



## **HE Taught Award Regulations: Part B**

**Section:** 9 – Academic Appeals

**Version:** 2.6

**Author:** Scott Smith

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## REVISION HISTORY

Ver	Date	Author	Description
1	May 2014	Scott Smith	Initial Academic Appeals Procedure
2	January 15	Scott Smith	To include admissions, Academic Malpractice and PMC appeals
2.1	September 2015	Scott Smith	Updated to meet the requirements of changes to Liverpool John Moores University Regulations
2.2	September 2016	Scott Smith	Updated to reflect the change in titles
2.3	October 2016	Scott Smith	Updated to reflect revised guidance from the OIA particularly in relation to collaborative partners expectations.
2.4	September 2017	Scott Smith	Changes to the membership of academic appeal panels.
2.5	March 2018	Scott Smith	Updated panel membership
2.6	May 2018	Scott Smith	Various updates following feedback relating to its operation

## APPROVAL

Ver	Committee	Date Approved	Comments
1.0	HEAB	May 2014	
2	ASDC	14 Jan 2014	
2.1	ASDC	09 Sept 2015	
2.2	ASDC	27 Sept 2017	
2.3	ASDC	01 Dec 2016	
2.4	ASDC	27 Sept 2017	Approved amendments
2.5	ASDC	21 March 2018	Approved amendments to panel membership

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## **B9 INTRODUCTION**

These regulations relate to the provision of higher education programmes delivered at Blackpool and The Fylde College awarded by Lancaster University, Pearson, SQA and Blackpool and The Fylde College. Students undertaking a programme of study awarded by Liverpool John Moores University at Blackpool and The Fylde College may access the University's regulations here:

- <https://www.ljmu.ac.uk/about-us/public-information/academic-quality-and-regulations>

B9: Academic Appeals has been produced following consideration of the Quality Assurance Agency's Quality Code Chapter B9: Academic Appeals and Student Complaints.

An academic appeal differs from a complaint and therefore appeals and complaints are considered under different procedures. A complaint is defined as a formal expression of dissatisfaction made by either a single student or a group of students about the provision of their programme of study or related academic service or facility or any other service provided by the College and therefore the Appeals Procedure cannot be used to bring complaints.

### **B9.1 SCOPE**

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

A prima facie case for appeal will be deemed to exist if there is evidence of one or more of:

- a material administrative error or irregularity in conduct of assessment which has affected the student's results and/or classification
- the production of significant new evidence concerning personal mitigating circumstances
- prejudice or bias on the part of one or more of the examiners

For all cases, evidence should not have been available to the relevant board of examiners or panel and will therefore not have influenced an outcome.

### **B9.2. APPEALS PROCESS**

Appeals should be received by the HE Academic Registrar on the College Academic Appeals Form within 15 working days of a student being notified in writing of the decision against which they wish to appeal. Submissions can either be emailed to [appeals@blackpool.ac.uk](mailto:appeals@blackpool.ac.uk) or handed to any campus reception area.

### **B9.3 STAGE 1 - INFORMAL STAGE**

Academic appeals raised against decisions made by boards of examiners, the HE Academic Registrar or nominee will on receipt of an appeal arrange for a meeting between the student and the HE Academic Registrar to discuss the student's circumstances. Stage 1, to better support a student, may occur virtually, that is to say that the meeting may not be in person e.g. by telephone or email and will, wherever possible, occur within 15 working days from the receipt of an appeal.

As a consequence of this meeting one of the following outcomes must be agreed.

- The student is content not to continue with their appeal.
- Proceed to the formal stage

Students will in all cases be informed of the outcome of the informal stage in writing. Any student wishing to proceed their appeal to Stage 2 should inform the Student Administration Manager in writing within 10 working days of receiving the outcome letter containing the decision of Stage 1.

Academic appeals that do not relate to decisions made by boards of examiners will proceed directly to Stage 2.

### **B9.4 STAGE 2 – FORMAL STAGE**

Where a student wishes to continue with their appeal the HE Student Administration Manager will convene an Appeal Panel to hear the formal stage of the appeal.

#### **B9.4.1 APPEALS PANEL**

To avoid any conflict of interest, members of any appeals panel must not have been party to any preceding decision that may have initiated the appeal.

The Panel will consist of:

- Head of Higher Education (Chair) or nominee
- HE Academic Registrar or nominee
- Independent head of curriculum

In attendance:

- The Student Administration Manager (minutes)

#### **B9.4.2 DOCUMENTATION AVAILABLE TO THE PANEL**

The Student Administration Manager is responsible for providing documentation to the appeal panel. This may consist of any documentation deemed relevant to the appeal and may be submitted by a member of staff or by the student in question

where either party believes it may assist the panel in their deliberation. All documentation must be provided to all parties prior to the meeting.

### B9.4.3 PANEL PROCESS

Students have a right to be accompanied at the Stage 2 Academic Appeal Panel; any person accompanying a student is present to support a student and as such should not contribute to the meeting unless at the behest of the student and only when invited to do so by the Chair. There is no right for a student to have legal representation at an Academic Appeals Panel.

The timing of the panel will be arranged to try to ensure the student can attend. If the student does not attend the Academic Appeals Panel, the Panel may continue to consider the appeal in the student's absence. The Panel may, if it wishes, adjourn the meeting if reasonable grounds for non-attendance have been provided (e.g. sickness absence).

The Student Administration Manager will convene the appeal panel. The panel will receive copies of the appeal pro-forma and student assessment detail report alongside any other evidence submitted in relation to the appeal. All reports available to the panel must also be made available to the student.

The chair may at any point in the proceedings adjourn a panel meeting; such an adjournment would normally be for the purpose of seeking clarification on a particular issue so as not to disadvantage a student. Where a case implicates more than one student, the College may vary the structure and timings of meetings to ensure that all aspects are fully considered before reaching a conclusion.

A short meeting will take place before the panel meeting with panel members and the Student Administration Manager only to familiarise members with the case. The student and academic colleagues will then be asked to join the meeting to present their case to the panel.

Once the panel has heard the evidence and asked any further questions of clarification, the student, academic colleagues and anyone accompanying them will be asked to leave the meeting. The panel will then discuss the case and use the awarding body regulations to inform their discussions and decisions. Once a decision has been reached, the student and academic colleagues will be invited to re-join the meeting.

Normally, the student and academic colleagues will be advised of the panel decision verbally by the Chair on the day.

#### B9.4.4 POSSIBLE OUTCOMES

- To uphold the appeal based on the evidence presented and to amend the record of the student accordingly.

Or

- To partially uphold the appeal based on the evidence presented and to amend the record of the student accordingly.

Or

- To dismiss the appeal.

The HE Student Administration Manager is responsible for ensuring that the student is informed in writing, normally within 10 working days of the Academic Appeal Panel of its decision. The letter, where appropriate, will advise the student of their right to refer the matter if they are unsatisfied.

#### B9.5 ADJUDICATION

Once all internal procedures have been exhausted, which for Lancaster University students may include the right to refer the appeal to the University, if the student is still not satisfied they have the right to take the case to the Office of the Independent Adjudicator (OIA) for Higher Education, for further review.

The application to the OIA must be made within 12 months of the issue of the Completion of Procedures letter. Information about the OIA and its processes can be found at <http://www.oiahe.org.uk/>

#### B9.6 GENERAL DATA PROTECTION REGULATION

Students should be aware that any information submitted to an Academic Malpractice and Misconduct Panel will always be treated as confidential. There may be occasion however where documents could be used in conjunction with another College procedure. In the event of such a case the College will endeavour to inform the student prior to its use.

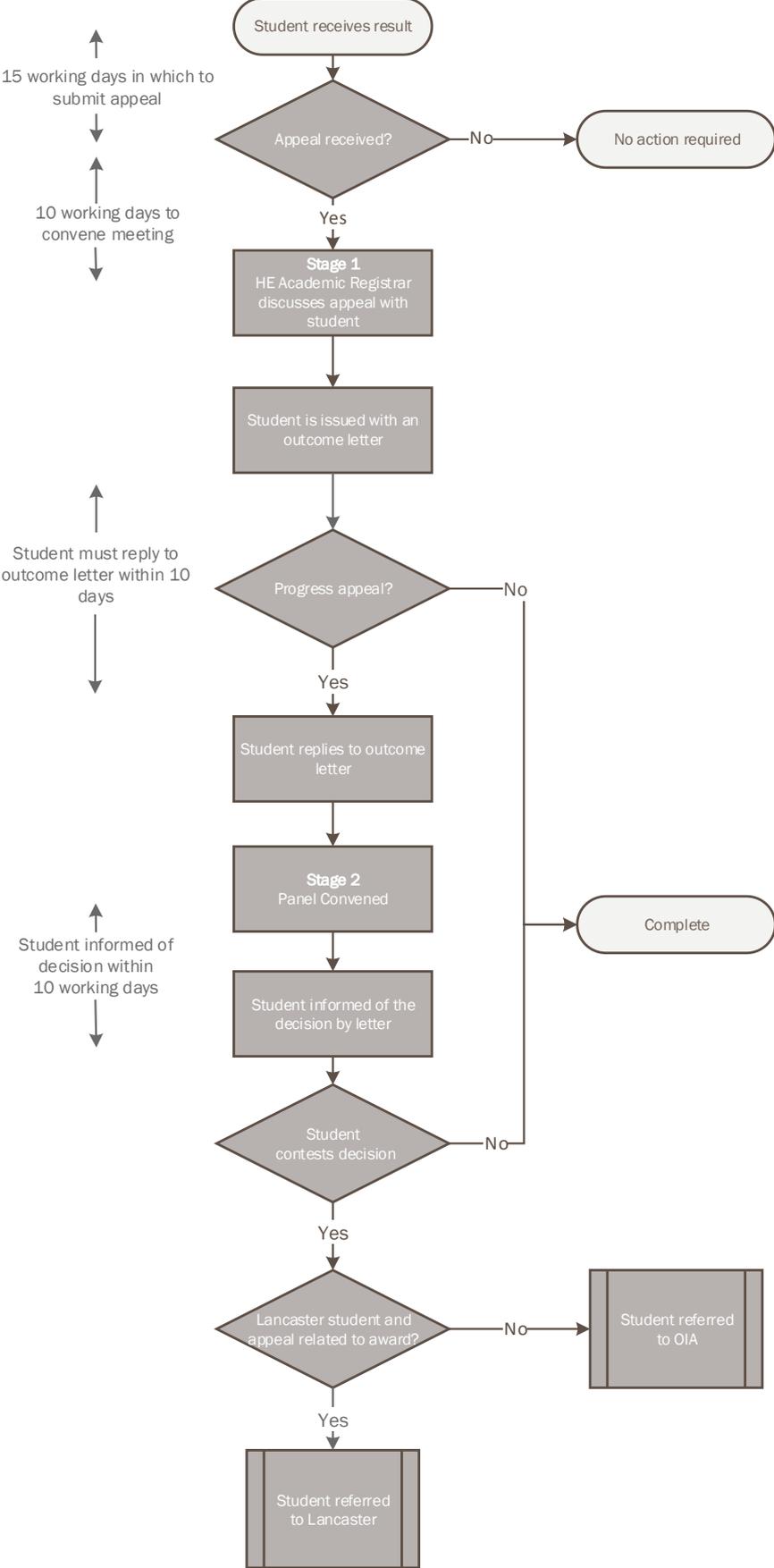
Under General Data Protection Regulations, Retaining Personal Data (Principle 5), personal data should not be kept any longer than is necessary for the purpose for which it was obtained. All information relating to the business of an academic malpractice and misconduct panel will be destroyed at the start of the academic year, two full academic years after the a student's programme of study has completed, unless a complaint or appeal in relation to Academic Malpractice and Misconduct is ongoing.

Students should make every effort not to provide details that relate to a third party. Where such information is provided, under GDPR Article 14, the College may be

required to notify third parties that it is processing their data. Where possible and appropriate any such information should have personal information redacted, if information is received that has not been redacted the Student Administration Manager will redact personal information immediately following its presentation to a panel.

Staff of Blackpool & The Fylde College who participate in an Academic Malpractice and Misconduct Panel should be aware that information about them acting in their professional capacity may be disclosed to the OIA if it formed part of the information which has been considered under a College process.

**Appendix B9-A – Appeals Process**



## Appendix B9-B – Terms of Reference Academic Appeals Panel

<b>Terms of Reference Academic Appeals Panel</b>	
Chair	<ul style="list-style-type: none"> <li>• Head of Higher Education or nominee</li> </ul>
Membership	<ul style="list-style-type: none"> <li>• HE Academic Registrar (or nominee)</li> <li>• Independent head of curriculum</li> </ul> <p>Appeal panels will be considered quorate only when all the above members are in attendance</p>
Minuting	HE Student Administration Manager
Frequency	As required
Summary of purpose	Responsible to HE Academic Standard & Development Committee; to insure the fairness and reliability of all judgments of formal decisions relating to the outcomes of the College's assessments and to where appropriate to make recommendations of the remedial action to be taken by the College in the light of appeals considered. To produce an annual report to the Academic Standards and Development Committee. To adjudicate on matters relating to Personal Mitigating Circumstances, the admissions process of the College and the decisions made by the Academic Malpractice Panel.
Terms of Reference	<ul style="list-style-type: none"> <li>• Under agreed College procedures, to provide an opportunity to any individual to appeal against a final decision of an academic body charged with making decisions on student progression, assessment and awards.</li> <li>• Under agreed College procedures, the Chair of the Panel will be able to substitute a decision on behalf of the College.</li> <li>• To monitor the outcomes of individual cases.</li> <li>• To report on trends and issues, including any need for policy change arising from consideration of an individual case or cases.</li> <li>• To keep under review the above procedures, and from time to time to make recommendations on improvements.</li> <li>• To make judgements on the relevance of evidence that was not submitted in accordance with the deadline for Personal Mitigating Circumstances (PMC) applications.</li> <li>• To make judgements and adjudicate on decisions made by the Academic Malpractice Panel.</li> </ul>
Date of last review	September 2017