



## **Academic Appeals Process (2020-2021).**

**Please read together with Middlesex University**

<https://unihub.mdx.ac.uk/study/assessment/appeals>

### **Definition of an Academic Appeal**

An Academic Appeal is a formal request that a decision made by an Assessment Board, Awards, Grades and Progression Board held annually at Cardinal Newman college in collaboration with our external Examiner and university link tutor is reconsidered because of special circumstances.

An appeal is a request from a student for a reconsideration of a decision made by an Assessment Board regarding his/her assessment, progression or award.

An appeal may only be made against a published assessment result which has been confirmed by an Assessment Board. This includes decisions made by specially delegated Boards and provisional decisions made by a Board at which an External Examiner has not been present.

Cardinal Newman College has a number of support mechanisms to help you and you should make use of these at the earliest opportunity.

These include the process for submitting extenuating circumstances and deferral requests to the Assessment Board before it meets and by the published deadline.

Information about extenuating circumstances can be found on the tutorial platform on TEAMS or by speaking to your module lead or Programmes Lead, Hayley Sommerville [hsommerville@cardinalnewman.ac.uk](mailto:hsommerville@cardinalnewman.ac.uk)

Hayley will also provide information about other support available, including Academic & Learning Support, Counselling, Disability & Dyslexia Service, Finance, Student Welfare Advice please also see student welfare platform on TEAMS.

However, occasionally things go wrong, or you experience circumstances beyond your control which impact on your assessment, progression or final award. Our appeals process is intended for the few occasions where no resolution or remedy has been possible at an earlier stage.

If your appeal is successful, the Assessment Board will reconsider its original decision taking full account of your appeal (although you should note that, having fully considered your appeal, the Board is not obliged to change its original decision).

### Management of group appeals:

- The principles and timescales outlined in these regulations will also apply to a group of students. Cardinal Newman College Assistant Principal Kathy Salisbury is responsible for the management of the appeal and will ensure that all members of the group are in agreement as to the nature of the appeal. Individual issues would normally be dealt with separately. With the agreement of the group the Assistant Principal will respond to and liaise with a spokesperson. The outcome of the appeal will be communicated to all members of the group.
- Students who have a complaint or grievance concerning the provision of a programme of study or academic service which they believe has affected the quality of their academic performance, should, before submitting an appeal, follow Cardinal Newman College **Student Complaints and Grievance Procedures**.

Please note that before making a formal appeal that **early resolution** should be sought by speaking to the module lead, Programme Lead and Director of Student Welfare Hayley Sommerville and / or Assistant Principal (HE) Kathy Salisbury. This may result in the matter being resolved informally and quickly.

### The Chair of Assessment Board will consider the case and may advise the student:

- That the Assessment Board will reconsider its decision taking account of this new information;
- That the Assessment Board's decision was based on a fair evaluation of the student's assessment performance and will not be reconsidered.

Except where (a) applies, there is a time limit of **28 calendar days** from the date of the Assessment Board results being published for submission of a formal appeal to Assistant Principal (HE) [ksalisbury@cardinalnewman.ac.uk](mailto:ksalisbury@cardinalnewman.ac.uk)

### How to make a formal appeal.

- Complete the appeal form available on TEAMS Tutorial platform.
- Submit the completed form, including the statement and evidence, by email to [ksalisbury@cardinalnewman.ac.uk](mailto:ksalisbury@cardinalnewman.ac.uk) within the time limit specified above. If it is received later than this, it is likely to be rejected unless a statement is attached of the circumstances which prevented the deadline from being met.
- An acknowledgement of receipt will be sent to the student within **5 working days**. If this is not received, the student should contact [ksalisbury@cardinalnewman.ac.uk](mailto:ksalisbury@cardinalnewman.ac.uk)
- In normal circumstances, Cardinal Newman College shall aim to complete the appeal process within **90 calendar days** from receipt of the full appeal. There will occasionally be circumstances when, for good reason, the College will need to extend the timeframe and affected students will be notified.

### Progression of a student while an appeal is being considered.

The decision of the Assessment Board remains in force until it is formally notified by the Assistant Principal thus the student remains responsible for:

- I. Conforming to the requirements for a referral, resubmission of work to be assessed or resitting an examination pending the outcome of the appeal.
- II. The consequence of not complying with these requirements should the subsequent decision of the appeal process not be in the student's favour.

### **While the appeal is being processed:**

The student shall normally be permitted by the Programme Progression Board to continue to the next stage of their studies, unless there are circumstances preventing it other than the decision in question of the Programme Progression Board. This will not prejudice the outcome of the appeal.

- If the appeal concerns expulsion following an investigation into academic misconduct, the student is suspended and written permission is required from the Assistant Principal to continue to the next stage of their studies. The student shall email the request to [ksalisbury@cardinalnewman.ac.uk](mailto:ksalisbury@cardinalnewman.ac.uk) who has discretion not to permit the student to continue pending the outcome of the appeal.
- If the appeal concerns a failed prerequisite for placement, or the placement itself, written permission to attend a placement is required from the Chair of the Programme Progression Board. The Programme Progression Board, in exceptional circumstances, has discretion not to permit the student to enter, or to continue on placement pending the outcome of the appeal. This discretion may be exercised only where the Programme Progression Board judges that it would be against the interests of other people affected by the placement.
- This right is designed solely to ensure that a student whose appeal is upheld is not academically disadvantaged and it shall not be interpreted as acceptance of a failed student whose appeal is subsequently dismissed on a later stage of the programme, nor shall satisfactory progress during such attendance be admissible as evidence at any stage in the appeal procedure.
- During any such interim period of attendance, no fees would be demanded. In the event of the appeal ultimately being resolved in the student's favour and the student being formally reinstated onto the programme, the appropriate fee would be payable
- The student may, if a final qualification has been made, inform prospective employers of the qualification awarded but that the decision may be reviewed following the appeal.
- The student may, if a finalist, attend the Graduation Ceremony.
- The entitlement of the student to proceed on the programme of study will continue until the date of the letter formally notifying the student of the final outcome of their appeal (i.e., dismissal of the appeal or Assessment Board's reviewed decision). This letter will inform the student whether they are entitled to continue on the programme.
- Students shall receive regular communication regarding the progress of their appeal.

### **Confidentiality**

- The appeal is kept as confidential as possible students will be informed in advance of the names of persons to whom the information will be disclosed.

### **Consideration of Appeal - Initial Scrutiny**

The appeal will be scrutinised by Programme Lead, Assistant Principal and University Link Tutor to:

- Ensure that the appeal documentation has been fully completed.
- Reach an initial view on whether sufficient evidence has been provided to merit consideration of a claim on one or more grounds for appeal.

- Ensure there is insufficient evidence to merit consideration of the appeal.
- If **rejected** a Letter of Outcome will be issued, **normally within 50 calendar days** from receipt of the full appeal, providing reasons for the appeal being rejected.

**A student whose appeal has been rejected may request:**

- An internal review by an independent reviewer within Cardinal Newman College or Middlesex University.
- Following the outcome to this review, the student may request an independent review by the **Office of the Independent Adjudicator (OIA)**
  - Students who wish to approach the OIA for review, must seek advice from Assistant Principal regarding how to undertake this within **28 calendar days** of the date of the Appeal Letter of Outcome.
  - After this deadline a student may request a Completion of Procedures Letter which will state that the student has not completed Cardinal Newman College / Middlesex University internal processes. (The student will be required to present exceptional reasons to the OIA for not requesting the University to review the appeal).

**A Decision that there may be grounds for appeal.**

Cardinal Newman College may offer the appellant an informal settlement of their appeal, normally within **50 calendar days** from receipt of the full appeal.

- An **informal settlement** means that the Chair of the Assessment Board has agreed, on the recommendation of the Assistant Principal, that the Assessment Board will review its decision. This does not necessarily mean that the original decision of the Assessment Board is changed.
- Where appropriate the Chair of the Assessment Board may take Chair's Action in the student's favour, and this decision must be reported, in due course, to the Assessment Board.
- The Assessment Board review shall involve full consideration of the student's case and shall be attended by the Assistant Principal to ensure that the reconvened Assessment Board has taken due and proper account of the student's case.
- The Assessment Board shall make special arrangements (which must involve External Examiners and University Link Tutor) for reviewing an assessment decision as soon as possible after the Chair's agreement to offer an informal settlement to the appeal and at latest during the next scheduled meeting.
- The Assistant Principal shall notify the student of the decision of the reconvened Assessment Board within **28 calendar days** of the date of the Board.
- The student may choose not to accept the offer of an informal settlement, but should note that an Appeal Panel may also only request an Assessment Board to review its decision.
- A letter from the student stating the decision not to accept this offer must be received within **10 working days** of the date on the letter offering the informal settlement.
- A student's failure to reply in writing within **10 working days** of the date on the letter offering an informal settlement shall be taken as acceptance of the offer.

Cardinal Newman College may convene a meeting of an Appeal Panel because the option for representation by the student is warranted. The student should note that an Appeal Panel shall not necessarily require an Assessment Board to review its decision.

## The Appeal Panel

- I. An Appeal Panel will normally be convened within **20 working days** of notification of the outcome of initial scrutiny. It will normally consist of three members of staff University Link Tutor, Assistant Principal and Programme Lead.
- II. If the student chooses not to attend the Appeal Panel meeting, the Panel will normally proceed in their absence.
- III. An Agenda including all the appeal documents will be sent to the student and members of the Appeal Panel.

### The Appeal Panel may:

- I. Uphold the appeal and refer the case back to the Assessment Board for reconsideration at a reconvened Board.
- II. Dismiss the appeal as without grounds. A Letter of Outcome will be issued, normally within **10 working days** of the date of the Appeal Panel meeting, providing reasons for the appeal being dismissed.

### A student whose appeal has been dismissed may request:

- I. Either, an internal review of that decision by an independent reviewer within Cardinal Newman College or Middlesex University.
  - II. Following the outcome to this review, the student may request an independent review by the Office of the Independent Adjudicator (OIA).
  - III. Students who wish to approach the OIA for review and who are not seeking an internal review will require a Completion of Procedures Letter to be issued to them.
  - IV. A request for this letter must be made by email to HE Administrator [janebrowell@cardinalnewman.ac.uk](mailto:janebrowell@cardinalnewman.ac.uk) within **28 calendar days** of the date on the Appeal Letter of Outcome.
  - V. A student may request a Completion of Procedures Letter after this deadline which will state that the student has not completed the University's internal processes. The student will be required to present exceptional reasons to the OIA for not requesting the University to review the appeal.
- The Appeal Panel has power to make any recommendations to the Principal, the Assessment Board or Academic Board, but the Appeal Panel may not dispute the academic judgement of the Assessment Board.
  - If the Chair of the Appeal Panel consider that the reconvened Assessment Board has not taken due and proper account of the recommendations of the Appeal Panel they will prepare a brief account of the circumstances for report to Academic Board.

Should the student wish to take the matter further, they must seek a meeting with Cardinal Newman College Principal who will follow guidance under Middlesex University Appeal Regulation and Procedures and Dean of School of Health and Education, Middlesex University.

**Frequently asked questions - <https://unihub.mdx.ac.uk/study/assessment/appeals>**

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To submit an appeal, complete and submit the Academic Appeal Form below.

### Appeal FAQs

- What are the reasons for making an appeal?
- What can't I appeal against?
- How can I check that I have been awarded the correct degree classification? Honours
- How can I check that I have been awarded the correct degree classification? Masters
- What is my status as a student while my appeal is being considered?
- What happens to my appeal after I submit my appeal application?
- How long does an appeal take to resolve?
- Could my grades be lowered because I make an appeal?
- How confidential is my appeal?
- Who can I contact for advice on the progress of my appeal?
- What is an informal settlement?
- What is an Appeal Panel?
- What happens if my appeal is not justified?
- What is a Review?

[Academic Appeal Form](#) - Use this form to request consideration of your appeal

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