



**UNIVERSITY
ACADEMY 92**
MANCHESTER

ACADEMIC APPEALS POLICY AND PROCEDURE

Implementation date:

September 2019

Version number:

1.1

Document:
Implementation from:
Review date:
Owner:

Academic Appeals Policy and Procedure
September 2019
2020/21
Head of Registry and Quality

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|---|--|-------------------------|
| <u>Document type</u> | | Strategy |
| | ✓ | Policy |
| | | Regulations |
| | ✓ | Procedure |
| | | Code of Practice |
| | | Guidance |
| <u>Area of UA92 business</u> | | Governance & Compliance |
| | ✓ | Student Affairs |
| | | Academic |
| | | Finance & Operations |
| | | External Affairs |
| | | Other |
| <u>Document Name:</u> | Academic Appeals Policy and Procedure | |
| <u>Author:</u> | Head of Registry and Quality | |
| <u>Owner (if different from above):</u> | Head of Registry and Quality | |
| <u>Document control information:</u> | | |
| Version number: | 1.0 | |
| Date approved: | | |
| Approved by: | UA92 Executive | |
| Implementation date: | September 2019 | |
| Review due: | 2020/21 academic year for implementation from September 2021 | |
| Document location: | | |
| Consultation required: | | |
| Equality & Diversity | Yes | |
| Legal considerations (including Consumer Rights) | Yes | |
| Information Governance | Yes | |
| Students | Yes | |
| Employee Engagement Forum | Not applicable | |
| External | Lancaster University | |

| REVISION HISTORY | | | |
|-------------------------|-------------------------|--|---------------|
| Version | Date | Revision description/Summary of changes | Author |
| 1.1 | 8 th October | Addition of legal representation (2.3.4) | Registrar |
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| | | | |

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Implementation from: September 2019
Review date: 2020/21
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1. Purpose

1.1 This policy and procedure set out how Academic Appeals will be managed, the responsibilities of all parties, and the opportunity for external scrutiny.

1.2 This policy and procedure also provides details of when Academic Appeals will be referred to Lancaster University for consideration as the awarding body for UA92 awards.

1.3 The objective of the Academic Appeals Policy and Procedure is to establish the facts and come to a reasonable and just resolution which is both relevant and proportionate, and is underpinned by the following overriding principles:

- i. Students will not be hindered in making a reasonable Academic Appeal;
- ii. All parties will act without bias or prejudice and in a sensitive, fair and prompt manner;
- iii. No students will be disadvantaged for making Academic Appeals in good faith, and all reasonable Academic Appeals will be taken seriously and dealt with according to the agreed procedures. However, if it is established that Academic Appeals are frivolous or spurious, then they will not be considered reasonable, and UA92 may take disciplinary action;
- iv. All Academic Appeals will be dealt with confidentially so far as it is possible, and it is expected that all parties involved will honour this approach;
- v. All reasonable measures will be taken to ensure that no student is disadvantaged within these procedures;
- vi. Meetings will normally be conducted on a face-to-face basis, however meetings could be conducted electronically or individuals could attend via video link where appropriate;
- vii. Technology will be used, as appropriate, to facilitate these procedures.

1.4 A UA92 Student procedures panel will meet on an annual basis to review all Academic Appeals. This panel will agree an annual report which includes recommendations for action or amendments to this Policy and Procedure by UA92. It will also capture learning to ensure that decisions have been made consistently and at the right level. The Academic Committee of UA92 will receive this report and is responsible to both Lancaster University and the UA92 Board for monitoring Academic Appeals. Lancaster University's Academic Quality and Standards Committee will also receive the report for information.

2. Scope

2.1 What is an Academic Appeal?

For the purposes of this Policy and Procedure, an Academic Appeal is defined as: *“A request for a review of a decision of an academic body charged with making decisions on student progress, assessment and awards”*.

An Academic Appeal relates to the outcome of an assessment or examination, or a student’s progression, and may be based on:

- i. a procedural irregularity in the assessment process which adversely affected the student’s performance and results;
- ii. unfair treatment or discrimination, outwith the exercise of academic judgement (which includes bias or perception of bias);
- iii. mitigating (extenuating) circumstances where, for good reason, the academic body was not made aware of a significant factor relating to the assessment of a student when it made its original decision;

Note: In relation to the above grounds, a prima facie case for appeal will be deemed to exist if there is evidence that for good reason the issue could not be brought to the attention of the Board of Examiners at the relevant time and which could have influenced their recommendations had the information been available at that time.

2.2 What cannot be the subject of an Academic Appeal?

- i. Questioning the exercise of academic judgment. That is the decision made by academic staff on the quality of the work itself or the criteria being applied to mark the work;
- ii. Disagreeing with the conclusions reached by the individual or panel which considered extenuating circumstances.

2.2.1 This policy and procedure does not apply to dissatisfaction about:

- i. Other matters governed by the Student Complaints Policy and Procedure.

2.2.2 On occasions, an Academic Appeal may raise other matters which fall within a number of different procedures. Where that is the case, and with the agreement of the student or apprentice, we may decide to deal with it collaboratively across different teams and/or procedures. Depending the nature of the matters raised, it may be appropriate to suspend one procedure pending the completion of another. This will be discussed with the student or apprentice at the relevant time.

2.3 Who can use the Academic Appeals Policy and Procedure?

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- 2.3.1 This Policy and Procedure applies to all current students and apprentices registered on a UA92 programme. A student or apprentice who has left UA92 can also invoke this procedure within one month of the end of their registration. Any exceptions to this will be determined on an ad hoc basis and at the discretion of UA92 by the Academic Appeals Co-ordinator.
- 2.3.2 The right of appeal is available to all students who:
- i. have failed to qualify to proceed from one stage of their programme to the next;
 - ii. have failed to qualify for the award for which they were registered;
 - iii. wish to challenge, on procedural grounds, the class of award to be awarded;
 - iv. have been judged by an appropriate University body to have committed academic malpractice.
- 2.3.3 **Right to be accompanied and/or represented:** A student or apprentice has the right to be accompanied and supported at any meeting by one person, and may be represented where they have expressly authorised a third party in writing to act on their behalf.
- 2.3.4 **Legal representation:** Students should not require legal representation as proceedings will remain as informal as possible. If a student does wish to employ legal representation, requests made in advance will be considered on a case-by-case basis. In such instances, UA92 will also reserve the right to legal representation.
- 2.3.5 **Group appeals:** Where a group of students or apprentices want to appeal as a group they must provide reasons as to why their appeals should be considered collectively. These will be subject to consideration and judgement by the Head of the Registry and Quality whose decision will be final (a decision to not consider an appeal collectively does not preclude students from pursuing individual appeals). Where a group appeal has been agreed, the group must nominate a spokesperson(s) to speak on behalf of the group. The spokesperson will be responsible for all communication with UA92 and attending any meetings arranged as part of the investigation and/or determination of the appeal. All students or apprentices should sign a consent form confirming that they give their consent for the spokesperson(s) to speak on their behalf.

2.4 What are the relevant Time Limits?

- 2.4.1 **Time limits for making a complaint:** All Academic Appeals must be submitted within one month of the publication of results.
- 2.4.2 **Extending time limits:** UA92 will not routinely extend time limits for making Academic Appeals. Where a student or apprentice has exceptional reasons for a late submission, at its discretion UA92 may extend a time

limit for submission. Any request must be supported by evidence to support the reasons for making a late academic appeal.

2.4.3 **Indicative time limits for the consideration of an Academic Appeal:**

UA92 will make every reasonable effort to complete the Academic Appeals procedure in a timely manner. We aim to consider Academic Appeals within the following time limits, with the aim of completing Stages 1 and 2 within ninety days of receipt of the Academic Appeal in writing:

- i. **Stage 1:** formal investigation: we aim to complete this stage and notify the outcome within 30 days of the date we receive the written complaint.
- ii. **Stage 2:** review stage: we aim to complete the review and notify the outcome within 36 days calendar days of receiving the request for review.

2.4.4 UA92 wants to resolve Academic Appeals quickly but recognises that this is not always possible and sometimes we may be unable to complete our investigations in line with the indicative timeframes. Where there is a delay, we will write to students or apprentices with an explanation and inform them of the timeframe in which the procedure will be completed. UA92 will provide progress updates to students or apprentices as appropriate.

2.5 **Students or apprentices with additional support needs:** Where practical, reasonable adjustments will be made in the procedure as necessary to meet requirements related to protected characteristics or where the students or apprentices have additional support needs. This could include extending deadlines or providing documents in a different format. Students or apprentices should discuss these matters with UA92 when making their appeal or at any time during the consideration of their Academic Appeal to enable us to make any reasonable adjustments.

2.6 In this Policy and Procedure, any reference to named members of UA92 staff also includes reference to her/his nominee and named staff may delegate their responsibilities to other appropriate members of staff without invalidating the procedure. The identity of nominees or members of staff to whom responsibilities are delegated will be notified to the student or apprentice.

2.7 Advice on how to use this procedure is available from the UA92 Academic Appeals Co-ordinator via academicappeals@ua92.ac.uk.

2.8 The UA92 Academic Appeals Co-ordinator will oversee this Policy and Procedure and provide advice to all parties, both students or apprentices and those subject to complaints, on the procedure. The Academic Appeals Co-ordinator is not, however, an advocate for either party. The Academic

Appeals Co-ordinator will play an advisory role in complaint reviews and will act as the primary liaison with the Office for the Independent Adjudicator.

- 2.9 **Record keeping:** UA92 will keep a record of Academic Appeals made and evidence collated as part of the investigation into the Academic Appeal. Students or apprentices are advised to also keep their own records. Records will be retained in line with the UA92 retention policy.
- 2.10 Academic Appeals panels will be composed of individuals from UA92 who are independent of the situation.

3. The Academic Appeals Procedure

- 3.1 UA92 uses a two-stage complaints procedure; Stage 1: Formal stage; Stage 2: Review stage.

Stage 1 – The Formal Stage

- 3.2 In order for the complaint to be considered formally, the student or apprentice must put the Academic Appeal in writing either using the Formal Academic Appeal Form (available for online submission and in hard copy) and send it to the UA92 Academic Appeals Co-ordinator.
- 3.3 Should the issue be immediately resolvable (for example, a simple recording error), the UA92 Head of the Registry and Quality will draw this to the attention of the relevant Exam Board Chair who will agree amendments by Chair's action. If this is not the case, the Head of Registry & Quality, or designated alternate nominated by the Director of Student Affairs will consider the appeal and decide whether there is a case for appeal against the criteria set out in 2.1.
- 3.4 Where there is no case the Head of Registry & Quality, or designated alternate nominated by the Director of Students Affairs will either:
- i. refer the student or apprentice to an alternate more appropriate procedure;
 - ii. enter into a discussion with the student or apprentice, and other parties as appropriate, as to how best to take forward the concerns (e.g. in cases where the concerns involve a number of elements which cross University procedures); or
 - iii. provide an explanation to the student or apprentice as to why no action can be taken along with a Completion of Procedures letter which sets out their right to refer the matter to the Office for the Independent Adjudicator and describe the means to do so.

- 3.5 Students have the right to challenge the decision not to allow the appeal and, in these cases, the decision will be reviewed by the Complaints Coordinator, or designated alternate nominated by the Director of Student Affairs.
- 3.6 If a case for Academic Appeal is determined, the Head of Registry and Quality will convene an Academic Appeal Panel. An Academic Appeal Panel will consist of a minimum of three members of academic staff. Panels will be chaired by a senior member of staff involved in the delivery of academic programmes at UA92. Where an Academic Appeal is made on the grounds of procedural irregularity the panel membership may be a combination of academic and professional services staff as appropriate. In each case, the panel shall have the right of access to detailed marks in the candidate's units of assessment. In addition all details of cases where the board of examiners have permitted a student to be reassessed as first attempt candidates will be available to the panel.
- 3.7 The student or apprentice may attend the event, although it is not required and failure to attend would not stop the proceeding. If present, the student or apprentice will be invited to make a short personal statement. The panel will be allowed, through the Chair, to question the student or apprentice. It will not normally be permissible to call witnesses as part of the panel hearing; however, the Chair may allow it at their discretion. The student or apprentice will be given the opportunity to sum up their position. The burden of proof will be on the student or apprentice, albeit within a recognition of the responsibilities of UA92.
- 3.8 Following the proceeding, the panel will deliberate in private using the balance of probability as the standard of proof, and reach a decision. A member of the Registry and Quality will be available to provide advice on the scope of actions/remedies available to the Panel.
- 3.9 An Academic Appeal Panel which has been convened to consider an appeal against a judgement of academic malpractice shall review that judgement and all the evidence pertaining to it and shall decide one of the following:
- i. The original judgement and penalty are confirmed; or
 - ii. The original judgement stands but the penalty is revised (according to the available penalties set out in the Academic Malpractice regulations); or
 - iii. The original judgement and penalty are removed (and the student's record amended accordingly).
- 3.10 The potential options for outcomes available to the Academic Appeal Panel will differ depending on the nature of the case, particularly with regard to the level of the award. In general terms the options available to the panel include, but are not limited to:
- i. Exclusion;

- ii. Agreement to temporarily exclude the student or apprentice allowing a reassessment the following year;
 - iii. Confirmation of failure;
 - iv. Confirmation of existing award classification;
 - v. Readmission to level/year of study (applicable only to Level 4 of degree programmes);
 - vi. Agreement to allow the student or apprentice to retake the entire year;
 - vii. Condonation of failure and the granting of permission for external reassessment (applicable only to Level 4 of degree programmes);
 - viii. Reconsideration of results in accordance with the regulations relating to incomplete assessment and exceptional circumstances, as detailed in the UA92 Academic Regulations;
 - ix. Amendment to the awarded classification;
 - x. For students or apprentices who have been adjudged to have committed malpractice in examinations and excluded with no reassessment opportunity, the opportunity for reassessment for a Pass degree only.
- 3.11 Where the proposed outcome amends any previous decision of the Board of Examiners, this will need to be ratified by Lancaster University as the awarding body for UA92 courses.

Stage 2 – The Review stage

- 3.12 If the student or apprentice remains dissatisfied following the outcome of Stage 1 they may apply to Lancaster University within two weeks of the date of the Stage 1 written decision requesting a formal review. They should explain why they feel dissatisfied with the outcome at Stage 1 and what remedy they seek.
- 3.13 All appeals should be submitted to UA92 in the first instance. UA92 will then forward onto Lancaster University and will liaise with Lancaster to ensure that the appeal is considered in a timely manner.
- 3.14 Academic Appeals will be considered by Lancaster University in line with the procedure detailed in the Lancaster University Manual of Academic Regulations and Procedures (MARP)
<https://www.lancaster.ac.uk/media/lancaster-university/content-assets/documents/student-based-services/asg/marp/Academic-Appeals.pdf>
- 3.15 Requests for Stage 2 Review can only be made on any or all of the following grounds:
- i. that new evidence has come to light which could not reasonably have been made available at Stage 1; or
 - ii. that there exists evidence of a material procedural irregularity in Stage 1; or
 - iii. that there exists evidence that the judgement at Stage 1 did not meet the expectations of natural justice.

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No new ground of appeal may be requested at Stage 2, but further evidence may be submitted in support.

- 3.16 Completion of Procedures letters will be issued by Lancaster University and will advise the student or apprentice of their right to refer the matter to the Office of the Independent Adjudicator and describe the means to do so.

Office of the Independent Adjudicator

- 3.17 The Office of the Independent Adjudicator (OIA) acts as an ombudsman for universities. Once all internal appeals procedures have been exhausted and following receipt of the Completion of Procedures letter, if the student or apprentice is still dissatisfied they have the right to take the case to the Office of the Independent Adjudicator (OIA) for further review.

- 3.18 The application to the OIA must be made within 12 months of the issue of the Completion of Procedures letter by Lancaster University.

- 3.19 Information about OIA and its processes can be found at www.oiahe.org.uk.

4. Related documentation

- i. UA92 Student Complaints Procedure
<https://www.ua92.ac.uk/storage/app/media/Student%20Policy%20Documents/UA92%20Student%20Complaints%20procedure%20Sep-18%20APPROVED.pdf>
- ii. Lancaster University Student Complaints Procedure
<https://www.lancaster.ac.uk/strategic-planning-and-governance/student-complaints/>
- iii. Lancaster University Academic Appeals Procedure
<https://www.lancaster.ac.uk/media/lancaster-university/content-assets/documents/student-based-services/asq/marp/Academic-Appeals.pdf> and Guide to Academic Appeals
<http://www.lancaster.ac.uk/media/lancaster-university/content-assets/documents/student-based-services/course-and-study-changes/Appealguide.pdf>

5. Appendices

5.6 Academic Appeals flowchart

