

## **ACADEMIC APPEALS PROCEDURE**

### **A GUIDE FOR STAFF**

#### **What is an academic appeal?**

As defined in the [Academic Appeals Regulations](#), an appeal is a request from a matriculated student for the decision of a Programme Assessment Board of Examiners or School Research and Innovation Committee to be reviewed. The request can be made because it is alleged that there has been an injustice, an instance of maladministration or that information which could not reasonably have been submitted previously is now available for consideration.

Appeals can be submitted on one of the following three grounds:-

- i) There is evidence to indicate that the Programme Board of Examiners or School Research and Innovation 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 conduct of their programme or the assessment process*
- iii) There is evidence to indicate that information submitted could not reasonably have been considered by the Programme Board of Examiners, Research Degrees Assessment Board or Faculty Research Degrees Management Group in accordance with published deadlines.*

There are a number of grounds upon which an appeal cannot be submitted and these are detailed within the [Academic Appeals Regulations](#). The most common reason for an appeal being rejected is where appeals amount to a challenging of academic judgement; one of the grounds not permitted in line with the regulations.

#### **When can students submit an appeal?**

- ***UG and PG students studying standard taught programmes in Edinburgh: -***

These students are entitled to submit an appeal during the 5 working days starting from the date upon which their results are published on *myNapier*. **Appeals will only be accepted during this five working day window. Any student making an enquiry after the deadline should be asked to contact the Appeals, Complaints and Conduct Manager directly and should not attempt to submit an appeal if the deadline has passed.**

All relevant dates are published for the year ahead on the [appeals section](#) of *myNapier* from around November each year.

Within two weeks of the appeal deadline, a panel will meet to review appeal cases and subsequently make recommendations to Schools.

There are four applicable panels scheduled; trimester 1 (around late February/early March), trimester 2 (around early to mid-July) and trimester 3 (around mid to late October) as well as the reassessment appeals panel (mid-September)

- **Overseas, Online, Distance Learning and Collaborative Programmes: -**

Students on programmes with attendance modes which do not follow the Edinburgh campus academic calendar are entitled to appeal up to 5 working days after they are communicated the decision of their Programme Board of Examiners. If an appeal from one of these students is received, it is either heard at the next scheduled appeals panel meeting or, as numbers tend to be small, via email consultation with appeal panel members. If numbers are sufficiently high enough or cases brought forward sufficiently complex then an additional panel may be arranged.

- **Research Students: -**

For research students, they may appeal the decision of the School Research and Innovation Committee up to 5 working days after they are communicated the decision. These appeals will be heard at the next scheduled appeals panel meeting or, as numbers tend to be small, via email. If numbers are sufficiently high enough or cases brought forward sufficiently complex then an additional panel may be arranged.

- **Nursing Students – 12 Week Rule: -**

For Nursing students subject to the 12 Week Rule Assessment period, there is an additional appeal deadline set for around late November/early December. An appeal panel is not usually arranged for these as numbers are so low it tends to make discussion via email possible. If numbers are sufficiently high enough or cases brought forward sufficiently complex then an additional panel may be arranged.

### **How do students submit an appeal and where can they find information on appeals?**

Students should first email [appeals@napier.ac.uk](mailto:appeals@napier.ac.uk) detailing what they are seeking to gain from their appeal and the grounds upon which it will be based. All appeals should be submitted by completing [Academic Appeal Form AP1](#) and sending it via email to [appeals@napier.ac.uk](mailto:appeals@napier.ac.uk). Appeals may be submitted for 5 working days from the date of the Programme Assessment Board results publication for Edinburgh taught students and 5 working days after the official communication of results for students undertaking any other mode of study.

Full information on how to submit an appeal and associated advice for students can be found in the [appeals section](#) of *myNapier*.

**Appeals submitted out with this period will not be accepted and staff should not advise students to submit an appeal if they have missed the requisite deadline.** Students who have missed the deadline must make a direct enquiry with the [Appeals Complaints and Conduct Manager](#) (ACCM) by emailing [appeals@napier.ac.uk](mailto:appeals@napier.ac.uk) and clearly stating their reasons for not having submitted an appeal on time. **This is particularly important for students who have a Tier IV visa.**

Staff should advise students to contact their programme team, [ENSA](#) or the [Appeals Complaints and Conduct Manager](#) (ACCM) if they require advice. Staff can also contact the [ACCM](#) should they have queries about any aspect of the appeals process.

## **School Appeals Contacts (SACs)**

Within the University, each School is asked to nominate a member of staff to act as the communication and records retention link between the Appeals, Complaints and Conduct Manager (ACCM) and staff within the School; a School Appeals Contact (SAC).

The SAC is usually an administration manager/officer or senior member of the School's admin team as nominated by the appropriate School Support Manager.

The SAC should be available to process appeal decisions, respond to and coordinate enquiries associated with academic appeals, at the following times: -

- February and March for trimester 1 appeals
- June and July for trimester 2 appeals
- Late August – early November for summer assessment and trimester 3 appeals

The SAC should liaise with their line manager to ensure a colleague is covering appeal enquiries and is aware of the responsibilities of the role should they be on leave during any of the above periods. Ideally the ACCM should be, as soon as possible, advised of who is covering this work and the dates during which they will be assisting.

The SAC will undertake the following responsibilities in relation to the processing and recording of academic appeals: -

- To act as the primary contact providing prompt responses to any enquiries the ACCM has in respect of appeals received from the School's students or anything else relating to appeal queries from the ACCM. This may include: -
  - Confirming the date on which a student would have received/been able to access their most recent Programme Assessment Board decisions.
  - Providing the names of/contacting academic staff and administrators for comment when requested by the ACCM.
  - Providing any information/documentation requested by the ACCM in relation to an appeal or ensuring that a colleague undertakes this task and/or ensuring that the request is passed to the appropriate person.
  - In situations where the School elect to resolve an appeal via the extenuating circumstances process or via Programme Board Chair's Action, ensuring the ACCM is advised of this as soon as possible.
  - Responding to any general enquiries made by the ACCM.
- To retain and update appeal lists as and when advised by the ACCM.
- To communicate updates to appellants' appeal statuses and decisions made on their appeals to colleagues within the School as and when advised by the ACCM. This will usually involve keeping programme leaders and programme administrators updated.
- To work with the ACCM to assist in responding to any local enquiries relating to academic appeals.

Action required by SACs is highlighted in the following sections.

### **What happens when an appeal is submitted?**

When an academic appeal is submitted the following steps are undertaken:-

1. The Appeals, Complaints and Conduct Manager (ACCM) will review the appeal in its entirety and decide whether the appeal meets the grounds. If it does then the appeal will move to step 2 and if it doesn't the appellant will be contacted and advised why their appeal will not be taken any further.
2. A standard acknowledgement of receipt will be sent to the appellant detailing the approximate date they are likely to hear the final decision by as well as the provision of other useful information on progression, implications for graduation and where support can be sought whilst they await the decision on their appeal. The [Academic Appeals Regulations](#) state that the final decision should be provided to the appellant within 25 working days of the relevant appeal deadline. In reality it is usually possible to contact the appellant much quicker than this with most appellants receiving the final decision within 2 – 3 weeks of the appeal deadline.
3. Whilst acknowledging receipt to the appellant the ACCM will, if it has been determined that the appeal requires further evidence to be submitted in order to back up any claims made in the appeal, advise the appellant of the nature of the evidence required and set a deadline by which to submit this by. The [Academic Appeals Regulations](#) state that appellants may submit additional evidence to support their appeal up to 5 working days after the appeals deadline.
4. If, after reviewing the appeal, the ACCM believes that the School may be able to resolve the matter via the extenuating circumstances procedure or another process such as taking Convenor's action in respect of the Programme Assessment Board decision, he/she will make contact with the School Appeal Contact (SAC) and ask them if the School will indeed resolve without the matter requiring formal appeal consideration.

**ACTION FOR SCHOOL APPEAL CONTACT:** *The SAC should liaise with relevant colleagues such as those concerned with extenuating circumstances or the Programme Assessment Board and ensure they or a colleague provide the ACCM with responses to any queries he or she has made by the deadline stipulated.*

5. If it is determined that the School are willing to resolve the matter subject to appeal in the appellant's favour then the ACCM will withdraw the appeal upon receipt of written confirmation from the School and allow the School to contact the appellant with the advanced details of what will happen next. The appellant will be invited to contact the ACCM should they remain dissatisfied after considering the School's offer of resolution, otherwise the appeal will be recorded as withdrawn by the ACCM.

**ACTION FOR SCHOOL APPEAL CONTACT:** *The SAC should make the ACCM fully aware of the final outcome and should ensure that they personally contact the appellant with full details or that an appropriate colleague undertakes this contact. The SAC should record the outcome of the appeal and ensure appropriate staff keep a record of what has been communicated to the appellant.*

6. Where a School indicates they are unwilling to resolve or for more complicated appeal submissions, the ACCM will prepare for the appeal submission to be considered by the appeal panel.
7. If, it is determined that the appeal needs to go to the appeal panel, comment from the School is often required before the panel can make a decision. The ACCM will request this from the relevant SAC as soon as possible. The SAC will be advised when the information is required so that the appeals panel can view the comment ahead of their meeting. Comment from Schools should ideally be returned directly to the ACCM. **It is important the deadline set by the ACCM is met by the SAC so that the ACCM has enough time to prepare the information and comments for the appeal panel meeting.**

**ACTION FOR SCHOOL APPEAL CONTACT:** *To ensure they personally, or an appropriate colleague, responds to the ACCM with the evidence/information requested by the deadline stipulated.*

8. A record is created by the ACCM for each appeal. This allows for files, emails and notes to be securely stored all in one place and this is where the appeals panel can access information on the case ahead of the panel meeting. Access is restricted to selected members of the Governance and Compliance team and Appeal Panel members only.
9. The ACCM maintains a secure log of all appeals submitted including the following information on each appellant:-
  - Name
  - Matriculation Number
  - School
  - Programme of Study
  - Brief description of the nature of the appeal
  - Comments/last action taken with regard to appeal
  - Current status of appeal *e.g. on-going, upheld, not upheld*
  - Whether the student has a T4 visa status
  - Gender\*
  - Age\*
  - Ethnicity\*
  - Any recorded disabilities\*

*\*This information is not disclosed any further than the ACCM but is used by the University's Diversity Partner for their annual report. No names, matric numbers, course codes or School details are provided alongside the data when it is presented to the Diversity Partner so individuals cannot be identified.*

10. Each time the log is updated, a secure, restricted access copy stored in the ACC section of the Governance and Compliance S-drive folder is updated accordingly.
11. The appeal reference within the UDF field of the student's record in the SCE screen in SITS should be populated to show they have submitted an appeal and who has logged

it. For example if Richard Bews received an academic appeal from the student for trimester 2 of session 2020/21, the file is populated RB/AA/2021/2.

### **What happens between the appeal deadline and the appeal panel meeting?**

The following steps are undertaken: -

1. Once the appeal submission deadline is reached, the ACCM sends a list to each School Appeal Contact (SAC), detailing the names of the School's appellants and their course codes. The ACCM will provide a rough indication of when he/she will be in a position to start communicating the decisions on the appeals to the SAC. Those appeals previously withdrawn where the School has agreed to resolve will also be included in the list.

**ACTION FOR SCHOOL APPEAL CONTACT:** *At this point the SAC should advise the respective programme leader and programme administrator with regard to which of their students have appealed and remind them that the student, if applicable, is permitted to attend classes, sit assessments and progress to the next level of their programme whilst their appeal is in the process of being heard.*

2. A list is also sent to the Visa and International Support team detailing any appeals received from students with a Tier IV visa status.
3. A further list is sent to the appeal panel members along with access to all of the files from the appeal cases due for discussion at the panel meeting. As and when any new information for any of the appeals is received between this point and the meeting, the ACCM updates the files.

### **What happens at the appeal panel meeting?**

The appeal panel usually meet around a week, ideally no more two weeks, after the appeal deadline. A nominated Dean acts as Convenor of the panel along with at least two members\* of staff who meet the criteria listed in section AA5.1 of the [Academic Appeals Regulations](#).

*\*The staff line up serving on each panel for the year is usually arranged during the November before the following calendar year. Names of staff eligible to be asked to take a place on the panel are provided to the ACCM by the Deans of School.*

The ACCM attends the panel meeting in an advisory capacity and as clerk.

Ahead of the meeting, the panel will have had sight of all or at least most of the evidence to be considered in connection with each appeal submission to allow them to take pre-meeting notes. At the panel meeting a discussion with regard to each case will take place as well as any late evidence/information being presented to the panel. The panel will strive to make as many final decisions as they can on the day of the meeting though this may not be possible for all appeals as it may be determined that further evidence is required from appellants/staff.

The ACCM will note the panel's comments on each appeal presented and these comments will eventually be relayed to the appellant in the email they receive detailing the decision taken on their appeal following the panel meeting.

In cases where a decision is not possible on the day of the meeting, provisional decisions will be made covering each obvious potential scenario and the ACCM will process whichever decision is appropriate upon receipt of further evidence from the appellant/comment from the School. If, after receiving further evidence/information, the ACCM believes that the outcomes discussed are no longer appropriate or believes there is ambiguity with regard to the decision, the Convenor of the Appeal Panel will be contacted to verify the decision. The Convenor may opt to contact the panel members if he/she believes they need further opinion before the decision is verified.

### **What happens post appeal panel meeting?**

In the days after the appeal panel meeting, the following steps are undertaken: -

1. The ACCM will make contact with appellants/staff in situations where the panel determines they require further evidence/information before they can finalise their decision.

**ACTION FOR SCHOOL APPEAL CONTACT:** *If contacted by the ACCM at this juncture, the SAC should ensure they or a colleague provides the evidence/information requested by the deadline stipulated.*

2. An updated list is sent to each School Appeal Contact (SAC) and, for Tier IV student appeals only, the Head of Visa and International Support detailing the current status of each appeal, be they upheld, not upheld or on-going. The SAC should update the programme teams at this stage.

**ACTION FOR SCHOOL APPEAL CONTACT:** *SACs should ensure all appropriate staff are updated with the information they receive from the ACCM as soon as possible. This will usually involve providing updates to programme leaders and programme administrators.*

3. Each appellant whose appeal has not been upheld is contacted first, receiving a communication detailing the rationale for their appeal not being upheld and what they can do should they remain dissatisfied.
4. For appeals upheld, a decision sheet outlining the decision, the modules impacted and the rationale for the decision is sent to the SAC. The SAC is then required to have the Dean of School, Convenor of the Programme Assessment Board or their nominee complete their section of the form stating whether they agree, agree in part or disagree with the decision of the Appeal Panel. Once completed this should be returned to the ACCM as soon as possible.

**ACTION FOR SCHOOL APPEAL CONTACT:** *To ensure the form is fully completed and signed by an appropriate member of staff and return to the ACCM by any deadline he/she has stipulated.*

5. Each appellant whose appeal has been upheld and had this agreed by their School is then contacted by the ACCM, receiving a communication detailing the rationale for their appeal being upheld along with advice on who to contact next and details any relevant deadlines. The SAC contact is sent a copy of this communication.

**ACTION FOR SCHOOL APPEAL CONTACT:** *To ensure the copy of the communication is seen by staff on a strictly need to know basis and is stored, securely, within the School for future reference.*

6. Where appeals have only been agreed in part or not agreed at all by the School, the ACCM contacts the Convenor of the Academic Appeals Panel who has the final decision on the outcome of the appeal as per AA5.8 iii) of the [Academic Appeals Regulations](#).
7. As and when additional evidence/comment is received and appeal decisions are finalised, details are communicated to the appellants and SACs, the case management system and appeal lists are updated accordingly with the SACs and the Head of Visa and International Support (tier 4 student appeals only) kept updated with changes to the statuses of every appeal.

**ACTION FOR SCHOOL APPEAL CONTACT:** *To ensure local records are amended as soon as possible after any update from the ACCM is received and to ensure relevant staff are made aware of any updates as and when they are outlined to the SAC by the ACCM.*

8. All final communications with regard to appeals are kept securely on file by the ACCM as they serve as an account of what the panel discussed at the meeting and the rationale for the outcome decision on the appeal.
9. The appeal reference within the UDF field of the student's record in the SCE screen in SITS will be populated by the ACCM to show the outcome of the appeal in the relevant field.
10. The ACCM will update each SAC as and when decisions are finalised and communicated. In turn, SACs should keep programme teams up to date.

**ACTION FOR SCHOOL APPEAL CONTACT:** *To ensure local records are amended as soon as possible after any update from the ACCM is received and to ensure relevant staff are made aware of any updates as and when they are outlined to the SAC by the ACCM.*

11. When in a position to do so, the ACCM will send a final communication to SACs to confirm all appeals for the period are finalised. At this point, the SAC should provide a final update to the relevant programme teams.

**ACTION FOR SCHOOL APPEAL CONTACT:** *To ensure colleagues are provided final updates as appropriate.*

## **What happens if an appellant requests a formal review of their appeal decision?**

1. Appellants have 5 working days from the date the decision is communicated to them to request a Formal Review of their appeal, in line with section AA6 of the [Academic Appeals Regulations](#), via the ACCM. The grounds upon which a review can be requested are limited and narrow: -

*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.*

2. If a Formal Review goes ahead, the appellant and the School Appeal Contact (SAC) will be advised. In turn, the SAC should update the programme team at this point.

**ACTION FOR SCHOOL APPEAL CONTACT:** *To ensure local records are amended as soon as possible after any update from the ACCM is received and to ensure relevant staff are made aware of any updates as and when they are outlined to the SAC by the ACCM.*

3. Upon completion of the Formal Review, which will be undertaken by a member of the Senior Leadership team or their nominee, the appellant and the SAC will be advised of the decision and all files will be updated accordingly.

**ACTION FOR SCHOOL APPEAL CONTACT:** *To ensure local records are amended as soon as possible after any update from the ACCM is received and to ensure relevant staff are made aware of any updates as and when they are outlined to the SAC by the ACCM.*

4. If the Formal Review is not successful the ACCM will issue a completion of procedures communication advising the appellant that their only recourse is to go to the Scottish Public Services Ombudsman (SPSO) in line with section AA12 of the [Academic Appeals Regulations](#).

5. The SAC will be notified of the decision on any appeal subject to a review in order to allow them to disseminate the details to the programme team and make any administrative changes required to the appellant's record.

**ACTION FOR SCHOOL APPEAL CONTACT:** *To ensure local records are amended as soon as possible after any update from the ACCM is received and to ensure relevant staff are made aware of any updates as and when they are outlined to the SAC by the ACCM.*

### **How and when is information on appeals reported?**

1. All appeal records are used to compile statistical reports and commentaries for the appeals section of the Appeals, Complaints and Conduct annual report which goes to Quality & Standards Committee, Senior Leadership Group (SLT) and Academic Board.
2. Full data for the report is usually ready in early November, with the first committee to be presented the report being the meeting of Quality & Standards Committee in late January/early February. Following this meeting, the report will be presented to SLT around late February/early March and Academic Board in March.
3. Information on the age, gender, ethnicity and recorded disabilities of each appellant is recorded and stored securely by the ACCM. The University's Diversity Partner uses this as part of their annual report to University Court. No names, matric numbers, course codes or School details are provided alongside the data when it is presented to the Diversity Partner so individuals cannot be identified.