



Abertay University

ACADEMIC APPEALS PROCEDURE

Purpose

The academic appeals procedure provides a route for students to seek a review of an academic progression decision.

Principles

Our policy and practice should:

Be defensible, fair and consistent;

Be simple, understandable and administratively straightforward;

Enable students to understand the reasons for the progression decision taken;

Allow students to raise matters of concern without fear of disadvantage.

Practice

This procedure is intended to delineate the circumstances under which a student may make an appeal to request a review of an academic progression decision and how the University will proceed upon receipt of such an appeal.

Academic Services

Approved by Teaching & Learning Committee July 2020

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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 Programme Assessment Board. 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 Academic Appeals Panel (under Grounds for Academic Appeal iii).

Students should note that the appeal process relates only to progression or award decisions taken by the Programme Assessment Board. It cannot be applied to matters of academic judgement, such as module grades, nor to the proper application of the University's regulations and policies.

1.2 Grounds for an Academic Appeal

An appeal against a decision of the Programme Assessment Board) may be made on any one or more of the three following grounds:

- i. There is evidence that a Programme Assessment Board 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 Programme Assessment Board.
- 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 Director of Student and Academic Services (SACs) or delegated Academic Services managers, 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 Programme Assessment Board 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 Programme Assessment Board.

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 Academic Appeals Panel (under Grounds for Academic Appeal iii).

2 Submission of Academic Appeals

Before submitting an appeal, students are required to contact the School Academic Advisor (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.

The Academic Appeals Form must include confirmation that academic counselling has been sought.

Students are also 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 Programme Assessment Board 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 Director of Student and Academic Services (SACs) or delegated Academic Services Managers.

3 The Process following receipt of Academic Appeals

Following the receipt of the Academic Appeals Form, an Academic Services Manager 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 Stage 1 Academic Appeals Panel.

And if the appeal is rejected at this first stage:

- ii Consideration by the Stage 2 Academic Appeals Panel

4 The Stage 1 Appeal Panel

Consideration of appeals by the Stage 1 Academic Appeals 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.

The student is not expected to attend the Stage 1 Academic Appeals Panel. They will be advised of a decision by email.

4.1 Membership of the Stage 1 Academic Appeals Panel for Undergraduate and Postgraduate programmes

The membership of the Panel will be:

- The Director of Student and Academic Services

- The School Heads of Teaching Quality & Learning Enhancement (or designated alternates)

- An Administrative Officer, who will take a note of the meeting

4.2 Membership of the Stage 1 Academic Appeals Panel for Postgraduate Research programmes

The membership of the Panel will be:

- The Director of Student and Academic Services

- The Research Executive School Leads (or designated alternates)

- An Administrative Officer, who will take a note of the meeting

4.3 Consideration by the Stage 1 Academic Appeals Panel

The Panel will consider the appeal and reach a view on the information submitted.

4.3 Decisions of the Stage 1 Academic Appeals Panel

After reviewing the appeal, the Panel has the option to:

- i Agree to change the original decision of the Programme Assessment Board. The appeal will be provisionally classified as **Appeal Upheld.**
- ii Confirm the original decision of the Programme Assessment Board. The appeal will be provisionally classified as **Appeal NOT Upheld.**

The student will receive a decision by email following the Panel.

If an appeal against a withdrawal decision is Upheld, registration information and any

other appropriate instructions will follow as soon as possible to allow students to resume their studies.

This concludes the stage 1 appeal process.

The student can appeal against the Stage 1 Academic Appeal Panel decision. The grounds for a stage 2 appeal are a clearly identified procedural irregularity or significant new evidence that was not previously available (see Section 5 below).

The stage 2 appeal must be made in writing to academicappeals@abertay.ac.uk within ten days of receipt of the stage 1 decision. If accepted, a Stage 2 Academic Appeals Panel will be established.

5 The Stage 2 Academic Appeals Panel

A meeting of the Stage 2 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 Stage 2 Academic Appeals Panel

The membership of the Panel will be:

A senior academic member of Senate (as Chair)

Two senior academics

A student representative nominated by Abertay SA

An Academic Services manager

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 Stage 1 Academic Appeals Panel 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 Stage 2 Academic Appeals Panel will make a decision in their 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 Director of Student and Academic Services.

5.2 Consideration by the Stage 2 Academic Appeals Panel

The Panel will consider whether the decision of the Stage 1 Academic Appeals Panel was:

- procedurally correct.

- based on correct information.

If new information is presented the Stage 2 Academic Appeals Panel 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 Stage 2 Academic Appeals Panel

The decisions that the Panel can make are:

- i Appeal Upheld.
- ii Appeal Not Upheld.

After considering the evidence available to it, the Stage 2 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 Stage 2 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 Stage 2 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 Stage 2 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 Stage 2 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 Director of Student and Academic Services 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 Panels, 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 Director of Student and Academic Services to Senate annually.

8 External Review

If a student remains unsatisfied after the conclusion of the appeals process, they may have recourse to the **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 Sector Ombudsman will not consider complaints that concern personal matters and cannot consider matters of academic judgement (SPSO Act 2002, Schedule 4, Paragraph 10).

The SPSO's contact details are:

SPSO
4 Melville Street
Edinburgh
EH3 7NS

Freepost SPSO
Edinburgh

Freephone 0800 377 7330
Online contact www.spsso.org.uk/contact-us
Website www.spsso.org.uk

Version Number	Purpose / Changes	Author	Date
V4.0	Amendments to reflect changes to assessment boards and Services structure.	Academic Services	July 2020
V3.8	Minor amendments to make explicit the valid & invalid grounds for appeal, approved by Senate in June 2018	Secretariat	May 2018
V3.7	Minor amendments to reflect changes to the RKEX Framework, approved by Senate in December 2018	Secretariat	December 2017
V2.0	Minor amendments approved by Senate in June 2012	Secretariat	July 2012