Academic Appeals Procedures

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<tr>
<th>Creator</th>
<th>Secretariat</th>
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<tr>
<td>Approved By</td>
<td>Senate</td>
</tr>
<tr>
<td>Approval Date(s)</td>
<td>7-Jul-2012 (v2.0)</td>
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<td>Review By</td>
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<tr>
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<td>Version 3.7, revised to reflect changes to the RKEC Framework, approved by Senate in December 2017</td>
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1. Academic Appeals

Purpose

The Academic appeals process provides a route for students to seek a review of their academic progression decision.

Key principles are that:

- Academic progressions decisions should be defensible, fair and consistent.
- Any student seeking a review of their progression decision will be counselled by a senior member of academic staff (normally the relevant Academic Curriculum Manager for Undergraduate students) and the reasons for the original decision will be explained.
- If the student submits a formal appeal the evidence will be considered by the Student Progress Panel (SPP) or Research Degrees Assessment Panel (RDAP) and its original decision reviewed.
- If the SPP or RDAP rejects the appeal the student can appeal to the Academic Appeals Panel (AAP) on the grounds of a clearly identified procedural irregularity or significant new evidence not previously available.
- If the AAP accepts the grounds for appeal are valid the student will be expected to attend a meeting of the AAP and may be accompanied by another member of the University community. If the student is unable to attend, in exceptional circumstances the student may be represented by a member of the University community.
- The AAP will include a senior academic member of Senate (as Chair), two senior members of academic staff, and a student representative.
- AAP members from the same School as the student will be required to withdraw from the Panel during its discussions of the relevant evidence.
- The AAP may identify cause for concern in a given case which will be reported directly to a member of the Executive for action as necessary.

The following guidance sets out how the purpose and principles will operate in practice.

If any perceived conflict is identified, this should be brought to the attention of the Registrar.
1.1 Definitions: Academic Appeals and Complaints
These Procedures apply to all students of the University.

An Appeal is a request for the review of a student progression or award decision taken by the
Student Progress Panel (or Research Degrees Assessment Panel). Valid and invalid grounds
for appeal are set out in Section 1.2 and 1.3.

A complaint arises from a specific concern about the adequacy or quality of the provision of a
programme of study or related academic service. Where an appeal contains a complaint, the
University may need to redirect the appeal and the appellant to the complaints procedure.
When appropriate, the outcome of a complaint will be brought back to the attention of the
Student Progress Panel (under Grounds for Academic Appeal iii).

1.2 Grounds for an Academic Appeal
An Appeal may be made on any one or more of the three following grounds:

i. There is evidence that a Student Progress Panel or Research Degrees Assessment
   Panel did not reach a decision in accordance with the Academic Regulations

ii. There is evidence that there was an error in recording or reporting results, or the award
decision of a Student Progress Panel

iii. There is evidence of factors affecting the student’s performance that could not
reasonably have been submitted earlier.

Those submitting an Academic Appeal must ensure that the grounds for their appeal are clearly
identified. Appeals under iii will only be considered if they are supported by contemporaneous,
independent, medical or other evidence.

1.3 Invalid Grounds for an Academic Appeal
At any stage the Registrar, with due consultation, has authority to identify a case as invalid,
vexatious or frivolous. In such cases the reason will be given in writing to the student as to why
the appeal is invalid or an abuse of process.

For the avoidance of doubt, Academic Appeals will not normally be considered when:

i. The student disputes the academic or professional judgment of the examiners in relation
to awards, grades and marks

ii. The student disputes the exercise of the discretionary powers of a Student Progress
Panel regarding progression, re-assessment or re-enrolment

iii. The student claims to have failed to properly understand published regulations,
procedures and policies regarding assessment

iv. The student has had a disruption to their studies due to the non-payment of fees or other
matters that affect the financial good-standing of the student with the University

v. There are extenuating or mitigating circumstances that might affect academic studies or
progression that could have reasonably been submitted before the relevant meeting of
the Student Progress Panel.
Academic Appeals

Where the appeal contains a complaint the University may redirect the appellant to the complaints procedure. Where appropriate, the outcome of a complaint may then be brought back to the attention of the Student Progress Panel or Research Degrees Assessment Panel (under Grounds for Academic Appeal iii).

2 Submission of Academic Appeals

Before submitting an appeal students are required to contact the Academic Curriculum Manager (or a senior academic within the School in the case of Postgraduate Research students) for an explanation of their progression decision and for appropriate academic counselling.

After academic counselling, if a student wishes to appeal he/she must complete the Academic Appeals Form.

Students are advised to seek support from Abertay SA or Student Services.

The Academic Appeals Form will not be accepted from a student who has graduated.

The Academic Appeals Form must identify list and itemize all the contemporaneous, independent, medical or other evidence that will be used to support the appeal.

The Academic Appeals Form will not be accepted before the Student Progress Panel has considered the student’s performance in all of the modules at the current stage of study.

The Academic Appeals Form and any evidence relied upon must be submitted within 1 calendar month of the date that a progression decision is notified to the student.

Late appeals and late evidence will only be considered if a compelling case is provided to justify why the late appeal or late evidence could not be submitted within the prescribed timelines.

The decision to accept a late submission is at the discretion of the Registrar.

3 The Process following receipt of Academic Appeals

Following the receipt of the Academic Appeals Form the Registrar’s office will determine, with due consultation, whether the appeal is valid.

If the appeal is accepted as valid the process has two stages:

i. Consideration by the Student Progress Panel or Research Degrees Assessment Panel

And if the Appeal is rejected at this first stage

ii Consideration by the Academic Appeals Panel

4 The Student Progress Panel

Consideration of appeals by the Student Progress Panel or Research Degrees Assessment Panel will be completed within four weeks of the appeals deadline.

The appeals deadline will be 1 calendar month from the date of the notification of a progression decision to the student.
Academic Appeals

4.1 Membership of the Student Progress Panel
The membership of the Student Progression Panel will be:
   The Registrar
   The Academic Curriculum Managers (or designated alternate)
   An Administrative Officer, who will take a note of the meeting

4.2 Membership of the Research Degrees Assessment Panel
The membership of the Research Degrees Assessment Panel will be:
   The Registrar
   At least three members of academic staff, drawn from the pool of Research Degrees Assessment Panel members
   An Administrative Officer, who will take a note of the meeting

4.3 Consideration by the Student Progress Panel or Research Degrees Assessment Panel
The SPP or RDAP will consider the appeal and reach a view on the information submitted.

4.3 Decisions of the Student Progress Panel or Research Degrees Assessment Panel
After reviewing the appeal, the SPP or RDAP has the option to:
   i  Agree to change its original decision. The appeal will be provisionally classified as Appeal Upheld.
   ii Confirm its original decision. The appeal will be provisionally classified as Appeal NOT Upheld.

The student can appeal against the SPP or RDAP decision (see Section 5 below). The grounds for appeal are a clearly identified procedural irregularity or significant new evidence that was not previously available. The appeal must be made in writing to academicappeals@abertay.ac.uk within ten days of receipt of the decision. If accepted, an Academic Appeals Panel will be established.

5 The Academic Appeals Panel
A meeting of the Academic Appeals Panel will be scheduled as soon as possible for the purpose of hearing any final appeals that have been requested by students.

5.1 Membership of the Academic Appeals Panel
The membership of the Academic Appeals Panel shall be:
   A senior academic member of Senate (as Chair)
   Two senior academics appointed by the Registrar
A student representative nominated by Abertay SA An administrative officer, who will take a note of the meeting

The student is expected to attend and has the right to be accompanied by or in exceptional circumstances be represented by a member of the University community who may speak on his or her behalf.

A representative of the SPP or RDAP is expected to attend and has the right to be accompanied by or in exceptional circumstances be represented by a member of the University community who may speak on his or her behalf.

If a student fails to attend the meeting and has not nominated a representative in advance, the AAP will make a decision in his or her absence. The case may be re-opened if a compelling case is made to explain the failure to attend.

The decision to re-open a case is at the discretion of the Registrar.

5.2 Consideration by the Academic Appeals Panel
The AAP will consider whether the original decision was:
- procedurally correct
- based on correct information

If new information is presented the AAP will consider
- whether it has a bearing on the case
- whether there is a compelling reason why it was not available previously

The purpose of this consideration is to determine whether the student has been treated fairly and reasonably in terms of University regulations and procedures and any new evidence submitted.

5.3 Decisions of the Academic Appeals Panel
The decisions that the Academic Appeals Panel can make are:

i. Appeal Upheld

After considering the evidence available to it, the Academic Appeals Panel may formally agree that the Academic Appeal was justified. In this case the appeal will be classified as Appeal Upheld.

After considering the evidence available to it, the Academic Appeals Panel may formally agree that the Academic Appeal was not justified. In this case the appeal will be classified as Appeal Not Upheld.

The Academic Appeals Panel will reach a decision within 5 days of the Panel meeting and the student will be notified formally of the outcome, and any next steps required, by the appeals administrator without undue delay.
The Academic Appeals Panel will summarize the reason that their decision has been reached (the context of Section 1, 1.1, 1.2, and 1.3 may be helpful in this regard).

If the Academic Appeals Panel has any significant cause for concern, these must be agreed by the panel in summary form so that this can be reported to the Registrar for action.

6 Student Status during and after an appeal
The progression decision that is under appeal will remain in force unchanged until the appeal is concluded.

7 Report of the Academic Appeals Panel including any cause for concern
An outline report indicating the number and nature of the Academic Appeals considered at both stages of the procedure, and any causes for concern, will be submitted by the Registrar to Senate annually.

8 External Review
If a student remains unsatisfied after the conclusion of the appeals process, he or she may have recourse to the Student Complaints Procedure with respect to the operation of the Academic Appeals Procedure itself.

If a student remains dissatisfied with the outcome of the appeal and complaints processes after all of the internal processes have been exhausted, they have the right to refer their case to the Scottish Public Services Ombudsman, within 12 months.

The Scottish Public Services Ombudsman will consider complaints about:

i. Administrative failure
ii. Failure to provide a service
iii. Failure in a service provided

The Scottish Public Services Ombudsman will not consider complaints that concern personal matters or the exercise of academic judgment.

The Scottish Public Sector Ombudsman cannot consider matters of academic judgement (SPSO Act 2002, Schedule 4, Paragraph 10).

The Scottish Public Services Ombudsman
4 Melville Street
Edinburgh EH3 7NS
www.spso.org.uk
0800 377 7330
## Version Control Table

<table>
<thead>
<tr>
<th>Version Number</th>
<th>Purpose / Changes</th>
<th>Author/Editor</th>
<th>Date</th>
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<tr>
<td>V2.0</td>
<td>Proposal discussed by QAC on 21.06.2012 and agreed subject to minor changes and approval by Senate.</td>
<td>Prof David Heeley, Pro Vice-Chancellor (Academic Development)</td>
<td>21.06.2012</td>
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<tr>
<td>V2.1</td>
<td>Proposal approved by Senate subject to minor changes</td>
<td>Dr Jonathan Teppett (Ed), Senior Admin Officer</td>
<td>07.07.2012</td>
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<tr>
<td>V2.2</td>
<td>Coversheet and table of contents added prior to publication. Status changed from Regulations to Procedures after meeting of Academic Regulations Editorial Board on 07.09.2012</td>
<td>Dr Jonathan Teppett (Ed), Senior Admin Officer</td>
<td>10.09.2012</td>
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<tr>
<td>V2.3</td>
<td>Amendments proposed by Academic Appeals Working Group. For consideration by QAC. Set out in QAC/0213/33</td>
<td>Dr Jonathan Teppett (Ed), Senior Admin Officer</td>
<td>10.09.2012</td>
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<tr>
<td>V2.4</td>
<td>Amendments to the Procedures and Academic Appeal Form 2012/2013 as proposed by QAC 14.02.2013, and approved by QAC Chair’s Action on 15.02.2013 for immediate implementation</td>
<td>Dr Jonathan Teppett (Ed), Senior Admin Officer</td>
<td>15.02.2013</td>
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<tr>
<td>V2.5</td>
<td>Owner changed from PVC (AD) to Secretariat</td>
<td>Dr Jonathan Teppett (Ed), Senior Admin Officer</td>
<td>16.08.2013</td>
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<tr>
<td>V2.6</td>
<td>Coversheet amendments and editorial changes.</td>
<td>F. Caldwell, Policy Officer</td>
<td>13.02.2014</td>
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<td>V2.7</td>
<td>Appeal period extended from 5 working days to 1 calendar month after the student has been notified by letter or Email of the FAB outcome.</td>
<td>Dr J Teppett, Clerk to Senate &amp; Academic Governance Manager</td>
<td>12.03.2015</td>
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<td>V2.8</td>
<td>Minor editorial changes to form and procedure in response to student complain.</td>
<td>Dr J Teppett, Clerk to Senate &amp; Academic Governance Manager</td>
<td>12.03.2015</td>
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<tr>
<td>V3.0</td>
<td>Process revised to align with new academic regulations after consultation with Abertay SA and the Teaching and Learning Committee on purposes and principles.</td>
<td>Dr J Teppett, Clerk to Senate &amp; Academic Governance Manager</td>
<td>17.11.2015</td>
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<tr>
<td>V3.1</td>
<td>Minor changes to reflect consultation with ACMs and Registrar</td>
<td>Dr J Teppett, Clerk to Senate &amp; Academic Governance Manager</td>
<td>09.12.2015</td>
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<td>V3.2</td>
<td>Circulated to TLC members for approval by exception. Minor changes.</td>
<td>Dr J Teppett, Clerk to Senate &amp; Academic Governance Manager</td>
<td>08.01.2016</td>
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<td>V3.3</td>
<td>Draft of revised process after one full year of operation</td>
<td>Dr J Teppett, Clerk to Senate &amp; Academic Governance Manager</td>
<td>14.10.2016</td>
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<td>V3.4</td>
<td>Draft after discussion with Registrar &amp; Academic Curriculum Managers</td>
<td>Dr J Teppett, Clerk to Senate &amp; Academic Governance Manager</td>
<td>04.11.2016</td>
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<td>Agreed for submission to Teaching and Learning Committee</td>
<td>Dr J Teppett, Clerk to Senate &amp; Academic Governance Manager</td>
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<td>Dr J Teppett, Clerk to Senate &amp; Academic Governance Manager</td>
<td>15.12.2016</td>
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<td>V3.7</td>
<td>Revised to reflect changes to the RKEC Framework, approved by Senate in December 2017</td>
<td>Dr A Ramsay Head of Governance</td>
<td>13.12.2017</td>
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Initial Equality Impact Assessment (IEIA)

### Details of document

<table>
<thead>
<tr>
<th>Document title</th>
<th>Academic appeals: purpose, principles, practice</th>
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<tbody>
<tr>
<td>Document author</td>
<td>Jonathan Teppett, Clerk to Senate</td>
</tr>
<tr>
<td>School/Service</td>
<td>Academic Registry</td>
</tr>
<tr>
<td>IEIA prepared by</td>
<td>Jonathan Teppett, Clerk to Senate</td>
</tr>
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### Reason for the IEIA:

- Proposed new document
- Proposed change to existing document: X
- Review of existing document
- Other (please state): 

### Is there any evidence or concern that any of the protected characteristic groups have different experiences, issues or needs in relation to this document? (If yes, please provide details in the box below)

<table>
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<th>Yes</th>
<th>No</th>
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<td>Religion or belief</td>
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<td>Gender reassignment</td>
<td>Sex</td>
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<td>Pregnancy &amp; maternity</td>
<td>Sexual orientation</td>
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<td>Marriage &amp; Civil partnership</td>
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**Further details:**

There is currently no concern over the impact of the approved process with regards to its impact on protected characteristic groups. The changes include the introduction of the honorific Mx into the appeals form.

### Will this document have any impact on:

<table>
<thead>
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<th>Yes</th>
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<td>Discrimination?</td>
<td>x</td>
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<td>Equality of opportunity?</td>
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<td>Relations between groups?</td>
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**If yes, please provide details here:**
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<tr>
<th>Will this document have an impact on the physical environment? For example, will there be any impact on working conditions, pollution or climate change, accidental injuries or public safety?</th>
<th>Yes</th>
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<tr>
<td>If yes, please provide details here:</td>
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If any of the questions above are answered ‘Yes’, please complete a Comprehensive Equality Impact Assessment (CEIA). Otherwise please append this to the document and submit it for formal approval by the relevant committee (further details available in the Quick Guide document) before publishing.

**Declaration**
I confirm that this equality analysis represents a fair and reasonable view of the implications of the document for all protected characteristic groups, and that appropriate actions have been identified to address the findings.

<table>
<thead>
<tr>
<th>Jonathan Teppett, Clerk to Senate</th>
<th>EIA prepared by</th>
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<td>Line manager (if appropriate)</td>
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**Formal approval**

**Which committee has this document gone before for approval?**
Teaching and Learning Committee
Date of formal meeting: 01.02.2017

**Following committee consultation, what is the decision for this document?**

<table>
<thead>
<tr>
<th>Reject the document</th>
<th>Approve and publish the document</th>
<th>Amend the document</th>
<th>Other (please give details below)</th>
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**If the committee requires that the document be amended, please list amendments below.**
No amendments were required.