



Queen Margaret University

EDINBURGH

Academic Appeals Regulations

These regulations take effect from October 2014 and supersede all previous regulations.

These regulations should be read in conjunction with the University's Extenuating Circumstances Policy.

Under these regulations, a University officer may act through his or her properly appointed nominee.

1 Right to Academic Appeal

An 'appeal' is a request for a review of a decision of a Board of Examiners that has been charged with decisions on student progression, assessment and awards. The appeal may be in respect of any decision that affects the student's grade or progress.

2 Nature of the appeal

Those hearing the appeal will not attempt to re-examine the student, nor to appraise the professional judgement of the examiners, but will consider whether or not the decision of the Board of Examiners was fair, and whether or not all relevant factors were taken into account.

3 Time limit

The appeal must be submitted in writing to the University Secretary within twenty-one days of the publication of the decision of the Board of Examiners, or receipt of the academic transcript.

An extension to this time limit will be permitted only in exceptional circumstances eg when, for reasons outside his or her control, a student did not receive timely notification of his/her result.

4 Grounds for an appeal

4.1 The grounds for appeal are as follows:

- 4.1.1 **additional information** is available that was not, and could not, reasonably have been made available to the Board at the time it made

its original decision and which had it been available could have led the Board to making a different decision (see also 4.3 below);

4.1.2 there was a **material irregularity** in the procedures of the Board of Examiners or in the conduct of the assessment.

4.2 A student may NOT appeal on grounds which:

- could have been considered by the Board of Examiners had notice been given prior to the meeting; and
- the student has no valid reason for having failed to give such notice.

4.3 References in 4.1 and 4.2 to information available to the Board of Examiners include recommendations on student cases made by the Extenuating Circumstances Panel (EC Panel). Appeals on the grounds of extenuating circumstances will not be accepted where there is evidence that the circumstances that form the basis of the submission could have been submitted to the EC Panel by the published deadline, and the student has no grounds for not submitting by that deadline.

4.4 A student's disagreement with the academic judgement of a Board of Examiners does not provide a valid ground for appeal.

4.5 Any student considering an appeal is encouraged to contact the Students' Union for advice and assistance.

5 Stage 1 – Academic Appeal

5.1 A student wishing to appeal against a decision of the Board of Examiners should submit the appeal in writing to the University Secretary within the time limit stated in paragraph 3 of these procedures

5.2 The student's written statement should provide the following information in support of his/her appeal:

- name and matriculation number
- up-to-date contact address for correspondence, including email address
- title and year of programme
- examination or result being appealed
- the grounds for appeal
- supporting evidence
- the remedy being sought

5.3 The University Secretary will acknowledge receipt of the Academic Appeal within 3 working days of receipt of the appeal, and pass the appeal to the relevant Dean of School who shall attempt to resolve the case. The Dean of School will normally respond to the student by first class post within 21 days of receipt of the appeal, either giving a decision or specifying a date for the decision. This timescale may be extended where the Dean of School is absent from the University through leave or illness.

- 5.4** The Dean will produce a report that documents fully the issues raised by the appellant, the facts established by the investigation, and the manner in which the facts were used to inform the judgement. The Dean of School will provide a copy of the response to the University Secretary. In coming to a judgment, the Dean may:
- confirm the decision of the Board of Examiners, on the grounds that the evidence presented did not support the case;
 - provide the appellant with an additional first or second diet of examination, as the case may be, provided that, in upholding the appeal and granting an additional diet, the terms of the University's Assessment Regulations are taken into consideration; or
 - should it not be possible to provide an additional diet for the appealed result, to provide a suitable alternative as the Dean thinks fit and is reasonable in all the circumstances.
- 5.5** If a reconsideration of the student's case gives rise to a change in the student's progression this must be ratified, depending on how material the changes are, by:
- the Convener of the Board of Examiners;
 - the Convener of the Board of Examiners and the External Examiner/s
 - all the members of the Board of Examiners by correspondence
 - a meeting of a subset of the Board
 - a meeting of the full Board of Examiners.
- 5.6** The University Secretary, in consultation with the Dean of School, will determine the most suitable of those identified above to deal with the matter, and the procedure to be followed thereafter.

6 Stage 2 - Academic Appeals Committee

- 6.1** If the appellant is dissatisfied with the decision at Stage 1, he/she may resubmit the appeal in the original or in a revised form to the University Secretary within 21 days of receipt of the response from the Dean of School.
- 6.2** The University Secretary will pass the appeal to the Deputy Principal, who, having considered the substance of the appeal and the previous attempts at resolution, will decide whether or not a prima facie case is established. If such a case is established, then the appeal will be referred to an Academic Appeals hearing.
- 6.3** Normally, an academic appeals hearing will be convened only where the Deputy Principal judges that:
- there has been demonstrably an irregularity in the proceedings at Stage 1;
 - evidence has become available that it was not reasonable for the appellant to provide at Stage 1.
- 6.4** If a prima facie case is judged not to have been established, the appeal shall fail and the student shall be duly informed in writing.

- 6.5** Exceptionally, where the Deputy Principal judges that the evidence provided at Stage 2 provides unequivocal evidence to support the academic appeal under the grounds set out in regulation 6.3, the Deputy Principal may uphold the appeal.
- 6.6** In determining under regulation 6.5 above, the Deputy Principal shall enjoy delegated powers to review a decision reached by a Board of Examiners equivalent to those provided to the Academic Appeals Committee under paragraph:7.9 below.

7 Proceedings of the Academic Appeals Committee

- 7.1** In the event that an academic appeals hearing is judged appropriate, an Appeals Panel will be convened. The Panel will be chaired by a Dean or Head of Division from outside the student's School. A Panel will consist of two other members of academic staff drawn from an academic or support area unrelated to the appeal, and a representative from the Students' Union Executive Committee. Care will be taken to ensure an appropriate gender balance in the composition of the Panel. The University Secretary will act as technical adviser to the Panel and will nominate a clerk to the Committee.
- 7.2** The Academic Appeals Panel shall conduct its proceedings according to the principles of natural justice in that it will seek to act fairly, no person may be a judge in his or her own case and all parties shall have access to all the evidence used by the Committee in reaching its decision.
- 7.3** The Appeals Panel shall meet, normally within one calendar month (excluding University vacations) of the referral from Part I, and communicate its conclusions to the student and the subject area/department concerned within one calendar month of its being convened. The University Secretary will keep all parties informed of progress and will advise of any necessary extension of the timescale, for example, if an adjournment in the proceedings is necessary.
- 7.4** The appellant shall have the right to appear before the Committee and to be accompanied by one other person of his or her choice. Representation external to the University will not be permitted in the context of this procedure.
- 7.5** The Academic Appeals Panel may interview staff and/or students relevant to the appeal. If the appeal is on the ground of the actions of an individual, that individual has the right to be informed of the substance of the appeal, and to attend the appeal hearing and be accompanied by a friend or supporter.
- 7.6** Any person called to give evidence to the appeal hearing will be given at least 72 hours' notice of the time and place of the hearing. Copies of written submissions will also be made available to all parties prior to the hearing.
- 7.7** In the event that the appellant is unable to attend the Academic Appeals Committee due to illness or other good cause, the meeting will be rescheduled.
- 7.8** The University Secretary will act as technical adviser to the Panel and will nominate a clerk to the committee.
- 7.9** The Committee may, acting under powers delegated to it by the Senate, review a decision reached by a Board of Examiners and determine:

- to confirm the decision of the Board of Examiners, on the grounds that the evidence presented did not support the case;
- to require the Board of Examiners to reconsider the results of the assessment of the students on an entire course or part of a course; the reconsidered results will be referred to the Convener of the Committee to decide the appropriate course of action;
- to annul the relevant decision of the Board of Examiners and refer the case for decision back to the Board of Examiners (the subsequent decision of the Board of Examiners will be referred to the Convener of the Committee to decide the appropriate course of action);
- to annul the relevant decision of the Board of Examiners and assign a revised result to the student concerned;
- to make decisions on the student's progress or award outside the University's general assessment regulations.

7.10 The Panel will produce a report that documents fully the issues raised by the appellant, the facts established by the investigation, and the manner in which the facts were used to inform the judgement of the Committee.

7.11 The Panel shall report all these cases to the Senate for information.

7.12 Consequent to the decision arising from the particular case the Committee may ask the Senate or other senior committee to reconsider the wording of University's academic regulations and the programme committee to review its programme regulations and/or management.

7.13 The University has the right to levy a fee for appeals. If the process involves the re-marking of a number of examination papers, it may charge per paper re-marked. The fee will be reimbursed if the appeal is upheld.

7.14 The decision of the Academic Appeals Committee shall be final within the University.

8 INDEPENDENT REVIEW

8.1 The University's internal procedures having been exhausted, a student may seek review of his/her complaint by an independent person, the Scottish Public Services Ombudsman [SPSO].

8.2 The Ombudsman is independent and her staff will advise whether or not the complaint is one that they can investigate. Normally the student will have to tell the Ombudsman about his/her complaint within 12 months of first knowing about the problem about which they are complaining, although the Ombudsman may look at complaints outside this limit if she thinks there is good reason to do so.

8.3 There are some restrictions on what the Ombudsman can investigate. For example, she cannot consider the subject matter of complaints about personnel matters or matters of academic judgement. However, she may be

able to investigate the manner in which the complaint was handled. If the complaint is appropriate to her office and is investigated, the Ombudsman's staff will send details of how this will be done.

- 8.4** The complaint should be submitted in writing to the Ombudsman, and should include any relevant documents including correspondence with the University and the University's response to the complaint. This can be sent to the Ombudsman without cost at the freepost address given below. A student may discuss the complaint with an Investigator at the SPSO before deciding to submit.
- 8.5** The Scottish Public Services Ombudsman has an online complaint form accessible through the website although papers in support of the complaint would still have to be supplied to the Ombudsman by post or other means. The Scottish Public Services Ombudsman can also supply paper complaint forms direct to complainants.
- 8.6** Further information may be accessed through the Scottish Public Services Ombudsman website or by calling her office for advice. Contact details are:

Scottish Public Services Ombudsman
4 Melville Street, Edinburgh, EH3 7NS

Freepost address
Scottish Public Services Ombudsman
Freepost EH641, Edinburgh, EH3 0BR

Phone 0800 377 7330
Fax 0800 377 7331
website www.scottishombudsman.org.uk
e-mail enquiries to ask@spsso.org.uk
Text: 0790 049 4372