

# Appeals of Decisions on Evidence Excusing Non-Engagement Procedure

## Section 1 - Introduction

### Purpose and Parent Policy

(1) This procedure sets out the steps required for a student to appeal a decision of a Head of School or Programme Director not to accept a student's evidence excusing non-engagement under the [Withdrawal from Studies Policy](#) and the [Appeals Policy](#).

### Responsibilities

#### Student Responsibilities

(2) The student is responsible for initiating the procedure within the defined timeframe and providing all relevant evidence.

#### Staff Responsibilities

(3) Relevant Staff members must provide clear information to students.

(4) The Registrar is responsible for implementing the appeals process.

## Section 2 - Procedure

### Part A - Procedure for the Appeal of a Decision on Evidence Excusing Non-Engagement

#### Submitting an Appeal

(5) Following notification by the Programme Director that the evidence excusing non-engagement is not accepted, the student may appeal to the Registrar.

(6) The student submits an appeal to the Registrar using the appropriate form, including verifiable supporting evidence, within five working days of the notification of the Programme Director's decision.

(7) The student may seek to present to an Appeals Committee and provide a rationale for doing so. The Registrar shall decide if there is merit in a student attending.

#### Assessment of the Validity of the Appeal

(8) The Registrar investigates and assesses whether the appeal submitted meets the grounds for appeal. As part of this investigation, the Registrar:

- a. Considers whether there are valid grounds for appeal

- b. Communicates the appeal submission to the Programme Director with a request for a report outlining relevant factual information in respect of the appellant's assertions

(9) If the appeal submission is complete and the Registrar deems that the grounds are valid, they arrange for the convening of an Appeals Committee of the Academic Board.

### **Notification to the Student**

(10) The Registrar notifies the student in writing of the decision and the rationale for it.

(11) Where an Appeals Committee meeting is convened, the student:

- a. Is notified five working days in advance of the Appeals Committee meeting
- b. Is invited to attend but is not obliged to do so
- c. May submit a statement in writing to the Appeals Committee
- d. Is provided with a copy of all material provided to the Appeals Committee

### **Membership of the Appeals Committee of the Academic Board**

(12) An Appeals Committee consists of three members including a chairperson.

(13) There are two criteria for the membership of an Appeals Committee:

- a. Competence to make the decision before the committee
- b. Independence from the matter being appealed, i.e. no member can have had a previous involvement in the relevant decision or with the student on the matter, and normally will not be from the same department

(14) A gender balance should be maintained where possible.

(15) Normally, the chairperson of the committee is a senior academic external to the College, i.e. not a member of Staff, Faculty, Adjunct Faculty or the Board of Directors

(16) A panel of potential chairpersons is appointed by the Academic Board on a biannual basis.

(17) A note-taker, not a member of the committee, attends and prepares a formal record/written minutes of the committee proceedings for approval by the chairperson.

### **Remit of the Appeals Committee**

(18) The Appeals Committee considers the case based on the grounds for appeal as set out by the student in their application for an appeal and no other criteria.

(19) The Appeals Committee, at its sole discretion, may invite any person who may have evidence or information to support the committee in reaching a decision to attend.

### **Right to Information**

(20) The student is advised of any persons the Appeals Committee meets and is entitled to receive any information or evidence provided by that party which is to be considered by the Appeals Committee.

(21) The student and any other party to an appeal has the right to receive any reports provided to the Appeals Committee generated as part of an investigatory process or decision-making process.

## **Non-Adversarial**

(22) The Appeals Committee is not intended to be an adversarial process and the College recommends that a student does not engage legal representation during proceedings.

(23) Where a student does seek to bring legal representation to any meeting, the College will also do so.

(24) Where a student has a friend or family member who accompanies them who is from a legal profession, that person cannot act in a legal capacity.

(25) At the commencement of the meeting, the chairperson of the Appeals Committee will describe the role of the committee, the possible outcomes of the committee, and subsequent actions of the committee.

(26) Where the student is not present, the chairperson arranges for the issue of a letter to the student describing the role of the committee and possible outcomes.

## **Possible Outcomes**

(27) The possible outcomes are:

- a. The appeal is upheld.
- b. The appeal is denied.

(28) Where an appeal of this type is upheld, the only possible conclusion is that the student does have valid evidence excusing non-engagement. Therefore, the 'Acceptance of evidence excusing non-engagement' section of the [College Initiated Withdrawals Due to Non-Engagement Procedure](#) applies.

(29) If necessary, an Appeals Committee may adjourn any hearing to consult with the Academic Dean or take legal advice where required.

## **Decision-Making**

(30) Ideally, the decision of the Appeals Committee should be unanimous but, at a minimum, it should be a majority of one.

(31) A formal record of the decision, the rationale for it and evidence used to support the decision are maintained.

## **Notification of Decision**

(32) The Registrar notifies the following parties in writing of the Appeals Committee decision and the rationale for the decision:

- a. The student
- b. The Programme Director

(33) The Registrar also notifies all relevant departments to ensure all records are amended to reflect the committee's decision.

## **Conclusion of the Process**

(34) There is no further appeals process available. The process concludes at this point.



## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	2nd November 2020
<b>Review Date</b>	2nd November 2023
<b>Approval Authority</b>	Academic Board
<b>Approval Date</b>	23rd September 2020
<b>Expiry Date</b>	Not Applicable
<b>Enquiries Contact</b>	Quality Assurance

## Glossary Terms and Definitions

**"Appeal"** - An appeal is where a learner formally requests that the decision or judgement of a lower authority is referred to a higher authority (i.e., the Appeals Committee) for the reconsideration of the decision or judgement in the light of concerns expressed by the appellant under one or more of the three grounds of appeal.

**"Non-Engagement"** - Students who cease to attend and/or engage with their programme of studies for a period of four weeks may be deemed to have withdrawn from the programme, i.e. they have passively withdrawn through non-engagement.

**"Procedure"** - Procedures are the broad actions that must be carried out to implement a policy. They set out 'how to do' what the policy specifies must be done.