



## Appeals Policy

### 1. Definitions

For the purposes of this policy an appeal, as defined by the Office of the Independent Adjudicator (OIA), is “a request for a review of a decision of an academic body charged with making decisions on student progress, assessment and awards.”

### 2. Who can use the Academic Appeals procedure?

The appeals procedure is available to current students of Matrix College.

### 3. The right to appeal

Students have the right to appeal to the Operational Team against the following **final** decisions on assessment, continuation and awards:

- (a) A decision to terminate a student’s current programme of study.
- (b) A decision not to award the Honours degree.
- (c) A decision not to award a Fitness to Practice assessment.

### 4. Grounds for appeal

4.1 It is for the student to establish the case and only claims of at least one of the following circumstances will be considered as grounds for appeal:

- (a) That parts of the documented assessment procedure were not applied and that this **procedural irregularity** which has disadvantaged the student was significant enough to have materially affected the decision/recommendation made, rendering it unsound.
- (b) That prejudice or bias on the part of one or more of the Assessors took place and can be proven or there are reasonable grounds to support the perception of prejudice or bias.
- (c) That the decision-making body took a **decision which no reasonable person would find comprehensible**. Disagreement with the decision does not make it manifestly unreasonable. To apply this ground, you must provide substantive argumentation as to why no reasonable person could have arrived at the decision that was made.

4.2 The following circumstances **will not** be considered grounds for appeal:

- (a) Perceived **shortcomings** in tuition, supervision or support. Concerns relating to the quality of teaching or supervision, or other circumstances that relate to the delivery of a programme of study should be raised under the Student Complaints procedure before the point of assessment or the submission of a final case study. Cases where complaints are upheld and there has been a clear impact on an academic outcome may lead to an academic conclusion e.g. allow a student a further attempt at an assessment.
- (b) Matters of **academic judgement** of course work by Assessors or individual. The student will not be permitted to argue the academic merits of his/her work. The student's assertion that the result unfairly reflects the merit of their work or their ability is not a ground for appeal.
- (c) Disagreement with the **actual award** for a piece of assessed work except where grounds can be established. If a student wishes to have clarification about a mark received for an individual assessment they are advised to contact the markers directly.

## 5. Principles

- The decisions made will be reasonable and, where required, provide appropriate redress.
- Appeals submitted outside the timescales prescribed in the procedure will only be considered in the most exceptional circumstances and where there is good reason, supported by evidence, for the late submission.
- Appeals will be treated seriously and students will not suffer any disadvantage or recrimination as a result of making an appeal in good faith.
- The College will not accept or investigate appeals which it considers frivolous or vexatious and observes OIA guidance to identify such cases.
- The procedures are fair and transparent.
- The process is evidence-based.
- The College will correspond only with the student, unless otherwise requested in writing by the student.
- Appeal procedures are internal to the College and do not have the same degree of formality as a court of law. As such, legal representation in meetings and hearings is not necessary or appropriate for a student or the College during the appeals process and will not, therefore, be permitted.
- Appeals form part of the College's process of quality review and improvement and are considered as providing valuable feedback rather than criticism. We will publicise information about procedures to students and staff and publish them on Moodle
- Students will be notified early in the process if the remedy sought within the appeal is beyond what the College can reasonably provide or what is in its power to provide.

## 6. Recording and monitoring of appeals

It is important that appeals are monitored to improve the student experience. The Operational Team will record and provide reports to indicate the nature of appeals and outcomes. Such reports will:

- Feed into the monitoring and evaluation procedure
- Feed directly into appropriate committees
- Assist in identifying problems and trends in the College
- Form the basis of positive publicity, in demonstrating that identified issues have been resolved;
- Be made available to the students

## **Appeals Procedure General**

### **Principles**

We aim to operate an appeals system which:

- is conducted fairly and reasonably
- follows clear straightforward written procedures
- is evidence-based
- comes to a clear conclusion without unnecessary delay
- gives reasons
- provides appropriate redress
- provides an opportunity for review if the above standards have not been met.

Appeals will be treated seriously and students will not suffer any disadvantage or recrimination as a result of making an appeal in good faith. Appeals made frivolously, vexatiously or with malice will not be investigated.

### **Considerations**

Before initiating the Appeals procedure, students must verify that that they have both the right to appeal and grounds for appeal, in accordance with the terms of the policy.

Before deciding whether to make an appeal, students should talk the matter through with their Programme Lead. It may be that following such discussions concerns about the decision might be clearer and more understandable.

### **Timescales**

Appeals will only be accepted if submitted **within one calendar month** of the student receiving notification of the decision against which they wish to appeal.

The appeals procedure will usually be completed within 90 days of submission of appeal documentation. Where this aim is not achievable, students will be informed at the earliest possible opportunity and an adjusted deadline will be provided.

### **Submission of the Appeal**

Only written cases will be accepted.

The key issues of the appeal must be explained in a clear, coherent and concise manner. If the submission is unclear the student will be asked to resubmit again in a manner that enables proper consideration of the appeal to take place. A timescale for resubmission will be set. Appeals exceeding a 1200 word limit will be rejected. The appeal must be substantiated by evidence, including evidence of the attempt to resolve issues informally

with the college. This may comprise one, or a series of the following types of evidence: a timeline of events, reference to relevant policies and/or regulations, letters, emails, independent medical evidence, witness statements, screenshots. Any evidence or appendices relevant to the appeal must be submitted at the same time as the form and clearly referenced and labelled. All documentation should be in English and the translation of any documents should be done by an accredited translator.

It is the responsibility of the student to make their case. An appeal will not be accepted for consideration if: the grounds for appeal are unclear, it is unnecessarily long, it is submitted without evidence or fails to include important dates, times and other details necessary for determining the eligibility of the appeal.

## **Consideration of the Appeal**

### **1. Consideration by Head of Training**

The appeal case will be considered by the Head of Training who will determine the eligibility of the appeal in accordance with the Appeals policy.

If it is clear that the student has not supplied any evidence, the case will be rejected immediately.

If it is clear that the circumstances claimed by the student should be addressed under a different policy the student will be informed, guided to the correct policy and the case closed.

If it is clear the circumstances claimed by the student do not constitute grounds for an appeal, the case will be rejected immediately.

### **2. College response**

All eligible cases will be forwarded to the Operational Team and information will be gathered regarding the case. A response will usually be submitted within 10 working days. All the points raised in the student's appeal letter will be addressed, referencing relevant policies and procedures, if applicable. The response should either:

- (a) Make a revised recommendation. A written explanation and any relevant evidence should be provided; or
- (b) Uphold the original decision. A written explanation and any relevant evidence should be provided.

### **3. The Appeal Panel**

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

The Appeal Panel will comprise the Chairs of the Research Committee and Curriculum Committee (or one of the aforementioned plus a senior member of teaching staff), neither of whom will have had any prior involvement in the case.

The Appeal Panel will base its decisions on the information and evidence submitted by the student and the response provided by the Operational Team. The Panel may request further evidence from the student and/or the Operational Team, if required. This is a paper-based consideration and neither the student nor Operational Team is entitled to attend.

The Appeal Panel may:

- (i) Reject the appeal and confirm the original decision;
- (ii) Uphold the appeal and accept the revised recommendation submitted by Operational Team as part of process;
- (iii) Uphold the appeal and refer the case back to the Operational Team to reconsider;
- (iv) Uphold the appeal and substitute another decision, rejecting the revised recommendation submitted by the college as part of process, if applicable;

The Appeal Panel cannot change degree awards.

The Appeal Panel may attach conditions to these decisions, such as the requirement for the student to provide medical evidence. Clear instruction will be provided about the consequences of failing to comply with these conditions.

The decision of the Appeals Panel, reasons for the decision and any findings of fact will be conveyed to the student within 10 working days of the meeting.

#### **4. Further Steps**

The student may refer an appeal to Middlesex University once all the college procedures have been exhausted. Full details of the process can be found at <https://unihub.mdx.ac.uk/your-study/assessment-and-regulations/appeals>

Once the review has been completed by Middlesex University the student, if they are dissatisfied with the outcome, may refer the issue to the Office of the Independent Adjudicator (OIA). The OIA runs an independent scheme to review student complaints. Matrix is a member of this scheme. If you are unhappy with the outcome of an appeal you may be able to ask the OIA to review the appeal. You can find more at <http://www.oiahe.org.uk>

Developed by FP/AD: December 2016  
Reviewed: June 2020  
Review date: June 2021