



Academic Appeals Procedure

Effective from January 2023 to Present

Student Regulations and Policies
uclan.ac.uk/studentcontract

1. Scope and Purpose

- 1.1 An academic appeal is a request by a student for a review of an academic decision made by an academic body which is responsible for making decisions on student progress, assessment and awards.
- 1.2 This Procedure applies to all students registered for a University award including learners engaged in a degree apprenticeship, whether studying at partner institutions in the UK and abroad. It applies to all University awards including taught programmes, degree apprenticeships, postgraduate research degrees, professional doctorates and professional awards.
- 1.3 Academic decisions include:
 - A decision by an Assessment Board or associated sub-committee on marks, classifications and progression, including decisions on early withdrawal and academic misconduct outcomes.
 - A decision by the Research Degrees Board or associated assessor(s) on any assessment point in the postgraduate research student journey, including registration, transfer, annual progression and examination, including decisions on academic misconduct outcomes.
- 1.4 This Procedure does not apply to decisions on disciplinary, fitness to practise or fitness to study outcomes for which there are separate appeals procedures in the Regulations for the Conduct of Students.
- 1.5 The University operates a Student Complaints Procedure for dealing with student complaints about any service provided by the University including academic related services. If you have a concern about course delivery or supervision, you should raise this at the time so that it can be resolved. We may re-classify an academic appeal as a complaint or vice versa, if the submission falls properly within the remit of one procedure rather than the other. Where an appeal relates to a service provided by the University this will normally be dealt with under the Student Complaints Procedure before the appeal is considered.
- 1.6 The University has robust procedures to ensure fairness in the assessment process. The grounds for appeal do not, therefore, include bias or perception of bias. If a student has evidence to support a claim of bias, this should be the subject of a complaint. If that complaint is upheld, and any proven bias may have been material to the outcome of an assessment, this outcome will be considered as an appeal.
- 1.7 It is your responsibility to ensure that applications for Mitigating Circumstances are communicated through the relevant Procedure at the appropriate time. If you submit evidence of Mitigating Circumstances after the decision has been made and you do not have good and valid reason for not submitting it at the right time, then your appeal may not be successful.

2. Principles

- 2.1 An appeal cannot be made against the academic judgement of the assessors, properly exercised. 'Academic judgement' means any decision about a student's assessment or progression that can only be made by an appropriate academic expert. An appeal may not

be based on a questioning of the academic judgement of any properly appointed individual examiner and appeals on this basis will be ruled invalid.

- 2.2 Appeals submitted outside the deadline will be ruled invalid unless, exceptionally, you can show good reason why the appeal could not have been submitted earlier and provide suitable supporting evidence.
- 2.3 If you have a mobility or communication difficulty, we will ensure that information is available in appropriate formats and that reasonable adjustments are made so that you can participate in the proceedings.
- 2.4 Appeal meetings and hearings will normally be conducted via Microsoft Teams for the convenience of all parties. Alternative arrangements will be made where there is good reason including conducting a meeting/hearing in person or by correspondence.
- 2.5 You will not be disadvantaged by submitting an appeal in good faith. Appeals which are judged to be vexatious, malicious or frivolous will not be considered. This may arise where the appeal clearly does not have any serious purpose, or where repeated appeals are unreasonable in all the circumstances.
- 2.6 We aim to resolve all appeals through our internal processes. If you initiate legal proceedings against the University on the same or a related matter, any appeal will be paused until those proceedings are complete.
- 2.7 If the issue that is the subject of the appeal affects a group of students, a collective appeal may be raised. A signed statement should be included from all students confirming that they have been personally affected by the issue and authorising the University to correspond with a single named spokesperson.
- 2.8 All information submitted in relation to appeals will be dealt with confidentially and will only be disclosed to those persons involved in making a decision on the appeal, or as necessary to progress the appeal.
- 2.9 It is not within the remit of the Academic Appeals Procedure to adjust marks or classifications, unless there has been a calculation error.
- 2.10 All references in this Procedure to the Head of School include an appointed nominee.

3. Student Support

- 3.1 If you think you have grounds for appeal, you are encouraged to seek independent advice and support from the Students' Union Advice and Representation Centre.
- 3.2 You are entitled to be accompanied and/or represented by a person of your choosing during this Procedure, who may be from the Students' Union Advice and Representation Centre. Any person accompanying you will be there in a supporting capacity. The name and designation of any supporting person should be given to the Student Casework Team at least 24 hours before any meeting.
- 3.3 This Procedure is intended to be fair and to comply with the rules of natural justice. It is not a formal court process and, therefore, should not be adversarial or overly legalistic, and there is no need for anyone to have formal legal representation. You may be accompanied

by a person who is legally qualified, providing that person understands and respects the nature of the process and does not adopt an overly adversarial or legalistic stance.

- 3.4 There are also a range of support services available in Student Wellbeing Services if these would be helpful to you at any stage in the process.

4. Grounds for Appeal

- 4.1 A request for an appeal against an Assessment Board including a SEAM Board decision will be valid only if it is based on one or more of the grounds listed below, and must be supported by suitable evidence:

- i) that insufficient weight has been given to mitigating circumstances;
- ii) that the student's academic performance has been adversely affected by mitigating circumstances which the student has **for good reason** been unable to make known at the time;
- iii) that there has been a material administrative error at a stage of the process, or that some material irregularities have occurred;
- iv) that the assessment procedure and/or examination(s) have not been conducted in accordance with the approved regulations.

- 4.2 A request for an appeal against the outcome of an academic misconduct meeting/hearing will only be valid if it is based on the following grounds:

- i) that the original meeting/hearing was not conducted fairly and/or in accordance with the published procedure;
- ii) that the original decision was unreasonable in all the circumstances.

- 4.3 Where a decision on a category 4 academic misconduct case has been made by an Academic Misconduct Committee, any appeal will be referred to be considered by an Appeal Panel at the second stage of this process.

5 Roles and Responsibilities

5.1 First Stage Appeal Chairs

Each Head of School will nominate one or more First Stage Appeal Chairs to consider first stage appeals, on the basis that they have appropriate expertise in the assessment of taught courses or research degrees and have had no previous involvement in the academic decision that is the subject of the appeal.

5.2 Second Stage Appeal Panel

An Appeal Panel will be established to hear all Second Stage academic appeals, comprising:

Chair: Vice-Chancellor's nominee

Members: A senior member of staff with appropriate expertise in the assessment of taught courses or research degrees
An elected officer of the Students' Union

The Appeal Panel will not include any member of staff from your School or anyone else who has had any relevant prior involvement in the academic decision which is the subject of the appeal.

6 Process for Appealing Against Assessment Decisions

6.1 If you are not sure whether an appeal is appropriate, you should discuss the matter with a relevant member of staff, for example, your module tutor, course leader, supervisor, research degrees tutor, Head or Deputy Head of School. This will be an opportunity to seek clarification on your results and/or to discuss any concerns. You may seek such a meeting at any time without invoking the Academic Appeals Procedure.

6.2 This Procedure is a two-stage process. The First Stage must be completed before the Second Stage can be invoked.

7 Submitting a First Stage Appeal

7.1 First Stage appeals should be submitted to the Student Casework Team (at StudentAppeals@uclan.ac.uk) within 10 working days of the official notification of the academic decision you wish to appeal. The appeal should be submitted on the application form available at: [Appealing your results \(sharepoint.com\)](#). The Student Casework Team will acknowledge receipt of your appeal within 3 working days.

7.2 The First Stage appeal must state the grounds on which the appeal is made and be accompanied by appropriate and relevant documentary evidence.

8. Initial Evaluation

8.1 The Student Casework Team will review your appeal to determine whether it is eligible to proceed and may contact you and/or the School to request further information to assist with this decision. The Student Casework Team may decide that:

- a. the appeal is not eligible to proceed because it has been submitted outside the published timeframe and no good reason has been provided for this. You will be formally notified of this and how you can request a review of the decision that your appeal is 'out of time;'
- b. the appeal does not demonstrate valid grounds, in which case you will be informed of the reasons and how you can request a review of this decision;
- c. the appeal should be referred to a different procedure, such as the Student Complaints Procedure if it refers to service delivery;
- d. the appeal should be returned to you because the academic decision has not been ratified by a Course/SEAM/Research Degrees Assessment Board or Academic Misconduct Committee, with an explanation of when you can submit an appeal;
- e. that the appeal requires swift action because there are exceptional circumstances, for example, regulatory requirements for the completion of professional courses.

9. Informal Resolution

9.1 Where it is found that there are valid grounds for appeal, the Student Casework Team will consult with the First Stage Appeal Chair from the relevant School to determine whether the case can be resolved without the need to convene an appeal meeting. You will be

notified in writing of the outcome of the informal resolution including the reasons for the decision and any proposed remedy.

9.2 If you are not satisfied with the outcome of the informal resolution, you will have the opportunity to request a meeting with the First Stage Appeal Chair in line with the formal first stage appeals procedure.

10. **First Stage Appeal**

10.1 Where it is found that there are valid grounds for appeal and further investigation is required before a decision can be reached, you will be invited to a formal meeting with the First Stage Appeal Chair. You may be accompanied by a friend who may be from the Students' Union Advice and Representation Centre.

10.2 The Chair of the First Stage Appeal will ensure that you are invited to present your case at the meeting so that you have the opportunity to amplify the written case. The Chair of the First Stage Appeal will make enquiries that are appropriate and proportionate, will ask questions and consider evidence to enable a decision to be made about the appeal.

10.3 If the outcome that you are seeking as a result of your appeal cannot be reasonably delivered because, for example, it is they are not permitted by the University's Academic Regulations or Professional Body Regulations in the case of professionally accredited courses, the First Stage Appeal Chair will explain why this is the case and what might be a reasonable alternative outcome in the circumstances.

10.4 The Chair of the First Stage Appeal will normally inform you verbally (at the meeting) and in writing of the outcome of the appeal which may be that:

i) the appeal is upheld and referred back to the academic decision making body for reconsideration;

ii) the appeal is upheld and the Chair of the First Stage Appeal takes immediate action on behalf of the academic decision making body. The Chair of the First Stage Appeal will consult with the Chair of the academic decision making body to ensure that any proposed outcome is compatible with the course and any professional body regulations;

iii) the appeal is declined.

10.5 The Chair of the First Stage Appeal will be responsible for preparing a report of the First Stage meeting, which will be sent to you with the outcome letter. The outcome letter will identify the evidence considered, the findings of fact, the regulations applied, the decision and associated reasons, any remedy that has been identified and instructions on the next steps.

10.6 In all cases, you will be informed of your right to submit a Second Stage appeal if you have grounds to request a review of the outcome of the First Stage appeal, with details of the procedure and the timescale.

10.7 It is the University's aim to deal with first stage appeals within 25 working days. If this is not possible for any reason, we let you know why and when you might expect to receive a response.

11. **Second Stage Appeal**

- 11.1 If the appeal is not satisfactorily resolved at the First Stage, you may submit a request for review to the Student Casework Team (at StudentAppeals@uclan.ac.uk) within 10 working days of the official notification of the First Stage appeal outcome. The Student Casework Team will acknowledge receipt of your second stage appeal within 3 working days.
- 11.2 A Second Stage appeal will take the form of a review. It will not normally consider the issues afresh or involve further investigation. No new issues may be introduced at this stage.
- 11.3 The Second Stage appeal must state the grounds on which the review is sought and should be accompanied by appropriate documentary evidence. The appeal should be submitted on the application form available at: [Appealing your results \(sharepoint.com\)](#).
- 11.4 A Second Stage appeal will only be valid if it is based on one or more of the following grounds:
- i) that the First Stage appeal process was not conducted fairly and/or in accordance with the published procedure;
 - ii) that the decision of the First Stage appeal was not reasonable in all the circumstances;
 - iii) that there is material new evidence that for good reason could not have been made known at the First Stage appeal.

12. **Documentation for Second Stage Appeal Panels**

- 12.1 The Appeal Panel will receive the following information:
- your second stage appeal application and supporting documents;
 - the outcome of the First Stage appeal meeting, including the meeting notes and outcome letter;
 - documentation from the Assessment or Research Degrees Board including extracts from the minutes, the Assessment Board profile, or the examiner's reports in the case of an appeal against a research degree examination decision;
 - documentation from the course/supervisory team concerning your academic performance including e.g. the outcome of any applications for mitigating circumstances; attendance record; details of any interruptions of study; annual progress reports; and details of academic support provided and any other relevant information.
- 12.2 The Appeal Panel will meet in private session to review the documentation and consider whether there are valid grounds for review.
- 12.3 The Appeal Panel may request further information from you or the School or the Chair of the First Stage Appeal, before making a decision.

13. **Outcomes**

- 13.1 The Appeal Panel will decide on the appropriate action as follows:

- a. to decline the appeal and uphold the original decision of the First Stage appeal, in which case you will be notified of the decision and summary reasons, and your right to refer the matter to the OIA (see below);
- b. to uphold the appeal and determine the outcome, including any actions to be taken by the School. Where appropriate, the Chair of the Appeal Panel will consult with the Chair of the academic decision-making body to ensure the outcome is acceptable in the light of academic and any professional regulations;
- c. to refer the appeal back to the School to consider afresh, in cases where there is evidence of a material procedural irregularity or where valid new information has been submitted. The School will inform you and the Panel of the outcome of the re-consideration of your First Stage appeal, and you will have the further right of a Second Stage appeal;
- d. to convene a hearing to hear the case by you and the response by the original decision maker, in cases where the facts and evidence are complex or contentious. The procedure for a Second Stage appeal hearing may be viewed at appendix 1.

- 13.2 The Student Casework Team will notify you, the School and the Academic Records Team in writing of the decision of the Appeal Panel and the associated reasons, within 5 working days of the meeting of the Appeal Panel. The outcome letter will identify the evidence considered, the findings of fact, the regulations applied, the decision and associated reasons, any remedy that has been identified and instructions for you on the next steps.
- 13.3 It is the University's aim to deal with second stage appeals within 25 working days. If this is not possible for any reason, we will let you know why and when you might expect to receive a response.
- 13.4 If an error or irregularity is identified during any stage of the Procedure which may have affected the performance of more than one student, the Chair of the Appeal will consult with the Head of School to determine what remedial action may be appropriate to ensure the fair and equitable treatment of all the students affected.

14 Status of a Student during an Appeal

- 14.1 It is acknowledged that waiting for the outcome of an appeal may be stressful, but if you have referred assessments or other work to complete, you should continue with that work pending the outcome of your appeal unless advised otherwise by the School.
- 14.2 If you are appealing against a decision which prevents you from progressing from one year to the next or continuing on the course, you will not normally be permitted to progress to the next stage of study while an appeal is pending, but this may be granted in exceptional circumstances if permitted by the Academic Regulations and considered academically appropriate by the Head of School. This will be on the understanding that if your appeal is not successful, you will discontinue study immediately.
- 14.3 If a student is on a course recognised by a professional and/or statutory body, the School has the right to suspend a student's placement and bursary (if they are in receipt of one)

until the outcome of the internal appeal has been reached.

15 Independent Review

- 15.1 When the University's Academic Appeals Procedure has been completed, you will be provided with a Completion of Procedures confirming your right to request a review of the University's decision by the Office of the Independent Adjudicator for Higher Education (OIA). A Scheme Application form must be submitted to the OIA within 12 months of the date of Completion of Procedures letter. Details of the OIA scheme may be found at: www.oiahe.org.uk.

16 Monitoring and Review

- 16.1 The University will monitor the receipt and outcome of all First and Second Stage appeals to identify trends and areas of good practice for the purposes of enhancing academic decision making and the student experience.