

REGULATIONS FOR ACADEMIC APPEALS 2021/22

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AA1 Academic Appeals

This section of the regulations applies to students who wish to challenge the decision of the Programme Assessment Board or School/University Research Degrees Committee, under the prescribed grounds below.

AA1.1 Definition of an Academic Appeal

An appeal is a request from a matriculated student that the decision of a Programme Assessment Board or School/ University Research Degrees Committee should be reviewed because it is alleged that there has been an injustice, an instance of maladministration or that information which could not reasonably have been submitted at the time of the decision is now available for consideration.

The following should be noted with regard to appeals: -

- Upon receipt of their Programme Assessment Board or School/University Research Degrees Committee decisions, if a student believes they have grounds for appeal they should email appeals@napier.ac.uk, stating the grounds upon which they wish to base their appeal (see sections AA1.3 and AA1.3) before submitting their appeal form. The Appeals Complaints and Conduct Manager will respond, providing an assessment and overview of the case. Students who do not undertake this step may see their appeals rejected.
- Appeals are submitted against the decision of the Programme Assessment Board or School/University Research Degrees Committee not against results for individual modules/assessments. For example the appeals process will not result in an increase to an individual module mark nor will it see a failed assessment enhanced to a pass.
- The appeals process can see students offered an additional uncapped first attempt or additional reassessment attempt to make good in a failed module.
- Assessments can be made to determine whether any issue highlighted in an appeal has impacted a student's overall award classification and in such cases the appeal process can, on rare occasions, see an award reclassified.
- Usually only issues relating to the most recent trimester will be considered as part of the process.
- Any appeal submission determined to be submitted purely on the basis of a question of academic judgement (e.g. a student's own belief they should have received a better mark based entirely on their own opinion that their work was worth more) will not be accepted.
- Academic Appeals will not normally be accepted from a student who has graduated with an award of the University. Formal requests for an academic appeal to be considered from an Edinburgh Napier graduate under these regulations should be submitted to the Appeals Complaints and Conduct Manager who will liaise with the Convenor of the Appeal Panel to consider whether the appeal can be heard under the terms of these regulations.

AA1.2 Grounds for an Academic Appeal

Students wishing to submit an academic appeal must ensure that it is supported by evidence and is lodged on at least one of the following three grounds:

- i) There is evidence to indicate that the Programme Assessment Board or School/University Research Degrees Committee did not act in accordance with the relevant regulations and procedures;
- ii) There is evidence to indicate that there was an apparent error in the recording, transcription or reporting of assessment results, the delivery of their programme or the assessment process;
- iii) There is evidence to indicate that details of circumstances impacting assessment performance could not reasonably have been presented to the Programme Assessment Board or School/University Research Degrees Committee, by the deadlines of other procedures available to be used for this purpose.

If submitting an appeal based on ground iii), students must explain/evidence the circumstances impacting them as well as explain/evidence why they were unable to advise of the impact at an earlier point.

AA1.3 Invalid grounds for an Academic Appeal

Examples of grounds on which academic appeals will not be considered include:

- i) The student did not understand or was not aware of the published assessment regulations and procedures for a module, subject or programme;
- ii) The student disputes the academic or professional judgement of the examiners in relation to marks, grades, progression or award.
- iii) Complaints or grievances, including the provision of services and/or facilities for which the University has specific and established procedures.
- iv) Disruption to performance and/or progression brought about by restrictions to, or withdrawal of, services and/or facilities due to non-payment of any fees or other matter which leaves the student not in good financial standing with the University.
- v) The impact of widespread disruption caused by weather, pandemics, social/political unrest, acts of terrorism or other events out with the University's control where the University has already taken or will be taking action to mitigate for the impact.

AA2

Submission of Appeals

After email consultation with the ACCM (appeals@napier.ac.uk), students should submit all academic appeals using the Academic Appeal form, AP1. Form AP1 is downloadable from - [myNapier](#). Students can seek advice regarding the completion of their appeal form from the University's Appeals, Complaints and Conduct Manager (ACCM), [Edinburgh Napier Student Association's \(ENSA\) advice service advisors](#), their Personal Development Tutor, their Programme Leader, or the Pastoral Support Advisor (for those students studying in the School of Health and Social Care). Research students may also seek advice from their School Research Degrees Coordinator.

All academic appeals must be submitted to the ACCM by the Academic Appeals Deadline which is set five working days after the publication of the Programme Assessment Board results on [myNapier](#) or, for research students, five working days after the date on which the final decision of the School/University Research Degrees Committee was issued. The form must clearly set out the grounds for appeal. Forms should be accompanied by relevant evidence (e.g. a medical letter, letter from a legal professional, counsellor letter, letter from member of academic staff, letter from an ENSA Advice Service advisor) though appellants may add information/documentary evidence to their application for a further five working days after the Academic Appeals Deadline. Any evidence submitted will be considered at the discretion of the ACCM and the Academic Appeals Panel Convenor.

At this point, the student's record will be updated to confirm that an appeal has been lodged. All submissions will be considered in strict confidence and in accordance with current legislation relating to data protection.

The ACCM will issue a receipt within five working days of the appeals deadline which must be retained as evidence that the appeal was submitted. Receipts will be issued to research students within five working days of submission of the appeal.

Academic Appeals submitted outside the relevant timescales will not normally be considered. In exceptional cases only, a late appeal may be considered at the next available meeting of the University Academic Appeals Panel provided the submission is accompanied by detailed and supported reasons for the late submission.

In exceptional circumstances, where it is apparent that delaying the consideration of an appeal to the next meeting of the Academic Appeals Panel will significantly and extraordinarily disadvantage a student, the Appeals, Complaints and Conduct Manager will consult with the Convenor of the Academic Appeals Panel who may decide to convene an extraordinary meeting of the Panel to consider the appeal.

Only in exceptional circumstances will an Academic Appeal be considered before a Programme Assessment Board or School/University Research Degrees Committee has had the opportunity to consider a student's academic performance for all modules in their current stage of study.

AA3 Process

The Academic Appeal process has three stages:

- i) Stage One: Initial consideration.
- ii) Stage Two: Academic Appeals Panel consideration.
- iii) Stage Three: Formal review.

AA4 Stage One: Initial consideration

Following the published deadline or submission of an academic appeal, the ACCM shall consider each submission and make an initial determination on whether sufficient information has been provided to allow an academic judgement to be made and whether it meets the grounds for an academic appeal as set out in Regulation AA1.2.

The ACCM will ask students to submit additional information within five working days following the appeals deadline so that their appeal can be considered where it:

- i) is not submitted with evidence;
- ii) is not submitted on the correct form;
- iii) does not contain sufficient information for a decision to be made.

Where it is evident the subject matter of an appeal is something that should have been submitted as an extenuating circumstances application, the ACCM will liaise with the appropriate School Extenuating Circumstances Officer to see if they will accept it as a late extenuating circumstances application. If the appeal is accepted as late extenuating circumstances, the student will be advised that their School will process and their appeal will be withdrawn. If the appeal is not accepted as late extenuating circumstances the ACCM will progress the application to the Appeal Panel as per section AA5 below.

AA5 Stage Two: Consideration by the Academic Appeals Panel

All eligible appeals will be referred to an Academic Appeals Panel for consideration. The Appeals Panel will normally convene once per trimester, and within fifteen working days of the published closing date for submission of academic appeals. The dates of the meetings of the Academic Appeal Panel will be available under the [Appeals Section](#) of myNapier.

AA5.1 Constitution of a University Academic Appeals Panel

The Academic Appeals Panel shall normally comprise:

- i) A University Dean who will act as Academic Appeals Panel Convenor.
- ii) At least two senior members of academic staff from a pool of academics nominated by each Dean of School. Each of the academics present at the meeting should be from a different School.
- iii) The Appeals, Complaints and Conduct Manager (ACCM) who will act in an advisory capacity and as clerk to the Panel.

- iv) A nominee of School/University Research Degrees Committee will sit on any Academic Appeals Panel considering an appeal submitted by a research student.

At least three members of staff, not including the ACCM, must be in attendance to constitute a quorate Academic Appeals Panel.

AA5.2 Decisions of a University Academic Appeals Panel

The University Academic Appeals Panel, in its initial consideration, will have recourse to specific outcomes. These outcomes are set out in Regulations AA5.3 to AA5.9.

AA5.3 Dismissal of an Academic Appeal

An academic appeal will be dismissed without further consideration if

- i) the grounds for appeal are not met as set out in Regulation AA1.2
- ii) the academic appeal is judged to be vexatious or frivolous in nature
- iii) the accompanying evidence cannot be reconciled to the grounds of the appeal.

In these cases the outcome will be classed as **Appeal Dismissed**. The Appeals, Complaints and Conduct Manager will notify the appellant via an email to their Edinburgh Napier email address and give reasons for the decision which has been made. A senior member of administration staff, as nominated by the appropriate School Support Manager, is sent a copy of this communication by the ACCM. This individual shall act as the ACCM's primary appeal contact for their School and shall be referred to as the School Appeal Contact during the remainder of these regulations.

If the appellant is dissatisfied with the outcome of the academic appeals process, they have recourse to the Formal Review process if they meet the eligible grounds for a review. The Formal Review process is detailed in section AA6.

AA5.4 Request for further information and evidence

Where it is considered that an academic appeal has grounds, but it is determined that a sound decision cannot be made without further evidence, the Academic Appeals Panel shall request additional evidence to be provided within an agreed timescale. In which case, the appeal will be classified as **Appeal Deferred**.

The Academic Appeals Panel shall be entitled to request additional evidence or information from the appellant, the respective School and/or other relevant party.

In all cases, except those involving research students, it is the responsibility of the appellant and/or the Convenor of the Programme Assessment Board to provide any requested documentation within the deadline notified to them by the ACCM. Once sufficient evidence has been provided, the appeal will proceed in

accordance with Regulation AA5.7. If the appellant does not provide the requested documentation in the required timescale the appeal will be classified as **Appeal Dismissed**.

Where the appeal has been submitted by a research student, it is the responsibility of the appellant and/or the Convenor of the School/University Research Degrees Committee to provide any requested documentation within the deadline notified to them by the ACCM. Once sufficient evidence has been provided, the appeal will proceed in accordance with Regulation AA5.7. If the appellant does not provide the requested documentation in the required timescale the appeal will be classified as **Appeal Dismissed**.

AA5.5 Referral to other University procedures

Where the subject matter of an academic appeal could be more appropriately considered through a different process, such as the Complaints Handling Procedure, the submission will be referred to the relevant procedure. In these cases the outcome will be classed as **Appeal Referred** and the ACCM will notify the appellant and School that the appeal has been referred to another procedure for consideration.

AA5.6 Recommendation to a Programme Assessment Board or School/ University Research Degrees Committee

After giving consideration to all the evidence presented, the Academic Appeals Panel will make a recommendation to the Dean of School, the Convenor of the Programme Assessment Board or the Convenor of the School/University Research Degrees Committee which made the decision currently under appeal.

The School Appeal Contact will be sent a copy of the appeal, the recommendation of the Appeals Panel, and the reason for the decision. This information will be considered by the Dean of School and/or appropriate Board Convenor or their nominee, who has the option:

- i) To agree this recommendation, in consultation with the Programme Board of Examiners or School/University Research Degrees Committee where necessary, and to take appropriate action. They should agree and sign the pro-forma and return it to the ACCM who will communicate the decision to the appellant as an upheld appeal and the matter will be classed as resolved. See Regulation AA5.7 below.
- ii) To dispute the recommendation made by the Appeals Panel. In these cases, the Convenor of the Programme Assessment Board / School/University Research Degrees Committee (or their nominee) should provide the ACCM with a concise report that includes a comment on the recommendation, evidence to support this and/or an alternative resolution to the matter. The procedure in such cases is prescribed in AA5.8 below.

AA5.7 Upheld Appeals

Where Regulation AA5.7 i) applies, the appeal will be classed as **Appeal Upheld**, and the ACCM will communicate the decision and any subsequent action to be taken to the appellant, the School Appeal Contact and the

Convenor of the Programme Assessment Board / School/University Research Degrees Committee (or their nominee) and the appeal will be classed as resolved and closed.

AA5.8 Alternative Resolution

Where Regulation AA5.6 ii) applies, the Academic Appeals Panel will consider the evidence provided by the Convenor of the Programme Board of Examiners/ School/University Research Degrees Committee (or their nominee). The Academic Appeals Panel will have the option:

- i) To agree with the Programme Assessment Board or School/ University Research Degrees Committee where the report and evidence provided shows, incontrovertibly, that the grounds for appeal were unfounded. In such a case, the academic appeal will be classed as **Appeal Not Upheld**. The decision, the reasons for the decision and the options available to the student should they be dissatisfied with the decision will be communicated to the student and where relevant to the School Appeal Contact, Convenor of the Programme Assessment Board / School/University Research Degrees Committee (or their nominee) by the ACCM.
- ii) To agree with the alternative recommendation which has been provided as a means of resolution by the Programme Assessment Board or School/ University Research Degrees Committee and which the Academic Appeals Panel considers reasonable. In such a case the academic appeal will be classed as **Appeal Upheld** and the procedure in Regulation AA5.7 will apply.
- iii) Where the Programme Assessment Board or and the Academic Appeals Panel cannot agree on the appropriate resolution, the decision of the Academic Appeals Panel is final. The ACCM will communicate the Appeals Panel decision to the student, the School Appeal Contact and the Convenor of the Programme Board of Examiners/Research Committee (or their nominee).

AA5.9 Appeal Outcomes

All outcomes and actions taken by the Appeals Panel will normally be communicated to the student by the ACCM within 25 working days of the appeal deadline and forwarded to the School Appeal Contact for dissemination at the next relevant Programme Assessment Board or School/ University Research Degrees Committee for homologation. The appeal decisions will be recorded against the student record.

AA6 Stage Three: Formal review

AA6.1 Process of a Formal review

A formal review process may be convened in **exceptional circumstances** where the appellant is dissatisfied with the outcome of the academic appeals process.

A request for a formal review must be made based on one of the following grounds:-

- i) The appellant can evidence procedural irregularity, in relation to the process of hearing their appeal under the terms of the Academic Appeal Regulations, which could have had a material impact on the final decision taken in respect of their appeal.
- ii) New evidence is now available which might have caused the Appeal Panel to reach a different conclusion, but could not have been made available at the time the appeal was considered.

AA6.2 Notice and evidence for formal review

The appellant should inform the ACCM of a request for formal review in writing within five working days of the date on the communication of the final outcome of the Academic Appeals Panel. The appellant should detail the grounds on which the request is based, provide written evidence to support the request and indicate the resolution being sought.

If it is deemed by the ACCM that the appellant has demonstrated and evidenced exceptional circumstances, a formal review will be arranged by the ACCM and be undertaken by a member of the Senior Leadership Team or an individual nominated by this group.

If a request for a formal review is accepted by the ACCM then they will forward all the related documentation to the designated reviewer for consideration. The ACCM will inform the School Appeal Contact that a review of the appeal is taking place so that they can update colleagues within the School.

AA6.3 Outcome of formal review

The designated reviewer will consider the evidence submitted and provide a written response outlining the outcome of the formal review of the individual case. The possible outcomes of the formal review are:

- i) **Appeal upheld on review**
- ii) **Appeal not upheld on review**

Where the decision is to uphold the appeal on review the designated reviewer will also outline the consequential action to be taken.

The decision of the designated reviewer will be communicated in writing to the appellant, the School Appeal Contact and the relevant Dean of

School/Convenor of the Programme Assessment Board / School/University Research Degrees Committee (or their nominee), within twenty working days of receipt of the request for formal review.

The decision of the designated reviewer following the formal review process will conclude the internal procedures for academic appeal within the University and the appellant will be provided with a Completion of Procedures communication to advise of this.

AA7 Student status

These regulations should not affect the progression of students whilst an academic appeal is submitted, except where external requirements and/or legislation must be taken into consideration.

During the period when the academic appeal is being processed (i.e. from the date of submission until the decision) the appellant will be permitted to progress with their studies pending the outcome of the appeal, except where professional body requirements dictate otherwise. Nursing and Midwifery students are exempt from this because the Nursing and Midwifery Council stipulate that nurses and midwives must meet professional requirements within 12 weeks of starting their professional progression point. If academic appeals are not upheld, students will be eligible for funding from Student Awards Agency for Scotland for the duration of their original attendance dates.

International students subject to UK Visa and Immigration legislation will be permitted to progress with their studies pending the outcome of the appeal within their current visa. The University will seek to resolve any academic appeal from an international student before the end of the student's current visa expiry date. Students should seek advice from the Visa and International Support Team.

Research students should normally continue with their studies and will not normally be given additional registration time as the result of submitting an appeal.

AA8 Consequences for student status in cases of Academic Appeals not upheld

In cases where the outcome of the academic appeal impacts on progression, the following will apply:-

- If the academic appeal is not upheld then all original dates relating to the period of study before the student was temporarily permitted to progress, will remain unchanged.
- For immigration purposes, the last date of formal attendance reported to UK Visa and Immigration will be the date that was recorded before the academic appeal commenced.
- In terms of student funding, the last date of formal attendance will be the date that was recorded before the academic appeal commenced.

- If students have continued to accept bursary or other funding during the period when the academic appeal was under consideration and the appeal was subsequently not upheld, then the student is liable for repayment of any funds obtained during this period. Funding bodies such as the Student Awards Agency for Scotland will be advised of formal last dates of attendance in accordance with these regulations.
- No academic credit will be awarded to students for any study undertaken during the period when the academic appeal was under consideration if the appeal was not subsequently upheld, as the student was proven to be ineligible to progress to this level of study.

AA9 Extent of decisions

Where it is believed that the outcome of an individual appeal may have had an adverse effect on a number of students in the same cohort the matter will be referred back to the Convenor of the Programme Assessment Board /School/University Research Degrees Committee (or their nominee) for immediate action to be taken in relation to the remaining students.

AA10 Reporting requirements

An annual report outlining the number and nature of the Academic Appeals considered at all stages of the procedure will be submitted by the University Secretary or his/her nominee to the first meeting of Academic Board each calendar year.

AA11 Confidentiality

In **exceptional** circumstances a student may choose to report their circumstances to the Convenor of the Appeals panel or a nominated member of staff not connected with their programme of study, usually a student counsellor in or advisor from ENSA Advice.

On receipt of such a request, the staff member, advisor or counsellor should advise the student of the benefits of disclosing information related to their circumstances, to allow their particular circumstances to be disclosed to the full panel and encourage the student to complete the details requested on Form AP1. Students should be made aware that whilst strict confidentiality must be adhered to, the more detail disclosed to the Academic Appeals Panel, the greater the Panel's ability to take full account of the reasons for their application. Should a student still not wish to complete key sections of Form AP1 which outlines the nature of their appeal then the advisor, counsellor or staff member should make the necessary arrangements for the student to report the nature of their appeal in person and confidentially to the Convenor of the Appeals Panel or their depute.

The Convenor of the Academic Appeals Panel must be satisfied that, in their judgement, the circumstances submitted have been properly evidenced to justify their recommendation to the Academic Appeals Panel. The Convenor is

responsible for making their recommendation to the Panel for approval and homologation.

AA12 Recording

Audio/video recording of meetings/hearings associated with academic appeals will generally not be permitted. Requests of this nature will be considered where required as a reasonable adjustment pending consideration of an appropriate disability assessment. With regard to requests related to recording, any decision taken will involve input from the Disability Inclusion team and/or the Information Governance team where appropriate.

Covert recording will be considered a misconduct matter in its own right and any student found to have undertaken this will be subject to action in line with the [Student Conduct Regulations](#).

AA13 External review

- AA13.1** Once all internal procedures have been exhausted, if the student who made the appeal remains dissatisfied with the outcome, they have the right to make a complaint to the Scottish Public Services Ombudsman. The Scottish Public Services Ombudsman is independent and will advise the student whether or not the complaint is one that can be investigated.
- AA13.2** The Scottish Public Services Ombudsman will normally only consider complaints made within twelve months of the date on which the complainant found out about the matter, unless exceptional circumstances apply.
- AA13.3** The Scottish Public Services Ombudsman will consider complaints about:
- i) administrative failure
 - ii) failure to provide a service
 - iii) failure in a service provided.
- AA13.4** The Scottish Public Services Ombudsman will not consider complaints that concern any questioning of academic judgement.
- AA13.5** The Scottish Public Services Ombudsman may be contacted as follows:
- i) via its website at www.spso.org.uk
 - ii) by telephone on 0800 377 7330
 - iii) by writing to: Freepost SPSO.
 - iv) in person: Bridgeside House, 99 McDonald Road Edinburgh, EH7 4NS

Where an appellant remains dissatisfied with the decision of the formal review process, (s)he has the right to request an external review of the University's procedures and management of the appellant's academic appeal by the Scottish Public Services Ombudsman. Details of how to do so will be provided in the completion of procedures communication referred to in Regulation AA6.