

**Termination Appeal Policy**

**1.0 Introduction and background**

1.1 The University offers students an opportunity to request a review of a termination decision by presenting a written case to a panel. The criteria which can be addressed by this policy are limited (See Appendix I).

**2.0 Purpose and scope**

2.1 The Termination Appeal Policy is ultimately the responsibility of Senate, devolved to the Director of Student & Academic Services (DSAS).

2.2 This Termination Appeal Policy covers students enrolled on all University of Northampton programmes, with the exception of those studying at Level 8.

2.3 Decisions on progression, completion and academic failure of students studying on courses involving partners are overseen by the University’s Assessment Boards and therefore termination appeals will be dealt with under this Policy.

**3.0 Definitions**

3.1 For the purposes of this Policy & Procedure, ‘termination’ refers to the exclusion of students from further study due to academic failure.

3.2 For the purposes of this policy, where an individual role is named this refers to that role or a nominee.

**4.0 Key principles**

4.1 Students who are not permitted to continue on their programme of study due to academic failure have the right of appeal against the decision on the following grounds:

* valid extenuating circumstances where evidence is presented that they were not known at the time the termination decision was made

AND/OR

* valid extenuating circumstances which could not, for a documented and evidenced reason, be declared through the Mitigating Circumstances Policy at the time (see Appendix I in the guidance notes).

4.2 Students may also apply for a review of a termination decision through either the Academic Appeal Policy or the Student Complaint Policy. In both cases the outcome must affect the termination decision. For further information consult an Academic Adviser.

4.3 An appeal made on the basis of extenuating circumstances that contributed to the academic failure must show that the circumstances are relevant to the failed assessment(s) and must provide an explanation of why the matter was not raised at the time through the appropriate policy (e.g. Mitigating Circumstances Policy). In addition, appropriate independent documented evidence must be provided (see Appendix I).

 If the same grounds were used in a previous application for mitigating circumstances then these will not normally be eligible for an appeal against termination.

4.4 A student whose programme of studies is terminated following the decision of the relevant Assessment Board will be written to by the Director of Student & Academic Services (DSAS) and will be advised in writing of their opportunities to have the decision reviewed.

4.5 Students have ten working days from the date of the termination letter to make an appeal. Examples of valid (and invalid) grounds appear in Appendix I and in the Guidance Notes to this Policy. For appeals made under the Academic Appeals Policy or the Student Complaints Policy, the relevant policy will take precedence over this Termination Appeal Policy.

4.6 Where an appeal is made under the Academic Appeals Policy or the Student Complaints Policy then the relevant form should be completed (i.e. NOT the Termination Appeal form).

4.7 All appeals on the grounds of extenuating circumstances must be addressed to the Director of Student & Academic Services (DSAS) and submitted on a Termination Appeal Form (see the Guidance Notes).

4.8 On receipt of the Termination Appeal Form the DSAS (or nominee) will check that:

* the appeal has been received within the prescribed time limit;
* relevant and appropriate supporting documentary evidence has been provided.
* the appeal includes information and evidence of the reason why the issues were not raised at the time of the assessment concerned (e.g. via the Mitigating Circumstances Policy).

4.9 The Student Conduct, Complaints and Appeals Manager (or nominee) will triage all applications, and will separate those including valid evidence and grounds from those without.

Those submissions identified as presenting valid grounds and evidence will be forwarded for the consideration by a meeting of a Termination Appeal Panel (TAP).

Those which are considered inadequate (i.e. those lacking grounds and/or valid evidence) will be reviewed by the TAP Chair and rejected formally at this time.

4.10 The TAP will normally comprise at least three appropriately nominated members of staff from the following - no more than one senior member of staff from each Faculty and/or senior members of professional services staff. The Panel will be supported by an Officer nominated by the DSAS.

4.11 Where there is a strong, fully evidenced case that meets the requirements of this policy the Panel will uphold the appeal. The Panel will make a decision based upon the documents presented.

4.12 The Panel will take into account the appellant’s academic performance, attendance and, if relevant, performance in practise when considering the facts presented by the student. Where the TAP is unable to make a decision based on the information provided in writing by the student, it has the option of asking the appellant to attend a panel meeting in order to speak to and clarify the issues. Where a student studies by distance learning, or studies solely with a partner, this panel meeting may be done virtually e.g. via a skype or phone call.

4.13 The Panel will determine the outcome of the appeal largely in accordance with the criteria set out in the Mitigating Circumstances Policy. The Student Conduct, Complaints and Appeals Officer (or nominee) will advise the appellant in writing. There is no internal appeal against the decision of the Termination Appeal Panel.

4.14 The Panel’s decision marks the end of the University’s process in relation to termination appeals. The written outcome will include a ‘Completion of Procedure’ letter, which details the appellant’s right to apply for a review to the Office of the Independent Adjudicator for Higher Education.

4.15 All records relating to the appeal (including, where appropriate, the appeal form, formal notes on the hearing and a copy of the outcome letter) will be placed on record.

4.16 Students who wish to utilise this Termination Appeals Policy are encouraged to seek advice from the Student Support and Advice team; on procedural issues they must email the Student Conduct, Complaints and Appeals Team. They may also wish to seek advice and support from officials at the Students’ Union.

**5.0 Key responsibilities**

5.1 Service Administrator (SAS) – acknowledge receipt and forward to Student Conduct, Complaints and Appeals team.

5.2 Student Conduct, Complaints and Appeals team – manage the implementation of above process; prepare outcome notification (or draft, depending upon delegated authority), on behalf of the DDSAS.

**6.0 Links to related UN Policies/Guidance/Regulations**

6.1 All academic appeals must be dealt with in accordance with the University’s Academic Regulations and Assessment Regulations and the Academic Appeals Policy.

6.2 At the discretion of the DDSAS (or nominee), a ‘complaint’ or an ‘academic appeal’ submitted as a ‘termination appeal’ may be referred to the Student Complaint Policy or the Academic Appeal Policy. In such cases the appellant/complainant will be informed.

**7.0 Links to related external documents (e.g. QAA)**

7.1 [UK Quality Code for Higher Education](http://www.qaa.ac.uk/Publications/InformationAndGuidance/Documents/Quality-Code-Chapter-B9.pdf).

**8.0 Appendices**

8.1 Guidance on Accompanying Friend

8.2 Summary Sheet

**8.1 Guidance on Accompanying ‘Friend’**

The University of Northampton recognises that providing support and advice to persons making a complaint or an appeal should extend to enabling them to be accompanied at any formal meeting or hearing.

***Legal Representation***

Because the proceedings of appeal and complaint hearings are part of University’s internal arrangements, formal legal representation is not normally either helpful or appropriate: legal representation is therefore likely to be the exception, rather than the norm. A complainant or appellant who intends to be accompanied at a meeting or hearing by a legal representative, or another person acting in a professional capacity, must contact the University to request this at least 5 working days prior to the hearing and set out the reasons for making this request. Any such request will be considered by the Director of Student and Academic Services (or nominee) and a decision made. The decision, and reasons for it, will be relayed to the student. Where a legal representative is to be present the University may consider whether to include its own legal representation. In such circumstances it may become necessary to postpone the meeting to a later date.

***Role of the ‘Friend’***

The University normally restricts the role of friend to that of support and advice. The friend will not normally be allowed to present the student’s case on his/her behalf, nor respond directly to questions. At the discretion of the investigator or the Chair of the Hearing, the friend may present a brief supporting statement. Where a student wishes his/her friend to take a more active role this should be requested to the Chair of the Hearing in advance (with reasons). The Chair will decide whether or not to accept the request.

The appellant or complainant has the right to confer with their companion during the course of the hearing or meeting, for example, before responding to any question from the panel or the investigator.

The appellant or complainant may not be represented in their absence by a third party: in such cases the panel will normally consider the case in their absence.

Where, through reasons of disability, the appellant or complainant is unable to represent themselves, appropriate adjustments will be made and these arrangements will be subject to approval by the Director of Academic and Student Services.

**8.2 Summary Sheet**

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| **Policy Title:** |
| Termination Appeal Policy  |
| **Purpose of Policy and to whom it applies (please specify cohorts):** |
| This Policy offers the right of appeal to all students terminated through academic failure, except those studying at level 8, who are covered by a separate policy. Students terminated through other Policies (e.g. Student Disciplinary or Academic Misconduct) have a separate right to appeal encapsulated within those Policies.This Policy applies to all taught programmes leading to an award of the University, including those studying via Education with Others. This Policy is aligned with Chapter B9 of the QAA Quality Code |
| **Owner and Department:** |
| Deputy Director of Student & Academic Services |
| **Principal contact:** |
| Kathryn Kendon (ext. 2928) |
| **Dissemination and implementation plan:** |
| Via SSECs and SEC.Via web |
| **Date of initial committee approval (state committee name):** | SEC |
| **Date of Senate approval:** |  |
| **Date for implementation and cohorts to which it applies:** | September 2018 for all new and continuing students |
| **Proposed date of annual update:** | June 2019 |
| **Date of last annual update:** | June 2018 |
| **Proposed date of full review:** | June 2023 |
| **Date of last full review:** | June 2018 |
| **Version number and date:** | 3.0 |