

**MANUAL OF ACADEMIC REGULATIONS  
AND PROCEDURES 2020-21**

**ACADEMIC APPEALS**

**(APPLICABLE FROM SEPTEMBER 2020)**

Academic Standards and Quality

MARP 2020-21

## MARP 2020-21 ACADEMIC APPEALS

### **AA 1 PRINCIPLES**

- AA 1.1 Matters relating to a mark or grade for any assessment or an overall result shall be subject to the authority of the University, and agents acting on its behalf, in reaching academic judgements<sup>1</sup>. The University, exercising its authority under its Statutes, acting through the decisions of boards of examiners as confirmed by the Committee of Senate, has sole authority to determine whether or not a degree, certificate or diploma should be awarded to a particular candidate and, if so awarded, the specific class or other description of attainment, appropriate to the level of the award.
- AA 1.2 However, it is recognised by the University that there are non-academic elements to assessment judgments which might have adversely affected the outcome and that there are occasions where students may wish to appeal against an assessment outcome on such grounds. The procedures set out in this chapter explain how this appeal process will be managed, the responsibilities of all parties, and the opportunity for external scrutiny should students remain dissatisfied with the University's decisions.
- AA 1.3 These procedures apply to all current students registered on a Lancaster University programme, with the exception of those students registered on collaborative programmes where an alternative appeals procedure has been formally approved as being procedurally equivalent. Students who want to appeal and are eligible to do so in accordance with AA 1.5 and AA 1.6 must appeal within 15 calendar days of the formal publication of results (except for MBChB students who must declare their intention to appeal within 10 calendar days). Exceptions to this timescale will be determined on a case-by-case basis by the Head of the Student Registry, or designated alternate nominated by the Academic Registrar.
- AA 1.4 The University, through its academic staff<sup>2</sup> and assessment mechanisms, ensures that proper academic judgement is used in all assessment and moderation (see the [General Regulations for Assessment and Award](#)) Academic judgement thus stands outside of these procedures and cannot be subject to appeal.
- AA 1.5 The right of appeal is available to all students who:
- (a) have failed to qualify to proceed from one stage of a degree programme to the next;
  - (b) have failed to qualify for the award of the degree for which they were registered;
  - (c) wish to challenge, on procedural grounds, the class of degree to be awarded;

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<sup>1</sup> Reference to 'academic judgement' throughout these regulations also refers to judgements made by clinical/practitioner-based personnel who are formally engaged in relevant elements of assessment on Lancaster University programmes leading to professional registration (MBChB; DClinPsy; professionally accredited programmes in Social Work).

<sup>2</sup> Reference to 'academic staff' throughout these regulations also refers to clinical/practitioner-based personnel described in Footnote 1 above.

- (d) have been judged by an appropriate University body to have committed [academic malpractice](#).

AA 1.6 A *prima facie* case for appeal will be deemed to exist if there is evidence of one or more of the following, which, for good reason, could not be brought to the attention of boards of examiners at the relevant time and which could have influenced their recommendations had the information been available at that time:

- (a) material administrative error or irregularity in the conduct of assessment which adversely affected the student's performance and results;
- (b) significant exceptional circumstances which adversely affected the student's performance and results;
- (c) unfair treatment or discrimination, outwith the exercise of academic judgement.

AA 1.7 Students will not be hindered in making a reasonable appeal. All parties will act without bias or prejudice and in a sensitive, fair and prompt manner.

AA 1.8 The objective of the procedure is to establish the facts and come to a reasonable and just resolution, which is both relevant and proportionate.

AA 1.9 No students will be disadvantaged for making appeals in good faith, and all reasonable appeals will be taken seriously and dealt with according to the agreed procedures. However, if it is established that appeals are frivolous or spurious, then they will not be considered reasonable, and the University may take disciplinary action.

AA 1.10 The University will deal with all appeals confidentially so far as it is able, and expects all parties involved to honour this approach.

AA 1.11 All reasonable measure will be taken to ensure that no student is disadvantaged within these processes due to location, requirements associated with protected characteristics, etc. Technology will be used, as appropriate, to facilitate these procedures.

AA 1.12 Advice on how to use these procedures is available from the Students' Union Education and Welfare Office or the Student Registry.

## **AA 2 APPLICATIONS AND IMPLEMENTATION OF THE PROCEDURE**

AA 2.1 The Academic Appeals procedure only applies to appeals initiated by an individual student or group of students. A group of students wishing to appeal collectively will need to provide reasons as to why they should be considered collectively. These will be subject to consideration and judgement by the Head of the Student Registry whose decision will be final (a decision to not consider an appeal collectively does not preclude students from pursuing individual appeals). Where a collective appeal has been agreed, the group will nominate a spokesperson for communication.

AA 2.2 An appellant has the right to be accompanied and supported at any meeting by one person, and may be represented where the appellant expressly authorises, in writing, a third party to act on their behalf. Reasonable adjustment will be made to the processes as necessary to meet requirements related to protected characteristics.

- AA 2.3 The University will make every reasonable effort to complete academic appeal procedures in a timely manner and aims to complete all aspects of the appeals process within ninety calendar days. If the University is unable to comply, on reasonable grounds (for example, in factually complex matters involving a number of individuals, etc.), it will provide the appellant with an explanation and inform them of the timeframe in which the procedure will be completed.
- AA 2.4 In this procedure any reference to named members of University staff also includes reference to her/his nominee and named staff may delegate their responsibilities to other appropriate members of staff, including those suitably qualified in partner organisations, without invalidating the procedure. The identity of nominees or members of staff to whom responsibilities are delegated will be notified to the appellant.
- AA 2.5 The Academic Appeals procedures, as set out, act to fulfil the University's obligations under Ordinance 7 in relation to appeals.
- AA 2.6 The Head of the Student Registry will oversee this process and provide advice. Any evidence of breaches of the principles as set out in AA 1.4-AA 1.11 above should be brought to the attention of the Head of the Student Registry for investigation.
- AA 2.7 Should a student wish to register a concern about the actions of the Head of the Student Registry it should be sent to the Director of Students, Education and Academic Services.
- AA 2.8 The Academic Standards and Quality Committee is responsible to both Council and Senate for monitoring appeals and agreeing institutional actions via an annual report on academic appeals. The annual Teaching Quality Assurance report made to Council will include this report and any associated actions.

### **AA 3 THE PROCEDURE**

*The University uses a two-stage procedure.*

#### **AA 3.1 STAGE 1 – THE FORMAL APPEAL**

- AA 3.1.1 In order for an academic appeal to be considered formally, the appellant must put the appeal in writing using the Academic Appeal form (available for online submission and in hard copy) and send it to the Head of the Student Registry.
- AA 3.1.2 Should the issue be immediately resolvable (for example, a simple recording error), the Head of the Student Registry 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 the Student Registry, or designated alternate nominated by the Academic Registrar, will consider the appeal and decide whether there is a *prima facie* case for appeal against the criteria set out in AA 1.6. Where there is no *prima facie* case the Head of the Student Registry, or designated alternate nominated by the Director of Students, Education and Academic Services will either:
- (a) refer the appellant to an alternate more appropriate procedure;

- (b) enter into a discussion with the appellant, 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
- (c) provide an explanation to the appellant as to why no action can be taken along with information on the appellant's right to challenge the decision via the University's Complaints Co-ordinator. Normally, Completion of Procedures letters will be issued to students only following completion of the final review stage. However, a student may request a Completion of Procedures letter following the *prima facie* stage.

- AA 3.1.3 Students have the right to challenge the *prima facie* decision and, in these cases, the decision will be reviewed by the Complaints Coordinator, or designated alternate nominated by the Director of Strategic Planning and Governance.
- AA 3.1.4 If it is deemed that a *prima facie* case exists within the scope of this procedure, the appellant will be referred to an appropriate Academic Appeal Panel. It is expected that the student will have provided full information with accompanying evidence as required in their Academic Appeal form. The Academic Appeal Panel will take into account all evidence submitted. Once the appeal is in progress, no new issues can be added to the appeal. The Head of Student Registry or their nominee will appoint an Investigator to determine the facts of the appeal. A report of the Investigator's findings will be shared with the Academic Appeal Panel members and the appellant, in advance of the meeting, to inform their decision-making.
- AA 3.1.5 An Academic Appeal Panel will consist of a minimum of three persons. Membership will vary according to the award level and location of provision (i.e. Lancaster or a collaborative teaching partner). The Head of Student Registry or their delegate will appoint panel members from a pool of appropriately trained academic and/or professional services staff. The panel will include at least one academic member of staff, and the panel must not contain any member of staff previously involved in an Exceptional Circumstances Committee or Examination Board that considered the student(s) in question. Equivalent postholders will be involved in collaborative teaching partners' panels. A note taker will also be in attendance throughout for all panels.
- AA 3.1.6 The Academic Appeal Panel for the MBChB will consist of the Head of Lancaster Medical School (or nominated representative) as Chair; Deputy Director of Medical Studies; and external representative(s). The external representative(s) will be drawn from a pool of experts in medical education, clinical training or any other field relevant to the case. The pool of experts will be approved by the Faculty Teaching Committee. External representatives in this clause can include Lancaster University staff in other departments or faculties. In all cases Lancaster University representatives will form the majority of the panel.
- AA 3.1.7 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. The appellant may attend the event, although it is not required and failure to attend would not stop the proceeding. If present, the appellant will be invited to make a short personal statement to further elucidate the submitted materials. The panel will be allowed, through the Chair, to question the appellant. 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 appellant will be given the opportunity to sum up their position. The burden of proof will be on the appellant, albeit within a recognition of the responsibilities of the University. 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 Student Registry will be available to provide advice on the scope of actions/remedies available to the Panel.

- AA 3.1.8 Where an appeal involves an element of fitness to practise a professionally qualified person appointed as a member of a panel established for the purpose of assessing fitness to practise shall be invited to attend in an advisory capacity on professional requirements.
- AA 3.1.9 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:
- (a) The original finding and penalty are confirmed; or
  - (b) The original finding is upheld but the penalty is varied (according to the available penalties set out in the Academic Malpractice regulations). The penalty imposed by the Panel can be no greater than that imposed by Standing Academic Committee; or
  - (c) The original finding and penalty are removed (and the student's record amended accordingly).
- AA 3.1.10 The potential options for outcomes available to the Academic Appeal Panel will differ depending on the nature of the case (noting that the outcomes relating to appeals against a judgement of academic malpractice are defined in clause AA 3.1.9), particularly with regard to the level of the award. In general terms the following options apply:

#### **Undergraduate Part I**

- (a) Exclusion.
- (b) Confirmation of failure.
- (c) Condonation of failure and the granting of permission for external reassessment.
- (d) Readmission to Part I.

#### **Undergraduate Part II**

- (a) Exclusion.
- (b) Confirmation of failure.
- (c) Confirmation of existing degree classification.
- (d) Reconsideration of candidate in accordance with the regulations relating to incomplete assessment and exceptional circumstances, as detailed in the [General Regulations for Assessment and Award](#), and the [Undergraduate Assessment Regulations](#).
- (e) Agreement to allow the student to retake the entire year.
- (f) Agreement to temporarily exclude the student allowing a reassessment the following year.
- (g) Amendment to the awarded degree classification.

- (h) For students 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.

#### **Medical Degree (MBChB)**

- (a) Exclusion.
- (b) Confirmation of failure.
- (c) Confirmation of existing degree classification.
- (d) Reconsideration of candidate in accordance with the regulations relating to incomplete assessment and exceptional circumstances, as detailed in the [General Regulations for Assessment and Award](#), and the [Medical Degree Assessment Regulations](#).
- (e) Agreement to allow the student to retake the entire year.
- (f) Amendment to the awarded degree classification.

#### **Postgraduate (Taught)**

- (a) Confirmation of failure.
- (b) Confirmation of existing degree classification.
- (c) Amendment to the awarded degree classification.
- (c) Exclude the student from the University without the opportunity to redeem the failure.
- (d) Allow the student the opportunity to resit examinations or to resubmit a dissertation or project which has been failed. (In this case, the department(s) shall recommend to the nominated representative of the officer with delegated authority from Senate the form, timing and content of the re-examination and the timing of any re-submission. Re-examination shall normally take place within one year.)

#### **Postgraduate (Research) – pre final examination**

- (a) Confirm the decision of the transfer panel regarding the student's registration.
- (b) Allow the student a final opportunity to go through the transfer process/confirmation process.

In the case of the second option, the Academic Appeal Panel will specify the date by which the student will apply for transfer, and advise the student and department of the reasons why this decision has been taken with recommended steps by which the student and supervisor(s) may prepare for the next transfer/confirmation panel.

The Academic Appeal Panel, following a review of the case regarding exclusion in which the student and members of staff may be interviewed, may either:

- (c) confirm the exclusion, terminating the student's registration; or
- (d) allow the student to continue with their registration subject to appropriate academic probationary arrangements.

#### **Postgraduate (Research) – post final examination**

- (a) Approve the recommendation of the examiners.

- (b) Determine the proper action which may include:
- (i) to recommend to the examiners that, for reasons stated, they should reconsider their action;
  - (ii) to give the student permission to revise the thesis and resubmit for re-examination, for the same or lesser degree, within a specified time limit;
  - (iii) to declare the examination null and void and to direct that a fresh examination be conducted.

Where fresh examination under (iii) is determined, the following shall apply:

- new examiners will be appointed, in number not fewer than on the original board;
- the examiners will be given no information about the previous examination except the single fact that they are conducting a re-examination on review;
- the examiners will submit independent reports on the thesis before they examine the candidate orally, and a joint report after the oral examination.

AA 3.1.11 The appellant will receive a written decision that addresses the points they have made and gives reasons for the conclusion reached. The letter will also advise the appellant of their right to refer the matter to Stage 2 and describe the means to do so.

### **AA 3.2 STAGE 2 – THE REVIEW STAGE**

AA 3.2.1 If the appellant feels their appeal has not been resolved under Stage 1, they may apply for a formal review to the Head of the Student Registry within two weeks of the date of the Stage 1 written decision. They should explain why they feel dissatisfied with the outcome at Stage 1 and what remedy they seek. Requests for Stage 2 consideration can only be made on the following grounds:

- (a) that there exists evidence that could not reasonably have been made available at Stage 1; or
- (b) that there exists evidence of a material procedural irregularity in Stage 1; or
- (c) that there exists evidence that the judgement at Stage 1 did not meet the expectations of natural justice.

No new ground of appeal may be requested at Stage 2, but the appellant may submit further evidence in support of their case (subject to point (a) above) or suggest a new remedy.

AA 3.2.2 The Head of the Student Registry, or designated alternative nominated by the Director of Students, Education and Academic Services, will consider the application and make a *prima facie* decision as to whether or not to instigate a review. Where a review is rejected the Head will write to the appellant explaining the reasons for the decision and providing a Completion of Procedures letter that sets out their right to refer the matter to the Office for the Independent Adjudicator and describes the means to do so.

AA 3.2.3 Students have the right to challenge the *prima facie* decision and, in these cases, the decision will be reviewed by the Complaints Coordinator, or designated alternate nominated by the Director of Strategic Planning and Governance.

AA 3.2.4 Where a review is deemed within the scope of the procedures, the Academic Registrar or nominee will appoint a senior staff member to undertake the review. The appointed



Reviewer will not have been associated with the appeal or the Faculty or equivalent institutional body of the appellant.

- AA 3.2.5 The Head of the Student Registry, or nominee, will act as clerk to the Review and will prepare the documentation. The Chair of the Stage 1 Panel will be invited to submit a statement addressing the appellant's submission. The appellant may submit additional material only if there are good reasons why they were not submitted at Stage 1 (see AA 3.2.2 above). If the appellant presents either new evidence or alternate remedies, the Stage 1 Panel Chair will also be invited to comment on these.
- AA 3.2.6 The Reviewer will restrict their considerations to those matters identified as the grounds for review; the Reviewer will not rehear the original appeal. The burden of proof will be on the appellant, and the standard of proof will be on the balance of probability. Following consideration of all information submitted, the Reviewer will determine their conclusions, including, as appropriate, any modifications and/or additions to the Stage 1 actions/remedies. Only in exceptional circumstances would a rehearing at Stage 1 be recommended. The Head of the Student Registry or nominee will provide advice on the scope of actions/remedies available to the Reviewer.
- AA 3.2.7 The appellant will receive a written decision that addresses the points they have made and gives reasons for the conclusion reached. They will also receive a Completion of Procedures letter which will also advise the appellant of their right to refer the matter to the Office of the Independent Adjudicator and describe the means to do so.

#### **AA 4 OFFICE OF THE INDEPENDENT ADJUDICATOR**

- AA 4.1 The Office of the Independent Adjudicator (OIA) for Higher Education runs an independent scheme to review student complaints and appeals. Lancaster University is a member of this scheme and where a student is not satisfied with the outcome of their appeal to the University they can ask OIA to review their case. Information is available from the [OIA](#) on making a complaint, what it can and cannot look at, and what it can do if something has gone wrong to put it right.
- AA 4.2 Students should normally have completed all internal appeals procedures before making a complaint to the OIA. Where the appeal has not been upheld by the University, a 'Completion of Procedures' letter will be automatically issued by the University to the student. Where an appeal has been upheld or partially upheld, the student can request a Completion of Procedures letter. Further information about Completion of Procedures letters and associated timeframes is available from [OIA](#).
- AA 4.3 The application to the OIA must be made within 12 months of the issue of the Completion of Procedures letter.