ADMISSIONS APPEALS PROCEDURE

(HEQMP 4/7/1)

1. Responsibilities

College Responsibilities

It is the responsibility of the Vice Principal with responsibility for Higher Education to acknowledge receipt of a request for an admissions appeal and to appoint an adjudicator to investigate the appeal. The adjudicator would normally be a Head of School or Department, with knowledge of higher education and who is independent of the school to which the appeal applies.

It is the responsibility of the adjudicator to establish whether the appeal has grounds for a hearing based on the criteria as shown below. If grounds are established, it is the adjudicator's responsibility to advise both parties of the proceedings (applicant/academic staff and/or department head) and to ensure that the regulations and procedures relevant to the appropriate validating higher education institution or awarding body are complied with.

Applicant Responsibilities

The applicant must complete all sections of the admissions appeal application form as fully as possible, following the guidelines issued with the form. Comments in support of the application should be confined to matters directly related to the grounds for the application. The applicant must include enough information and evidence for the College to decide whether there are grounds for appeal; and to enable the School/Department to respond (where relevant) if the request for an appeal hearing is granted.

The applicant must comply with the following:

- the appeal application will not be sent back for clarification;
- the case needs to be stated clearly and any evidence has to be provided or clearly identified, otherwise there is a risk that the request for an appeal hearing will be refused;
- if an appeal hearing is allowed, the applicant will be able to respond to what the School/Department submits about the appeal (where relevant);
- however, this can only be a response to what the School/Department says. It cannot be used as an opportunity to raise a new matter at the appeal hearing (e.g. new or additional grounds or grievances) so there is a need to be clear about the case from the start.

2. Purpose

The purpose of this procedure is to allow applicants to appeal regarding a decision relevant to admissions in accordance with the academic regulations pertinent to their awarding body.

3. Criteria for an appeal

a. An admissions assessment appeal may be only made on the following grounds:

i. a **procedural irregularity**;
ii. if there is evidence of **bias or prejudice**;
iii. **new material information**, which may have affected the decision. (In this instance reasons why this was not made available at the time of application MUST be given and failure to do so may impact on progression of the appeal.)

This process is inclusive of all admissions including those decisions based on Recognition of Prior Learning (RPL), either experiential (RPEL) or certificated (RPCL).

b. The following **cannot** constitute grounds for an admissions appeal request:

i. There shall be no provision for appeal against the academic or professional judgement of those making the decision on the application. It may not be used when and where there are not adequate grounds for doing so and may not be used simply because a candidate has been unsuccessful with their application, or is unhappy with the conditions of an offer.

ii. Complaints made against the College or its staff. Any applicant who wishes to make a complaint against the College or its staff on any of the following grounds should do so under the complaints procedure:

- standards of service provided by the College, or other action by the College or its staff;
- failure of the College or its staff to provide a service, or other lack of action by the College or its staff.

iii. Appeal against an academic assessment/award decision. Any applicant who wishes to make an appeal against an academic assessment decision should do so under the assessment and moderation academic appeal procedure.

4. Implementation

Appendix 1 provides a flow chart of the appeal process

a. **Stage 1 - Informal stage**
Usually appeals can be resolved informally, and those who believe they have valid grounds for appeal against an admission decision should raise the matter, in writing, prior to the start date of the programme, with the relevant Head of School (HoS) citing under which grounds (as above) the appeal is made and providing evidence to support the appeal. The HoS must respond to this informal appeal within **5 College days** of receipt of the letter. If the appeal is not resolved to the satisfaction of the applicant through this informal means the HoS should provide clear advice on the formal procedure.

b. **Stage 2 – Formal stage**
If the appeal is not resolved to the satisfaction of the applicant through the informal means, they should then complete a formal admission appeal request and forward it, within **20 College days** of the original date of informal appeal to the Vice Principal responsible for Higher Education, setting out the grounds for appeal. The request should explain why the applicant remains dissatisfied and, what they would hope the outcome to be.

Upon receipt of an application the Vice Principal responsible for Higher Education will acknowledge receipt of an applicant's request for an appeal hearing within **5 College days** and appoint an adjudicator to investigate the admissions appeal.

c. **Stage 3 - Adjudication**
On receipt of the request of formal appeal the adjudicator shall within **5 College days**:

i. determine whether the application meets the criteria for an admission appeal;
ii. notify the applicant in writing of the receipt of their application informing them whether the application meets the criteria for an appeal, as above,and will be forwarded to Stage 4, or whether it does not meet the criteriaand is denied.

d. **Stage 4 – Investigation**
Once the adjudicator has determined an application for an admission appeal has grounds, they shall within **10 College days**:

i. where relevant, notify the validating higher education institution (HEI), or awarding body to invoke their admissions appeals procedure within their specified notification period,
ii. request an investigation and report from the HoS of the appeal,
iii. if relevant to a College validated award, set up an appeal panel,
iv. inform the applicant and School/Department in writing of the details of the College appeal panel,

v. forward the relevant documentation to the applicant, appeal panel or to the relevant HEI or awarding body appeals adjudicator.

e. **Stage 5 - Appeal Panel Hearing**

i. The Chair shall advise the panel and both parties about the proceedings.
ii. The applicant has the right to present their appeal to the panel and respond to the findings of the School investigation.
iii. The School representative has the right to present their findings to the panel and answer the applicant's presentation.
iv. The deliberations of the appeal panel must be made without either the applicant, and companion or representative, or the School representative in situ.
v. The Chair of the appeal panel shall give written notice to the applicant of the decision within **5 College days** of the hearing. *Verbal notification may be given at the time of the appeal hearing but this must not override the requirement of written notice.*
vi. The adjudicator must notify the Vice Principal responsible for Higher Education of the outcome of the appeal panel.

The appeal panel shall decide either:

i. that it upholds the original admissions decision; or

ii. that the admissions decision is to be reconsidered in favour of the applicantin the light of the findings of the investigation. The Chair of the admissions appeal panel shall give written notice to the applicant of the decision.

The deliberations of the appeal panel shall be confidential.

5. Appeal Panel Constitution

Where an appeal is made against an admissions application of New College Durham, the appeal panel shall comprise the following:

a. A senior manager with experience of higher education (Chair);
b. 2 x members of Academic Board, or its sub-group, HE Academic Standards and Quality Board;
c. 1 x HE Development and Quality Unit (HEDQU) representative;
d. Student Union President, or a delegate student representative.

No member of the appeal panel shall be a member of the School/Department concerned, and no member of the appeal panel shall have been involved in the decision which is the subject of the appeal.

6. Applicant Representation

The applicant must be notified of the date of the appeal hearing at least **10 College days** prior to it taking place and advised of their right to be accompanied or represented at all stages of the process provided that the companion or representative is not a professionally contracted advocate.

The applicant should be forwarded at least **5 College days** prior to the appeal hearing,copies of all investigative reports relating to their appeal.

7. College Documentation

- Academic Appeals Policy
- Complaints Policy
- Admissions Policy
- Admissions Appeals Policy

Appendix 1

Stages of an Admissions Appeal

The following diagram outlines the stages of an admissions appeal.

Stage 1 Informal

An applicant must raise their informal query, in writing, prior to the start date of the programme, with the relevant Head of School citing under which ground the appeal is made and providing evidence to support the appeal.

The Head of School must respond with **5 College days** of receipt of the informal appeal.

Stage 2 Formal

If their query is not resolved to the applicant's satisfaction in stage 1 they can make an application to the Vice Principal responsible for Higher Education within **20 College days** of their original submission of their informal query.

Stage 3 Formal Adjudication

The adjudicator determines whether the application meets the criteria for an appeal hearing and informs the applicant of their decision.

Stage 4 Formal Investigation

The Head of School is requested to investigate the appeal and send a report back to the adjudicator.

The adjudicator sets up a College appeal panel (where the appeal is relevant to a college validated award) or notifies the relevant validating higher education institution, or awarding body to invoke their admissions appeals procedure within their specified notification period.

The adjudicator informs the applicant and School in writing of the details of the appeal panel at least **10 College days** prior to the panel hearing.

Stage 5 Formal Appeal Hearing

An appeal panel is held and the applicant informed of the decision of the panel within **5 College days** of the hearing.