

1. Introduction

This document sets out the Navitas UPE policy and procedure for student appeals against the decision of Module Boards or Progression Boards, if it is believed an error has occurred under one of the grounds stated in this set of regulations.

2. Definition of an Appeal

An Academic Appeal is defined by the Office of the Independent Adjudicator for Higher Education (OIAHE), as “a request for a review of a decision of an academic body charged with making decisions on student progress, assessment and awards.”

2.1 Grounds for an Appeal

The grounds on which students are permitted to lodge an appeal are restricted to one or more of these three areas:

- a) there was a procedural irregularity or administrative error in the assessment process
- b) the academic judgment made in an assessment decision was biased
- c) the academic body was unaware of mitigating (extenuating) circumstances, which may have affected the outcome, when it has made its assessment decision

2.3 Exclusions

- The grounds for raising Academic Appeals are restricted to those three areas listed above. However, for the avoidance of doubt, students are explicitly excluded from lodging an Academic Appeal on any of these grounds:
- The view that poor teaching, supervision, academic advice or guidance affected a student’s performance. In such circumstances a student may submit a complaint under the Student Complaints Procedure (NPR QS10a).
- A disagreement with the academic judgment of an examiner or of the Module Panel or Assessment Board in assessing the merits of an individual piece of work, regardless of whether this disagreement is held by the student, a friend, parent or expert in the discipline of study.
- Any decision relating to the assessment, progression and/or exclusion based on the marks, grades and other information relating to a student’s performance. (In such circumstances a student is advised to request feedback from their tutor).

3. Protocol

3.1 Behaviour

All parties involved in an Academic Appeal are required to act reasonably, fairly and courteously towards each other and to respect the Navitas UPE procedures. In addition, any student who wishes to raise an Academic Appeal should feel able to do so without fear of subsequent victimisation.

3.2 Raising a Vexatious or Malicious Academic Appeal

The College may consider invoking disciplinary procedures in cases where Academic Appeals are found to be vexatious or malicious (see NPR QS 11- Student Disciplinary policy).

3.3 Complaints made by students under the age of 18 years

If an Academic Appeal is made under the Formal Procedure by a student who is under the age of 18, unless it is the student's express wish that this should not be done, the Investigating Officer will notify the parents or guardians of the student in writing, and keep them informed of the progress of the Appeal – generally via email or telephone. Navitas will permit the parents or legal guardians of the student to act on the student's behalf during the process, provided the student has confirmed agreement in writing beforehand (see NPR M1).

3.4 Access to Information

Students pursuing an Appeal through the procedure will be entitled to apply for access to personal data in accordance with the policies and procedures of the University under the provisions of the **The General Data Protection Regulation (GDPR)** (EU) 2016/679. Applications should be made in writing to the College Senior Management Team.

3.5 Sharing of Information

We will only share information about your Academic Appeal with other parties where disclosure is necessary in order to ensure a fair investigation, and subject to your written consent.

3.6 Accompaniment at the Appeal/Review hearing

The complainant, if they wish, may be accompanied to any Review/Appeal Hearing by a friend or representative for support or representation as appropriate. The friend or representative shall be permitted to put forward the student's case under the direction of the Chair of the Hearing, and shall be permitted to ask questions of the College representative. This person may not be a lawyer acting in a professional capacity and may not give evidence except on matters of which they have direct knowledge. In the event that the complainant is unable to attend, the Hearing will be rescheduled.

3.7 Time Limits

Time limits should usually be met by all parties. Time limits may be extended by the Investigating Officer where it is necessary to do so in order to ensure a fair outcome.

4. Procedures for Raising an Appeal

4.1 Advice

The UPE Academic Registry can provide authoritative advice on how the Academic Appeals process works and on how to complete the Complaints and Appeals form (See 4.3 below). Students may also wish to seek advice and help from their Students' Union.

4.2 Procedure to deal with an Examination-Related Query (Informal)

Initially, all queries relating to Module Panel or Assessment Board decisions are made on informal grounds and provide students and staff the opportunity to query a recommendation or decision made by either a College Learning and Teaching Board or a College Module Panel. Queries may be made on:

- The result of an individual module.
- Completion of a stage or part of a programme.
- Progression to the next stage of a programme.
- Entitlement to an award.

No formal restriction is placed on the nature of queries, including those which amount to requests for confirmation, clarification or elaboration of a recommendation or decision. However, each query should be noted to the College Learning and Teaching Board. Note that the College may not be able to answer all possible questions or provide as full a response as may be desired by the candidate raising the query.

4.3 Procedures to Deal with a Formal Appeal- Stage One Process

If a student is unhappy with the outcome of their queries or discussions as outlined above, and they believe that they have grounds to launch a formal appeal, they may do so using the Navitas UPE formal procedure.

4.31 Complaints and Appeals Form

All requests for an Academic Appeal must be completed on a Complaints and Appeals Form (**Form QS10**) and should include:

- The grounds upon which the request is based
- Facts and evidence to support the appeal request
- The remedy which the student is seeking

Students must submit the Complaints and Appeals form (QS10) to the Academic Registry within two months of a Module Panel or Assessment Board publication of their mark, award or progression decision. The Academic Registry will nominate a Student Disputes Officer to investigate the Appeal. They will normally be a Module Panel or Assessment Board Chair selected from another Navitas UPE College.

The Student Disputes Officer shall acknowledge receipt of the Academic Appeal, normally within 5 working days. Before proceeding further, the Student Disputes Officer may require further clarification of the Academic Appeal.

The form should detail the nature and circumstances of the Academic Appeal, and the form of resolution or redress that is being sought.

The Student Disputes Officer will investigate the Academic Appeal. The circumstances and details of the Academic Appeal will determine which course of action to be taken and how the matter can be resolved.

It is anticipated that Stage 1 of the Formal Procedure would normally be completed, with a response in writing from the Academic Registry, within **one calendar month** of the receipt date of the completed Complaint Form. This timescale may need to be extended during peak periods or vacations.

4.4 Procedures to Deal with a Formal Appeal- Stage Two Process

If the complainant is not satisfied with the response from the Student Disputes Officer, or if a response is not received within the procedure's timescales, they may request that their Academic Appeal is considered at Stage 2 (Review). To do this the complainant must write to the Academic Registry within 10 working days from the Stage 1 response letter or the deadline for the Stage 1 response, if a response has not been received. The request must clearly state:

- (a) that the student would like to appeal the decision that was taken in Stage 1.
- (b) the reasons why the student believes that the response is unsatisfactory;
- (c) the remedy the student is seeking;

If the Academic Appeal is considered at Stage 2 (Review), a senior representative from the Partner University's Academic Registry (or equivalent) and two independent Module Panel or Assessment Board Chairs will review the Stage 1 response.

The review will consider the student's submission at Stage 2 (Review), their reasons for requesting a review of Level 1 and any new information that has been provided. A member of the UPE Academic Registry may act as an advisor to this committee but it will be chaired by a representative of the Partner University as that is the awarding institution. S/he will chair the review meeting and will be responsible for providing a response to the student.

Should the Academic Appeal be upheld at either Stage 1 or Stage 2, the Student Disputes Officer or Academic Registry may make recommendations/conditions to the College Management. Recommendations/conditions may also be made to the College Module Panel or Progression Board in respect of quality assurance procedures or policies,

If the Academic Appeal is not upheld, the complainant will be informed in writing with reasons for its rejection.

Any conclusions and recommendations of the Panel will be communicated in writing to the complainant, the College Director/Principal and the Academic Registry. A report on

each case which comes before a Complaint Hearing will also be prepared and noted by the Academic Registry.

5 Further Review (OIAHE)

If a student has completed the Navitas UPE internal complaints procedure (Academic Appeals) outlined above and they are still dissatisfied with the outcome, they may be able to refer their Academic Appeal to the Office of the Independent Adjudicator for Higher Education (OIA) providing that the complaint is eligible under the OIA's Rules (see section 7 below).

In such cases Navitas Academic Registry will provide on request a letter stating that a complainant has completed the Navitas internal complaints procedure (Academic Appeals). The letter will include information on the OIA and will comply with the OIA's guidance for a "Completion of Procedures" letter.

6 Timescales

Stage of Procedure	Timescale	Responsibility
INFORMAL		
Query raised (Informal Complaint)	Within two working days of the publication of the Examination result	Student (s)
Acknowledgement of Receipt of Informal Query to review mark	Within two working days of receipt of the query	College Representative
Written response to Query to review mark	Within one calendar month of the receipt of the query	College Representative
FORMAL		
Submission of Student Complaints and Appeals Form QS10	Within 2 months of the publication of the examination result	Student (s)
Acknowledgment of Receipt of Complaints and Student Complaints and Appeals Form QS10	Within 5 working days of submission of form	Navitas Academic Registry
Stage 1 Response	Within one month of the receipt of the Complaint or Appeals form	Student Disputes Officer nominated by Academic Registry
Request to progress to Stage 2	Within 10 working days from the Stage 1 response letter or the deadline for the Stage 1 response, if a response has not been received	Student (s)
Response to Stage 2 Request- Appeal	Within 5 working days of receipt of request	Navitas Academic Registry
Response to Stage 2 – Review	Within one calendar month of referral to Stage 2	Chair of the Appeals Committee (from Partner University)

7 Reference Points

This policy is guided by the OIAHE The good practice framework: handling student complaints and academic appeals.

For further information:

<http://www.oiahe.org.uk/media/96361/oia-good-practice-framework.pdf>

<http://www.oiahe.org.uk/media/114634/oia-gpf-delivering-learning-opportunities-with-others.pdf>

8 Policy Review

This policy will be reviewed annually by Navitas UPE Academic Board, unless there are internal or legislative changes that necessitate earlier review.

The Policy was last reviewed on 12 February 2020 by the UPE Academic Board.