccolò Cusano (Italian) University in London (NCIUL) is committed to providing a high quality educational experience for all our students.

However NCIUL recognises that from time to time there may be occasions when students wish to bring matters of concern about their learning experience or access to learning to our attention. This procedure will enable students to express their concerns and appeal against a decision or outcome. This procedure comprises of an informal stage, a formal stage and a review stage.

Disabled students can receive this procedure in an alternative format and seek guidance from NCIUL's Student Office should they wish to discuss any reasonable adjustments.

The underlying principle of the Students Appeals Procedure has been written in accordance with the UK Quality Code for Higher Education - Chapter B9: Academic Appeals and Student Complaints.

## 2. ELIGIBILITY

This procedure applies to all undergraduate and taught postgraduate students registered at NCIUL as well as former students and student applicants as long as the issue is raised within the specified deadline as detailed by the procedure.

## 3. ACADEMIC APPEALS

The Academic Appeals Procedure Decisions will cover issues such as:

- entry requirements and admissions protocols
- assignment marks
- course results
- thesis submission
- academic misconduct
- reasonable adjustments for the admission, teaching and assessment for students with disabilities
- progression rules
- classification of qualifications
- withdrawal of registration due to poor attendance or non-payment of fees

#### **4. ADMINISTRATIVE APPEALS**

The Administrative Appeals Procedure will include decisions on:

- registration processes
- fee liability
- financial support
- exceptional arrangements and reasonable adjustment which are not academic in nature

#### **5. STUDENTS' RIGHTS AND RESPONSIBILITIES**

When making a formal appeal, you are entitled to be dealt with impartially and in accordance with NCIUL's equality and diversity strategy. You may withdraw a formal appeal without prejudice at any time during this procedure. NCIUL will provide guidance with regard to procedures and you will be kept informed of progress in relation to your formal appeal.

When making a formal appeal, you must ensure that you provide NCIUL with all the information necessary for dealing with the matter, including supporting evidence as appropriate, and you should respond promptly to requests for further information or clarification. You should not attempt to use the formal appeals procedures to bring frivolous or vexatious matters to NCIUL's attention.

#### **6. LEGAL ACTION AND ADVICE**

The appeal procedure is not a legal process. It is the formal process by which NCIUL will assess if procedures were followed properly, assess if it delivered services to its students satisfactorily and if grades were allocated fairly and reasonably thus reflecting the student's performance.

NCIUL recommends that students do not take legal action until the appeal procedures are completed. Should a student decide to take legal action or to contact the Open University before the appeal procedure is completed, NCIUL will ask the student to pause and further action until all internal procedures have been completed.

Under the terms of NCIUL appeals procedure, legal representation is not permitted in the event that an appeal is brought forward.

## **7. REMEDY**

The student is invited to indicate the form of remedy which they seek. However while NCIUL will take this wish into account in the resolution of the issue, this information is given without prejudice to the final solution.

## **8. COMPLETION OF PROCEDURES LETTER**

When the appeals procedure is completed, a Completion of Procedures Letter setting out the problems and NCIUL's final decision will be sent to the student. The letter will also outline what additional steps may be taken should the student wish to pursue the matter further.

## **9. REVIEW AND MONITORING**

The Appeals Procedure will be closely monitored by the Registrar who will also record each appeal.

The Academic Board will receive an annual report from each Faculty, on the operations of the Students Appeals Procedure during the preceding 12 calendar months. The information collected will be used to gain a better understanding of the types of appeals that arise in order to improve and maintain good practice.

## **10. CONFIDENTIALITY**

Appeals will be treated confidentially, impartially, constructively and in a timely manner. Details will only be shared with members of staff who need to access information in order to investigate issues. The aim of the procedure is to be clear and fair to all parties involved, and all parties involved in the appeal will be kept informed of the progress of the case at appropriate intervals during the process.

## **11. TIME LIMITS**

The student's appeal must be raised within specific time limits as indicated in Parts 2, 3 and 4 below (Student Academic Appeals). Should an appeal be received after the prescribed time limit has expired, it will not be considered unless there are exceptional circumstances.

## **12. UNACCEPTABLE BEHAVIOUR**

NCIUL is committed to providing a fair, consistent and accessible service for all students. While we understand that some complainants may be angry and

use offensive and abusive language, aggressive behaviour and/or unreasonable demands or persistence is not acceptable.

If, after being given the chance to modify their unacceptable behaviour, a complainant or their representative continues in this manner, NCIUL will take appropriate measures, including referring students to the disciplinary procedures.

### **13. SUBMISSION OF APPEALS**

Students should follow NCIUL procedure in order to raise and submit appeals by submitting their appeal form to a senior member of staff/personal tutor or module leader. This will be acknowledged and referred to the Complaints Manager, and dealt with according to the procedures outlined below.

#### **STUDENT ACADEMIC APPEALS**

NCIUL aims to operate an appeals system which:

- is evidence-based
- is conducted fairly and reasonably
- provides an opportunity for review if standards have not been met
- follows clear written procedures

Disabled students can receive this procedure in an alternative format and seek guidance from NCIUL's Student Office.

#### **1. DEFINITION OF AN ACADEMIC APPEAL**

An academic appeal is defined as a request for a review of a decision of an academic body charged with making decisions on admission, assessment, student progression and awards.

#### **2. TIME LIMITS**

Appeals will only be accepted if submitted within 28 days of the student receiving notification of the original decision against which they wish to appeal.

Once the student's appeal has been dealt with there are further time limits within which, if the student still has grounds to believe the decision is incorrect, they must refer their appeal to the next stage.

If an academic appeal is received after the time limit has expired, it will not be considered unless a student can provide proof of exceptional circumstances.

### **3. ACADEMIC JUDGEMENT AND INELIGIBLE ACADEMIC APPEALS**

Academic appeals cannot be made against the academic judgment of either an internal or external examiner of NCIUL. However a student can appeal if they believe that this judgment was not made fairly or according to the correct NCIUL process.

### **4. VALID GROUNDS FOR ACADEMIC APPEALS**

A student may not appeal against an assessment result except on the grounds that the approved policy for moderation has not been followed.

A student may appeal against a decision of a Board of Examiners if one or more of the following grounds apply:

1. Where the student provides written evidence in support of a claim that performance in the assessment was adversely affected by extenuating circumstances which the student was unable or, for valid reasons, unwilling to divulge before the Board of Examiners reached its decision; or
2. Where there is prima facie evidence, whether provided by the student or otherwise, that there has been a material administrative error; or
3. The examinations or other assessments were not conducted in accordance with the regulations for the programme and/or special arrangements formally agreed; or
4. some other material irregularity relevant to the Board of Examiner's decision has occurred.

Disagreement with the academic judgement of a Board of Examiners cannot constitute grounds for an appeal.

### **5. ADMISSIONS PROCESS APPEALS**

NCIUL is committed to providing unsuccessful applicants with the opportunity to receive appropriate feedback about their applications. Applicants may request feedback about the initial selection decision communicated to them by NCIUL through the Students Complaints Procedure.

If an applicant wishes to appeal against the feedback provided, the student must initiate this within 28 days of the date of the feedback. Appeals against a decision not to admit an applicant to a programme of study are restricted

to those that cite irregularity in the decision-making process (for example, failure to make a reasonable adjustment relating to a disability). The process for deciding such appeals is that which has been approved at Institutional Review

Data Protection legislation means that NCIUL is unable to respond to requests for feedback submitted by third parties. NCIUL will provide its decision in a written response within 20 working days of receiving the applicant's request. NCIUL regrets that it is unable to enter into a dialogue with applicants.

## 6. THIRD PARTIES

An appeal raised by a third party, including a parent, a legal adviser or a Member of Parliament, can be considered only with the student's written permission to give the third party the power to act on their behalf.

## 7. GROUP APPEALS

Groups of students are not permitted to make a collective appeal against academic decisions. Only individual appeals will be considered.

## 8. APPEALS AGAINST MULTIPLE DECISIONS

In the case of a student appeal against more than one academic decision, each decision will be considered as a separate appeal. As such, the student will then receive a separate response to each.

## 9. APPEALS PROCEDURE

Students are encouraged to seek a resolution by contacting NCIUL directly prior to commencing formal procedures. This does not prevent students from making a subsequent Formal Appeal.

The procedure involves three stages:

**Stage 1** Informal query will seek to resolve the issue(s) swiftly and effectively. A student can approach their tutor to review some aspects of the issue.

**Stage 2** A formal appeal is appropriate where the student is dissatisfied with the outcome of Stage 1. The student will ask for a second opinion on the issue.

**Stage 3** A formal review enables the student who remains dissatisfied with the outcome of the previous stages to request a review of the decision by the Academic Appeal Review Panel.

## 10. STAGE 1: INFORMAL APPEALS – QUERYING THE DECISION

Students cannot query an academic decision simply because they disagree with it; they must make a case and provide evidence to support their case.

If a student believes that they have evidence on which to base an academic appeal, they are advised to inform NCIUL within 28 days of the decision. The student can express their informal appeal by email or face-to-face by contacting the person or department that made the decision.

The member of staff receiving an academic query will inform the student within 5 working days of the receipt of the query as to the course of action of the academic appeal.

The student can expect an Outcome Letter with a reference number after no more than 20 working days. Where this is not possible, the student will be kept updated on the progress of their appeal and given an indicative response date.

If the Outcome Letter is not issued within the 20 working day time limit, and the student has not received an explanation for the delay, they should contact the Student Office to discuss escalation of the query to the formal appeal stage.

## 11. STAGE 2: MAKING A FORMAL ACADEMIC APPEAL

Where the student is not satisfied that the matter has been resolved at Stage 1, they may submit a formal written request to the Student Office.

The formal request must be made within 28 working days of receiving the result of the Stage 1 investigation. The request must clearly state the grounds for appeal, provide all appropriate evidence and should be made by completing the Formal

Academic Appeal Form (see Appendix 1. FORMAL ACADEMIC APPEAL FORM, available online at <https://nciul.ac.uk/students-life/student-support/student-complaints-appeals/>).

The student making a formal academic appeal must:

1. submit any new or additional evidence which has not previously been submitted in support of their appeal
2. quote the reference number provided in the Outcome Letter or show that the time limit for NCIUL's response has passed
3. explain why the outcome to the informal query has not solved the issue

4. list one or more of the following reasons why NCIUL should review its decision and consider the appeal:
  - the decision was not one that was reasonable for NCIUL to have made in all circumstances
  - that relevant evidence has not been taken into account
  - that irrelevant evidence was taken into account
  - the procedure followed was not fair or adequate
  - there was bias, or the likelihood of bias, in making the decision
  - there is evidence of procedural irregularity during the Stage 1 process
  - the decision reached during the Stage 1 process is one that no reasonable body could have arrived at.

Failure to meet these requirements will result in the rejection of the academic appeal.

Receipt of the Formal Academic Appeal Form will be acknowledged within 5 working days. The student will be notified if his/her appeal meets the necessary requirements and as such if it will be accepted.

The acknowledgement letter will also state when the student can expect a full response. This is usually within 15 working days from the date of acknowledgment; the student will be informed if an extension is required.

If the appeal is not accepted, there will be an explanation as to the reason(s) for rejection in the acknowledgment letter and the student given a further opportunity to resubmit his/her appeal within 10 working days of the acknowledgment letter.

NCIUL will investigate the student's appeal and information will be gathered regarding the case, taking into account any evidence submitted.

After a full investigation, the student will receive a Decision Letter. The Decision Letter will set out the grounds of the student's appeal, a timeline of events (where relevant), details of the information or evidence which was taken into consideration, and the outcome of the appeal.

The following outcomes are possible:

- a) If the academic appeal is not upheld the student will be informed of the reason(s) for its rejection.
- b) If the academic appeal is upheld, or partly upheld, the student will be informed of the actions being taken to implement the decision and

what NCIUL will do to prevent a recurrence of an incorrect decision in future.

## 12. STAGE 3: THE ACADEMIC APPEALS REVIEW PANEL

Should NCIUL uphold the original decision or issue a revised recommendation which is not satisfactory to the student, the case will then be considered by an Academic Appeals Review Panel.

The panel will consist of senior academic members of staff who have experience in dealing with appeals procedures. The chair will have had no previous involvement in the particular case she/he is reviewing.

In order to request a review the student must:

- 1) write to the Registrar within 28 days of the date of the decision letter, submitted to the Student Office
- 2) specify why, in the student's opinion, NCIUL procedures and regulations have not been followed
- 3) provide the panel with any evidence which has not previously been submitted, in support of the appeal. Where new evidence is introduced at the Review stage, to be eligible for further consideration the student is required to provide a valid reason to explain why this could not have been provided earlier in the process.
- 4) list one or more of the following reasons why the student believes NCIUL should reconsider its decision, for instance if:
  - the outcome was not reasonable; or
  - the reasons for the decision were not fully and clearly communicated to the student; or
  - relevant evidence was not taken into account; or
  - irrelevant evidence was taken into account; or
  - there was bias, or the likelihood of bias in making the decision; or
  - that the correct procedures were not followed in the consideration of his/ her case through the earlier stages of the Procedure; or
  - new material evidence is presented which the student was unable, for valid reasons, to provide at the formal stage.

Failure to meet these requirements will result in the request for review not being accepted.

Once the student's request is received by the Student Office, the student can expect an acknowledgement of the request for review within 5 working days of its receipt. Within 15 working days of the acknowledgment, the Registrar

or a representative will write to advise the student whether or not the review request has been accepted. If it is not accepted, the student will be informed of the reason(s) for that decision.

Where a request for a review meets the requirements, the Panel will conduct a review, look at all of the matters raised in the grounds of the student's appeal request and ensure that the appeal process has been followed appropriately.

## **PROCEDURE FOR THE REVIEW BY THE ACADEMIC APPEALS REVIEW PANEL**

### **1. REVIEW WITHOUT A HEARING (PAPER-BASED REVIEW)**

If, at any time before the hearing, the student decides that they do not wish to proceed with the review, they should notify the Student Office as soon as possible. If the academic appeal has met the requirements for further consideration and the student has submitted new evidence which has not previously been considered by the Registrar, the Student Office will forward the evidence to that authority.

The Academic Appeals Review Panel consists of the Provost, the Vice Provost, Deans /Associate Deans of each Faculty, and the Registrar.

Within 20 working days of the request, the Panel will review the case, taking into account the new evidence.

After consideration of the submission and NCIUL response, the Academic Appeal Review Panel shall reach one of the following decisions:

- If the academic authority confirms its decision, the student's request for a review will proceed as set out below unless the student informs the Student Office that he/she wishes to withdraw it.
- If the academic authority amends its decision so as to satisfy in full the resolution the student is seeking, NCIUL will not proceed to a hearing.
- If the academic authority amends its decision in any other way, the student will be given the option to accept that amended decision or to proceed to a hearing of the review.

If NCIUL amends its decision in any other way, the student will be given the option to accept that amended decision or to proceed to a hearing of the review.

If, at any time before the hearing takes place, the Chair of the Panel is satisfied that sufficient grounds are shown that the decision of the Registrar

should be set aside without a hearing, and if both NCIUL and the student consent to the matter being concluded in that manner, the Chair shall have the authority to set aside that decision and to refer it back to the Registrar.

## **2. REVIEW WITH A HEARING**

Grounds for referral to an Academic Appeal Hearing may include:

- where there is a compelling argument that the student's case would be adversely affected by not being able to present their argument in person, the case will be referred to an Academic Appeal Hearing;
- if an Academic Appeal Panel is unable to agree on a course of action as a result of a review, the case will be referred to an Academic Appeal Hearing, for example, where there is significant disparity between the factual cases stated by the student and NCIUL.
- cases in which the student has already attended a panel or committee to address issues of professional competence.

## **3. STUDENT ATTENDANCE AT THE APPEAL HEARING**

The student will receive a written invitation from a NCIUL member of staff to attend the Appeal Hearing in person at least 10 working days in advance of the hearing. They will be asked to confirm their attendance, or not, in writing.

The written invitation will also inform the student of the names and status of the members of the Panel for the hearing.

While the Appeal will take place even if the student does not wish to attend, the Committee regards it as very important to be able to hear the student's point of view expressed in their own words. The student is therefore encouraged to attend.

The student is allowed to bring a supporter/friend/advisor and is permitted to have this person speak on their behalf. The student must inform NCIUL of the name and status of their supporter at least 5 working days before the hearing. The supporter cannot be a solicitor or other legal representative. If the student chooses not to attend, the supporter/friend/advisor may only attend in exceptional circumstances, and at the discretion of the Chair of the Panel.

If the student has indicated his/her intention to attend, but fails to attend without reasonable explanation, the Panel will consider the case in the student's absence. The Chair will have discretion as to what constitutes as "reasonable explanation".

#### 4. PROCEDURE AT THE HEARING

At the start of the hearing, the Chair will summarise the procedure to be adopted and ask the student whether they wish to raise any procedural points. The Chair will then lead the discussion.

Both the student and the Panel have the right to question any witness or expert adviser called. The Panel may set time limits on verbal statements and on the time spent questioning any witnesses.

The Panel may also ask for, or take account of, any other evidence that has emerged since the first hearing of the case or that the Panel considers to be relevant to the review.

#### 5. THE PANEL'S DECISION

The majority in the Panel determines the final decision. If there are equal votes the decision will be made in the student's favour.

The student will be informed of the Panel's decision in writing within 10 days of the hearing, giving full details of the reasons for the decision, including:

- the background and a summary of the appeal and reasons for review;
- a decision as to whether the appeal should be upheld, partly upheld, or not upheld;
- an explanation for the reason(s) for the decision;
- recommendations for resolution where appropriate

#### 6. COMPLETION OF PROCEDURES

As required by The Open University (OU), if NCIUL is unable to resolve an academic appeal to the student's satisfaction, and there are no further steps available to the student, NCIUL will issue a formal "Completion of Procedures" letter within 28 days of the outcome being determined.

This provides formal confirmation that the student has exhausted the internal procedure. If the student remains dissatisfied, he/she can request for their case to be considered by The OU.

The OU operates externally to NCIUL. It will not normally look at a case until all relevant internal procedures have been exhausted. Further information is available from The OU website ([www.open.ac.uk](http://www.open.ac.uk)).

If you remain dissatisfied with the OU's decision, you may refer your appeal to the Office of the Independent Adjudicator for Higher Education (OIA) to

apply for an independent review of the handling of your appeal. Contact details for the OIA can be requested from the Complaints Manager or from NCIUL's Student Office.

## **STUDENT ADMINISTRATIVE APPEALS**

NCIUL aims to operate an appeals system which:

- is evidence-based
- is conducted fairly and reasonably
- provides an opportunity for review if standards have not been met
- follows clear written procedures

Disabled students can request this procedure in an alternative format by contacting the Student Office.

### **1. DEFINITION OF AN ADMINISTRATIVE APPEAL**

An administrative appeal is defined as a request for a review of a decision taken by an individual or body charged with making decisions about any aspect of a students' access to learning or learning experience with NCIUL which is not an academic decision. Decisions about registration processes, fee liability, financial support, exceptional arrangements and reasonable adjustment which are not academic in nature are covered by this procedure.

### **2. TIME LIMITS**

Appeals will only be accepted if submitted within 28 days of the student receiving notification of the original decision.

Once a student's appeal has been dealt with there are further time limits within which, if a student still has grounds to believe the decision is incorrect, they must refer their appeal to the next stage.

If an administrative appeal is received after the time limit has expired, it will not be considered unless the student can provide proof of exceptional circumstances.

### **3. THIRD PARTIES**

An appeal raised by a third party including, a parent, a legal adviser or a Member of Parliament, can be considered only with the student's written permission to give the third party the power to act on their behalf.

#### 4. GROUP APPEALS

If a group of students have a common issue about a decision made by NCIUL, it may be considered as a group appeal, although these are unusual. If you are a group of students wishing to submit a joint appeal against a decision, you must nominate a spokesperson to correspond with NCIUL.

All those appealing must put in writing their authorisation to the spokesperson and this evidence of authority submitted with the group appeal.

In case it is not suitable to deal with the appeal as a group, it will be treated as an individual appeal made by each member of the group. Students will be informed accordingly and will be allowed to state why the appeal should be dealt with as a group appeal.

#### 5. APPEALS AGAINST MULTIPLE DECISIONS

If the student's appeal is against more than one decision, each part will be passed to the area responsible for consideration and the student will receive a separate response to each aspect of their appeal.

#### 6. ADMINISTRATIVE APPEALS PROCEDURE

The administrative appeals procedure involves three stages:

**Stage 1** Informal Appeal (Initial discussion)

**Stage 2** Making a formal appeal

**Stage 3** Requesting a review

#### 7. STAGE 1: INFORMAL APPEAL – QUERYING THE DECISION

If the student has grounds to believe that a decision relating to their registration or student experience is wrong, they should normally start a consultation as soon as possible, and no later than 28 days of being notified of the relevant decision.

If the student's query is received more than 28 days after the decision, it is likely to be perceived as out of time and therefore will not be considered.

The student's appeal must be based on one of the following criteria:

- alleged failure by a staff member to execute responsibilities under the relevant published NCIUL regulation, rule or policy;
- other failure to adhere to the relevant published NCIUL regulation, rule or policy;

- any penalty imposed which is inconsistent with the penalties available under the relevant NCIUL regulation, rule or policy.

Within 10 working days of receipt of a query the student will receive an Outcome message (by email or letter) from the Complaints Manager which will contain a full response to the query or concern and a reference number. Until a student is in receipt of that reference number they are not able to escalate their query to the formal appeal stage.

If the outcome message is not issued within the 10 day time limit, and the student has not received an explanation for the delay, they should liaise with the Student Office to discuss escalation of the query to the formal appeal stage.

## **8. STAGE 2: MAKING A FORMAL ADMINISTRATIVE APPEAL**

If the student wishes to escalate the matter following initial discussion at the informal stage, the student may submit a formal appeal.

A formal application for appeal must set out one or more of the following grounds on which you believe NCIUL should review its decision:

- formal appeal should be submitted in writing by using the relevant form (see Appendix 1 FORMAL ACADEMIC APPEALS FORM)
- quote the reference number provided in the Outcome message or show that the time/extended time limit for NCIUL's response has passed
- explain why the outcome to the informal query has not solved the issue
- set out the grounds for the application for appeal
- demonstrate that relevant evidence has not been taken into account
- demonstrate that irrelevant evidence was taken into account
- demonstrate that there was bias, or the likelihood of bias in making the decision
- provide details of the matter for appeal and, in particular, details of the decision for which review is sought
- provide details of the published NCIUL regulation, rule or policy which the student considers has not been observed;
- include any supporting information or evidence on which the student relies. Normally certified copies of original documents should be submitted.

Failure to meet these requirements will result in the appeal not being accepted.

Receipt of the administrative appeal form will be acknowledged within 5 working days. The student will be notified if his/her appeal meets the

necessary requirements and as such if it will be accepted.

The acknowledgement letter will also state when the student can expect a full response. This is usually within 15 working days from the date of acknowledgment; the student will be informed if an extension is required.

If the appeal is not accepted, there will be an explanation as to the reason(s) for rejection in the acknowledgment letter and the student given a further opportunity to resubmit his/her appeal within 10 working days of the acknowledgement letter.

NCIUL will investigate the student's appeal and information will be gathered regarding the case, taking into account any evidence submitted.

After a full investigation by a Senior Authority, the student will receive a Decision Letter. The Decision Letter will set out the grounds of the student's appeal, a timeline of events (where relevant), details of the information or evidence which was taken into consideration, and the outcome of the appeal.

The following outcomes are possible:

- a) If the appeal is not upheld the student will be informed of the reason(s) for its rejection.
- b) If the appeal is upheld, or partly upheld, the student will be informed of the actions being taken to implement the decision and what NCIUL will do to prevent a recurrence of an incorrect decision in the future.

## **9. STAGE 3: REQUESTING A REVIEW**

Once all the stages of the administrative appeals procedure have been exhausted, students have the right to a further review if they consider that the decision has not been made in accordance with the relevant NCIUL procedure thus invoking Stage 3 of the Administrative Appeals Procedure.

The appeal cannot be further investigated if the student has not completed all stages of NCIUL's appeals procedure.

## **10. HOW TO REQUEST A REVIEW**

A student requesting a review must write to the Student Office within 28 days of the date of the Decision Letter.

The following information should be included when a student requests a review:

- Degree course and year of enrolment

- Department to which the appeal relates
- Underlying causes and remedial action taken or where no action was necessary
- Response times at each stage

The following information should also be included in the email or letter requesting a review:

- 1) An explanation of the reasons why the student is dissatisfied with the outcome to their appeal.
- 2) Provision of the grounds on which they believe NCIUL should review its decision, for instance if: the outcome was not reasonable; or
  - the reasons for the decision were not fully and clearly communicated to the complainant; or
  - relevant evidence was not taken into account; or
  - irrelevant evidence was taken into account; or
  - there was bias, or the likelihood of bias in making the decision; or
  - appropriate procedures were not followed at the formal appeals stage; or
  - new evidence is presented which the student was unable, for valid reasons, to provide at the formal stage.

In order to be eligible for further consideration the student should provide a valid reason and supporting evidence. If submitting new evidence in support of the student's appeal at the Review stage, the student will need to explain why this could not have been provided earlier in the process.

Failure to meet these requirements will result in the request for review not being accepted.

Once the student's request is received by the Student Office, the student can expect an acknowledgement of the request for review within 5 working days of its receipt.

Within 15 working days of the acknowledgment, the Complaints Manager or a representative will write to advise the student whether or not the review request has been accepted. If it is not accepted, the student will be informed of the reason(s) for that decision.

Where a request for a review meets the requirements set out above, the Dean or nominee will conduct a review, look at all of the matters raised in the grounds of the student's review and ensure that the appeals process has been followed appropriately.

Within 10 working days of the date of the eligibility letter the Dean will complete a report which contains:

- A summary of the student's appeal and grounds for review
- The background to the student's appeal
- A decision as to whether the previous decision should be set aside, set aside in part, or confirmed.
- An explanation of the reason(s) for the decision
- Recommendations for resolution where appropriate

A copy of the Dean's report will be sent to the student and to the Senior Authority.

If the decision of the Dean is to set aside the previous decision in whole or in part, the appeal will be referred back to the Senior Authority with recommendations for reconsideration of the appeal.

In that case the Senior Authority will correspond directly with the student within 10 working days of the referral as to how they intend to implement the recommendations of the Dean.

Within 28 working days of the letter being received in the Student Office, a Completion of Procedures letter will be sent.

However if following the review the Senior Authority's decision is confirmed, a Completion of Procedures letter will be sent to the student with the Dean's report.

Although NCIUL will make every effort to meet the time limits as stated in this procedure, it reserves the right to use additional time for complex cases. If an exception to the standard time limit is needed, the student will be notified of this in writing and informed of when they are likely to receive an outcome response.

## 11. COMPLETION OF PROCEDURES

The Dean is NCIUL's final authority in relation to student administrative appeals. If the student is unhappy with the outcome response, they may refer their appeal to The Open University (OU). The report of the Dean will include the procedures to refer to the OU. Further details for the OU can also be found on their website: <http://www.open.ac.uk/cicp/main/validation/students-and-alumni/appeals-and-complaints>

If the student is dissatisfied once all procedures are exhausted, they may refer their appeal to the Office of the Independent Adjudicator for Higher

Education (OIA) to apply for an independent review of the handling of the appeal.

## **12. REVIEW**

This Policy is subject to annual review by both the Registrar and the Equality and Diversity Committee.

## FLOW CHART OF STUDENTS ACADEMIC APPEALS PROCESS

Student/Applicant should submit their appeal within 28 days of receiving notification of the original decision against which they wish to appeal. Submissions after the time limit has expired will not be considered unless the student/applicant can provide proof of exceptional circumstances

**STAGE 1: INFORMAL APPEALS** – the student must make a case and inform NCIUL within 28 days of the decision if the student believes they have evidence on which to base an academic appeal

**STAGE 2: FORMAL ACADEMIC APPEAL** - the student may submit a written formal request to the Student Office  
If he/she is not satisfied that the matter has been resolved at Stage 1. The formal request must be made within 28 working days of receiving the result of the Stage 1 investigation

Acknowledgement letter will be sent within 5 working days of receipt of formal academic appeal form. If the student's appeal meets requirements, letter will state when to expect a full response (decision letter usually sent within 15 working days from the date of acknowledgment after full investigation); If the appeal is not accepted, the reason(s) for rejection will be explained in the letter and the student given a further opportunity to resubmit his/her appeal within 10 working days of the letter.

**STAGE 3: THE ACADEMIC APPEALS REVIEW PANEL** - Should NCIUL uphold the original decision or issue a revised recommendation which is not satisfactory to the student, the case will then be considered by an Academic Appeal Review Panel. To request a review the student must submit a written request to the Student Office within 28 days of the date of the decision letter. The request should be addressed to the Registrar.

The Student Office will acknowledge receipt of request within 5 working days. Within 15 working days of the acknowledgment, the Registrar or a representative will write to advise the student whether or not the review request has been accepted. If it is not accepted, the student will be informed of the reason(s) for that decision. If accepted, the panel will conduct a review within 20 working days of the request and look into all matters raised in the student's request. A formal 'Completion of Procedures' letter will be issued within 28 days of the outcome being determined.

Review Procedures can include: Review without a hearing / Review with a hearing ((the Panel will review the case within 20 working days of the request taking into account the new evidence), Student attendance at the appeal hearing (the student will receive a written invitation from NCIUL to attend the Appeal Hearing in person at least 10 working days in advance of the hearing). The student is permitted to be accompanied, their companion may speak on their behalf. The student must inform NCIUL of the name and status of their companion at least 5 working days before the hearing.



If NCIUL is able to provide a resolution, the student will be informed of the Panel's decision in writing within 10 days of the hearing. If NCIUL is unable to resolve an academic appeal to the student's satisfaction, and there are no further steps available to the student, NCIUL will issue a formal "Completion of Procedures" letter within 28 days of the outcome being determined. This provides formal confirmation that the student has exhausted NCIUL's internal procedure.



If the student remains dissatisfied, he/she can request for their case to be considered by the OU  
http://

[www.open.ac.uk/cicp/main/validation/students-and-alumni/appeals-and-complaints](http://www.open.ac.uk/cicp/main/validation/students-and-alumni/appeals-and-complaints).

## FLOW CHART OF STUDENTS ADMINISTRATIVE APPEALS PROCESS

**STAGE 1:** Appeals must be submitted within 28 days of the student receiving notification of the original decision. Within 10 working days of receipt of query the student will receive an Outcome message (by email or letter) from the Complaints Manager containing full response to the query and a reference number.

Until the student receives the reference number they are not able to escalate their query to the formal appeal stage. If the outcome message is not issued within the 10-day time limit and the student has not received an explanation for the delay, they should liaise with the Student Office to discuss escalation.

**STAGE 2:** To escalate the query to STAGE 2 the formal appeal stage, the student should submit this in writing using the relevant form (see Appendix 1 FORMAL ACADEMIC APPEALS FORM). Receipt of the administrative appeal form will be acknowledged within 5 working days. The student will be notified if his/her appeal meets the requirements and if it will be accepted. The acknowledgement letter will state when the student can expect a full response. This is usually within 15 working days from the date of acknowledgment; the student will be informed if an extension is required.

If appeal is not accepted, there will be an explanation as to the reason(s) for rejection in the acknowledgment letter and the student given a further opportunity to resubmit his/her appeal within 10 working days of the acknowledgement letter. If appeal is accepted, NCIUL will investigate and information will be gathered regarding the case, taking into account any evidence submitted.

After a full investigation by a Senior Authority, the student will receive a Decision Letter. The Decision Letter will include grounds for appeal, timeline of events (if relevant), details of information/evidence and the outcome of the appeal. If the appeal is not upheld the student will be informed of the reason(s) for its rejection. If the appeal is upheld, or partly upheld, the student will be informed of the actions being taken to implement the decision and what NCIUL will do to prevent a future incorrect recurrence.

Students have the right to a further review once Stage 2 has been exhausted if they consider that the decision has not been made in accordance with the relevant NCIUL procedure thus invoking Stage 3.

**Stage 3 - Request for review must be sent to the Student Office within 28 days of the date of the Decision Letter. The Student Office will acknowledge the request within 5 working days of receipt. The Complaints Manager/ representative will write to the student within 15 working days of the acknowledgment. If not accepted, the student will be informed of the reason(s) for that decision. If accepted, the Dean or nominee will conduct a review and complete a report within 10 working days of the date of the eligibility letter.**



**If the decision of the Dean is to set aside the decision of the Senior Authority, in whole or in part, this will be referred back to the Senior Authority with recommendations for reconsideration and the Senior Authority will correspond directly with the student within 10 working days of the referral. Within 28 working days of request being received by Student Office, a Completion of Procedures letter will be sent.**



**If following the review by the Dean, the Senior Authority's decision is confirmed, a Completion of Procedures letter will be sent to the student with the Dean's report. If the student is dissatisfied with the outcome response, they may refer their appeal to the Open University (OU) <http://www.open.ac.uk/cicp/main/validation/students-and-alumni/appeals-and-complaints>.**



**If still dissatisfied with the OU's decision, the student may refer their appeal to the Office of the Independent Adjudicator for Higher Education (OIA) to apply for an independent review of the appeal.**

## APPENDIX 1. FORMAL ACADEMIC APPEALS FORM

Students who wish to submit a formal academic appeal to NCIUL are advised to review the “Academic Appeals Procedure” prior to completing the Formal Academic Appeals Form (available online at <https://nciul.ac.uk/students-life/student-support/student-complaints-appeals/>).

To initiate a Formal Academic Appeal please complete this form, providing as much detail as is relevant including any dates, times and witnesses if appropriate. Your appeal must be submitted within 28 days of the publication of the relevant decision/result.

<b>1. Personal Details</b>	
<b>Full Name:</b>	<b>Student ID No:</b>
<b>Degree or programme name:</b>	<b>Year of study:</b>
<b>Full-time/Part-time or Distance Learning</b>	
<b>2. Contact Information:</b> <i>(Please note that this is the address NCIUL will use while consideration of the appeal is underway)</i> <i>(Please tick the preferred method of communication, if any)</i>  <b>Address:</b>   <b>Telephone No:</b>   <b>Email:</b>	

<b>3.</b>	<b>Disability</b> Do you have a disability and do you require any additional support or assistance to use this form or the academic appeals procedure?
	<b>Details of your appeal:</b> <i>Please give details of the Assessment Board decision that you are appealing against Include the exact wording in any correspondence from NCIUL.</i>
	<b>Grounds for your appeal:</b> <i>Please state the grounds on which you are basing your appeal (please refer to Regulations and Procedure for Academic Appeals).</i>

	<p><b>Who did you approach to prior to commencing formal procedures?</b> <i>Include the staff members name, post, and date raised. What action was taken?</i></p>
	<p><b>What is the outcome you are seeking?</b></p>

<p><b>Supporting Information</b></p> <p>Please provide a list of all information submitted in support of your academic appeal.</p>	
<p><b>Declaration and Submission</b></p> <p>By signing this form, I confirm that I have read and understood the Academic Appeals Procedure. I have submitted this appeal following completion of the informal stage or I have provided reasons for why I did not consider informal resolution appropriate in the circumstances.</p> <p>I understand that in order to investigate my appeal, members of staff referred to will be made aware of the contents of this form and additional information, if necessary, and that they will have an opportunity to comment as part of the appeal investigation. Regardless of the outcome, no student who brings a genuine appeal under this procedure will be disadvantaged by NCIUL.</p>	
<p><b>Signed:</b></p> <p>(or type your name if submitting electronically)</p>	<p><b>Date:</b></p>

When you have completed all sections please submit this electronically or in paper form together with any supporting information to:

Complaints Manager (Complaints and Appeals)  
NCIUL  
Skylines Village  
Limeharbour  
London E14 9TS  
Telephone: 020 3846 1730  
Email: [info@nciul.ac.uk](mailto:info@nciul.ac.uk)

## APPENDIX 2. FORMAL ADMINISTRATIVE APPEALS FORM

### FORMAL ADMINISTRATIVE APPEALS FORM

Students who wish to submit a formal administrative appeal to NCIUL are advised to review the “Administrative Appeals Procedure” prior to completing the Administrative Appeals Form (available online at <https://nciul.ac.uk/students-life/student-support/student-complaints-appeals/>).

To initiate a Formal Administrative Appeal please complete this form, providing as much detail as is relevant including any dates, times and witnesses if appropriate. Your appeal must be submitted within 28 days of the publication of the relevant decision/result.

<b>1.</b>	<b>Personal Details</b>	
	<b>Full Name:</b>	<b>Student ID No:</b>
	<b>Degree or programme name:</b>	<b>Year of study:</b>
	<b>Full-time/Part-time or Distance Learning</b>	
<b>2.</b>	<b>Contact Information:</b> <i>(Please note that this is the address NCIUL will use while consideration of the appeal is underway)</i> <i>(Please tick the preferred method of communication, if any)</i>  <b>Address:</b>  <b>Telephone No:</b>  <b>Email:</b>	

<p><b>3.</b></p>	<p><b>Disability</b></p> <p>Do you have a disability, and do you require any additional support or assistance to use this form or the academic appeals procedure?</p>
<p><b>4.</b></p>	<p><b>Details of your appeal:</b></p> <p><i>Please give details of the decision that you are appealing against. Include the exact wording in any correspondence from NCIUL.</i></p>

<p><b>5.</b></p>	<p><b>Grounds for your appeal:</b></p> <p><i>Please state the grounds on which you are basing your appeal (please refer to Regulations and Procedure for Administrative Appeals).</i></p>
<p><b>6.</b></p>	<p><b>Who did you approach to prior to commencing formal procedures?</b></p> <p><i>Include the staff member's name, post, and date raised. What action was taken?</i></p>

7.	<b>What is the outcome you are seeking?</b>
8.	<b>Supporting Information</b> Please provide a list of all information submitted in support of your administrative appeal.

<b>9.</b>	<p><b>Declaration and Submission</b></p> <p>By signing this form, I confirm that I have read and understood the Administrative Appeals Procedure. I have submitted this appeal following completion of the informal stage or I have provided reasons for why I did not consider informal resolution appropriate in the circumstances.</p> <p>I understand that in order to investigate my appeal, members of staff referred to will be made aware of the contents of this form and additional information, if necessary, and that they will have an opportunity to comment as part of the investigation.</p> <p>Regardless of the outcome, no student who brings a genuine appeal under this procedure will be disadvantaged by NCIUL.</p>	
	<p><b>Signed:</b></p> <p>(or type your name if submitting electronically)</p>	<p><b>Date:</b></p>
	<p>When you have completed all sections please submit this electronically or in paper form together with any supporting information to:</p> <p>Complaints Manager (Complaints and Appeals)                  NCIUL                  Skylines Village                  Limeharbour                  London E14 9TS                  Telephone: 020 3846 1730                  Email: info@nciul.ac.uk</p>	

<b>Name of policy or procedure:</b>	ACA-SAP-110 Students Appeals Procedures V 1.3-1
<b>Document owner:</b>	Registrar
<b>Created:</b>	09/2017
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<b>Date of next review:</b>	03/2019
<b>Related documents:</b>	Disciplinary Policy
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