

# **Student Academic Appeal Policy and Procedures**

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#### **Student Academic Appeal Procedures**

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## **Policy**

The University, as part of its commitment to a high quality student experience, has procedures in place for students who wish to request a review of a decision affecting them that has been made by an academic body or officer with authority for making decisions on student progression and academic awards in the University or in any member of the Heriot-Watt Group.

The Senate is responsible for the procedures for academic appeals. The provisions set out in *Regulation 36: Student Academic Appeals* are contained in the *Student Academic Appeal Policy and Procedures* (hereinafter referred to as Procedures) and comply with the expectations and indicators of sound practice set out in the Quality Assurance Agency's (QAA's) *UK Quality Code for Higher Education: Academic Appeals and Student Complaints* (published in April 2013).

The aim of the Procedures is to ensure rigorous quality assurance of the academic decision-making processes by providing students with a fair, transparent and just formal process which makes sure that academic decisions have fully taken into account all required procedures and processes, and the consideration of any valid extenuating circumstances.

The Procedures mean that:

- i) Students can be assured that their academic performance is subject to robust procedures and decision making processes;
- ii) Academic staff benefit by being assured that quality assurance mechanisms are being adhered to;
- iii) Professional services staff benefit by being assured that administrative processes are quality checked.

The Procedures ensure that students can invoke a fair and transparent process which treats academic appeals consistently, objectively and effectively whilst maintaining academic standards and fairness.

The University recognises that appeals and their outcomes can have significant consequences for individuals and therefore wishes to ensure that the interests and well-being of students and staff associated with an individual appeal are properly safeguarded, and that appropriate support is provided for those associated with an academic appeal. At the same time the University recognises that there is a need for sound evidence and procedural fairness.

The Procedures take into account the need to:

- i) Deal with an academic appeal in a way which is proportionate to the complexity of the issues involved;
- ii) Make provision for informality and flexibility in proceedings so that matters can be resolved at the local level at an early stage, where appropriate;
- iii) Ensure, as far as possible, that the parties involved are on an equal footing procedurally and able to participate fully in the proceedings;
- iv) Avoid delay as far as is compatible with fairness and the proper consideration of the matters involved.

Students must have the opportunity to raise matters of concern without fear of disadvantage and in the knowledge that their privacy and confidentiality will be respected as well as that of members of staff. Disclosure to others about an academic appeal and the release of relevant information relating to an academic appeal, other than to those with responsibility for considering or supporting an academic appeal or providing information on an academic appeal, will only take place insofar as it is necessary for dealing with an academic appeal. Where disclosure to individuals other than those referred to above is considered to be necessary, the Student who is appealing will be notified prior to any disclosure being made to check that he or she wishes to proceed on this basis.

### **Note on Terminology**

*Defined terms used in the policy and procedures have the meanings as specific in Article Two of the University's Charter.*

*In particular, please note that:*

*"Students" means persons pursuing a programme of study at the University.*

*"Staff" means all persons employed by the University or by any member of the Heriot-Watt Group.*

*Unless the context requires otherwise, any terms used but not defined will have the meanings ascribed to them in the Charter and the Statutes.*

## **Procedures**

These Procedures on student academic appeals reflect the provisions of *Regulation 36: Student Academic Appeals* and good practice contained in the QAA's *UK Quality Code for Higher Education*, endorsed by the higher education community. The purpose of the Procedures is to provide clear and concise information for students and staff on all aspects of the appeals process. The Procedures are available at: <https://www.hw.ac.uk/uk/students/studies/complaints/student-appeals.htm>

### **1. Introduction and Preliminary Information**

- 1.1 A Student who makes an appeal is, for the purposes of these Procedures, referred to as an 'appellant'.
- 1.2 The Vice-Principal shall oversee the student academic appeals process. The Senate will appoint Academic members of staff as Assessors of Student Academic Appeals at the second stage consideration (hereafter referred to as "Assessors") who shall have the duties as set out in Regulation 36: Student Academic Appeals.
- 1.3 Students may wish to contact the Student Union Advice Hub to seek advice, support and assistance. If such assistance is sought it remains the responsibility of the Student to prepare and submit an academic appeal for consideration and to liaise directly with the relevant University authorities.
- 1.4 A Student appealing against an award to be conferred by the University will not be entitled to receive the award until the process of the academic appeal has been concluded or the Student withdraws the appeal in writing and thereby agrees to accept the award.
- 1.5 The term 'Board of Examiners' is used throughout the Procedures to refer to Assessment Boards, Award Boards and Progression Boards for taught programmes, appropriate boards/individuals with responsibility for making decisions on the progression of postgraduate research students, or Examiners and/or Supervisors for research degrees.
- 1.6 The University will make every reasonable effort to meet the time limits set out in the Procedures. Where they are not met the University will provide an explanation. Students should be aware that timescales may need to be extended in order to ensure proper consideration of the matter in hand. Students should be aware that the academic appeals process is investigative in nature, and that this can impact on the length of time it takes for the outcome of an academic appeal to be determined.
- 1.7 In accordance with normal practice in the higher education sector, students do not have the right to legal representation under these Procedures.
- 1.8 The contact details provided by the appellant on the Appeal Form shall be used in all correspondence related to an academic appeal. An appellant is responsible for ensuring that contact details are kept up to date.
- 1.9 In the absence from the University of any person holding a post identified in these procedures, a nominated member of the University staff appointed by a person's line manager will deputise.
- 1.10 The University embraces a positive attitude towards the promotion of equality and diversity. The Procedures apply equally to all students irrespective of age, disability, race, ethnic origin or national identity, religious belief, sex or sexual orientation.
- 1.11 Where circumstances allow international students studying under the UKVI (or any successor body) immigration regulations will be permitted to progress with their studies pending the outcome of the appeal within the period of their current visa. The University will endeavour to resolve any academic appeal from an international Student before the end of the Student's current visa expiry date; however this may not always be possible. Students should seek advice from the Global Student Office ([isao@hw.ac.uk](mailto:isao@hw.ac.uk)).

1.12 In line with guidance from the QAA the University monitors and evaluates the effectiveness of its academic appeals procedures to ensure that they are fair and functioning as intended, and that appropriate arrangements are in place for learning from cases irrespective of the outcome of an individual case. An anonymous summary of academic appeals and their outcomes is compiled and reported to the Senate (and the Quality and Standards Committee and the Student Learning Experience Committee) on an annual basis.

## **2. Definition of an Academic Appeal**

- 2.1 An academic appeal is a formal request by a Student for the review of a decision affecting him or her that has been made by an academic body or officer with authority for making decisions on student progression, assessment and academic awards in the University or in any member of the Heriot-Watt Group, in accordance with grounds set out in paragraph 3.3.
- 2.2 For the purposes of these Procedures, and other than where specifically provided, the University takes the term 'student' to include current students registered to study for a University qualification or academic credits whether at the University, studying at an Approved Learning Partner, or studying by distance learning. Procedures for academic appeals for students studying on programmes offered with collaborative partners or validated by the University vary depending upon the agreement between the partners. Such arrangements are contained in the Student Handbooks.
- 2.3 A complaint is different from an academic appeal and is defined as any specific concern a Student might have relating to the University including a concern about the provision of a programme of study or academic related service or facility provided by the University. The University procedures for considering complaints are found [here](#). Where clarification is required in an individual case, the Academic Registrar shall determine whether a case should be classified and considered as an academic appeal or a complaint. To avoid duplication of procedures, the Vice-Principal shall determine whether an academic appeal should proceed if a complaint has also been made in connection with the same matter.

## **3. Preparing an Academic Appeal: Grounds and Limitations**

### *3.1 The Subject of an Academic Appeal:*

Academic appeals may be formally requested by a Student with respect to the following:

- i) A decision by the Board of Examiners about transfer or progression within a programme or from one programme leading to one award to a programme leading to another award;
- ii) A decision by the Board of Examiners to award what a Student believes to be incorrect marks or an incorrect degree classification or award: an academic appeal cannot be submitted on a matter of academic judgement (see paragraph 3.2);
- iii) A decision by the University to penalise a Student (including terminating his or her registration as a student of the University) for failure to make progress;
- iv) A decision by the University on mitigating circumstances considered under the Mitigating Circumstances Policy (there are prescribed procedures for students to report mitigating circumstances that they wish to be brought to the attention of a Board of Examiners);
- v) Where there have been procedural, organisational or other material irregularities in the conduct of an examination or assessment, or supervision which may have had an adverse effect on progress.

Requests for further assessment opportunities are considered under a separate procedure by the Undergraduate Studies Committee or the Postgraduate Studies Committee, as appropriate. The procedure for such requests is for students who are authorised to progress without the need to be reassessed in a course or courses.

- 3.2 *Academic Judgement:*  
Students may not appeal against:
- i) Decisions of academic judgement;
  - ii) The marking standards of academic staff;
  - iii) The content or learning outcomes associated with courses or programmes that have been approved by the University;
  - iv) The merits of work submitted for assessment;
  - v) The research methodology used by a Student.
- Academic judgment is professional and scholarly knowledge and expertise which members of the University staff and Examiners draw upon in reaching an academic decision. Academic judgment therefore includes, but is not restricted to, decisions about the academic standards attained by students, marks and grades to be awarded for individual pieces of work or courses, and degrees and degree classifications to be awarded, or not.
- Robust mechanisms exist within the University to ensure that marking standards are fair and appropriate. Students who are uncertain why they received a particular outcome or mark should discuss this with their Personal Tutor, Course Leader, Supervisor or other member of staff as appropriate.
- 3.3 *Grounds for an Academic Appeal:*  
The University considers that an academic appeal may be made where there is evidence to show:
- i) That the Student's performance was affected by mitigating circumstances that he or she could not report at the time for valid reasons, and that mitigating circumstances have not been taken into account in making the relevant academic decision or before the deliberations of the relevant Board of Examiners;
  - ii) That staff or bodies have not followed approved regulations and procedures;
  - iii) There has been a material lack of clarity on the part of the University which has affected the performance of the Student;
  - iv) Staff or bodies have not acted fairly towards a student by showing bias in the way they have made the relevant academic decision.
- 3.4 *Aspects Taken into Account During Consideration of Academic Appeals:*
- i) Whether the original decision was procedurally correct;
  - ii) Whether the assessment was undertaken in accordance with University Regulations, policies or procedures on the part of the Examiners;
  - iii) Whether there is any new information that has a bearing on the case, and if so, whether there is an acceptable reason why it was not available previously.
- 3.5 *Invalid Grounds for Academic Appeals:*  
The University will not consider an academic appeal where it can be shown at any stage that:
- i) The academic decision against which the appeal is directed has yet to be made or, if made, has yet to be confirmed;
  - ii) The Student did not understand or was not aware of the published assessment regulations and procedures for a course or programme, as relevant to the case;
  - iii) The Student was not aware of the published procedures for presenting mitigating circumstances to the Board of Examiners which the University provides for all students;
  - iv) The academic appeal has been made on the grounds of mitigating circumstances without there being any relevant written medical or other evidence to show why it should be considered (e.g. medical or death certificates, counsellor's letter, crime report); Evidence from parents or friends is not considered to be independent, and may not be deemed sufficient to verify the circumstances claimed;

- v) The academic appeal is based on evidence that relates to alleged ill-health or other mitigating circumstances that could have been reported to the University at the time they occurred, but were not, and the Student is unable to provide a valid reason for not having provided the evidence at the time; Circumstances that would not normally be considered grounds for appeal include:
- o holidays or other events that were planned or could have reasonably been expected to coincide with assessments;
  - o assessments that were scheduled close together or on the same day, or that clash due to incorrect enrolment by the Student;
  - o misreading the timetable for examinations or otherwise misunderstanding the requirements for assessment;
  - o inadequate planning or time management;
  - o last-minute or careless travel arrangements;
  - o consequences of paid employment;
  - o examination stress or panic attacks not supported by medical evidence;
  - o grounds of an unspecific or general nature or uncorroborated nature such as no medical evidence being presented;
- Students are instructed to bring evidence of mitigating circumstances to the attention of the relevant body prior to assessment in relation to the relevant course or programme. In order to establish mitigating circumstances as grounds for an academic appeal there must be a compelling and substantiated reason why the Student had been unable to comply with this procedure;
- vi) The Student, when claiming he or she suffered disturbance or illness during an examination, did not report the circumstances to the Invigilator before leaving the examination hall, nor did he or she report the circumstances in writing before the meeting of the Board of Examiners;
- vii) The academic appeal is a disagreement with the academic judgement of a Board of Examiners in assessing the merits of academic work, or in reaching a decision on progression, or on the final classification for an award, which has been reached in accordance with the published regulations and procedures;
- viii) The academic appeal is on the grounds that the provision of teaching or guidance affected academic performance. In such circumstances a Student must submit a complaint in accordance with the Student Complaints Policy and Procedures;
- ix) Grounds considered at a subsequent stage in the process differ from those submitted at the first stage or the same case is raised again at the first stage with different grounds, unless the grounds relate to procedural irregularities in the conduct of the appeal at a previous stage;
- x) Evidence put forward to support the appeal can be shown to have been dishonestly acquired or is itself dishonest;
- xi) The substance of the academic appeal can be shown to relate to a matter that is in progress or has already been the subject of an academic appeal by the Student;
- xii) The academic appeal is received after the deadline, as specified in paragraphs 5.1 and 6.1, without good cause. An academic appeal which is rejected on the grounds that it was received after the deadline may not then be escalated to the next stage of appeal. Failure on the part of a Student to keep the University informed of address details, thereby causing delay or failure in the delivery of examination results, does not constitute grounds for academic appeal;
- xiii) The academic appeal is not submitted on the relevant Academic Appeal Form;
- xiv) The academic appeal is considered to be vexatious or frivolous. In such cases the University will provide reasons in writing to the Student as to why the academic appeal is considered an abuse of the process but will not enter into lengthy correspondence about such cases. Any academic appeal considered vexatious or frivolous may lead to disciplinary action being taken by the University.

### 3.6

#### *Standard of Proof.*

In considering appeals the standard of proof required by the University is that it is more likely than not that something is or is not the case (the 'balance of probability', or civil justice) rather than 'beyond all reasonable doubt' (as in criminal justice). In making an

academic appeal it is for the Student to show that one of the grounds listed in paragraph 3.3 applies.

3.7

#### *Student Obligations*

It is the obligation of each student to:

- i) Attend timetabled assessments and to submit work for assessment within the notified time-limit and in accordance with the conditions for the programme being undertaken;
- ii) Abide by the University's procedures and to notify relevant staff members of any mitigating circumstances which may adversely affect their academic performance;
- iii) Ensure that Boards of Examiners, or in the case of research awards the Examiners and/or the Supervisor(s), are in possession of the facts pertaining to all mitigating circumstances in advance of decisions being made about academic classifications or academic progression or transfer.

4.

### **Procedures for Submitting an Academic Appeal**

4.1

**Informal Resolution:** The University will normally seek to resolve matters of concern as closely as possible to the level at which they arise. Before making a formal academic appeal, an appellant should make every effort to contact his or her Personal Tutor, Supervisor or other relevant member of staff to discuss the issue and ascertain if it can be clarified or resolved without resorting to formal procedures. The School may be able to advise the appellant on how a particular decision in the individual's case was determined.

4.2

**Submission:** Academic Appeals should be submitted on the correct Academic Appeal Form appropriate for the particular stage of the academic appeal as detailed below and within the required timescale. The Academic Appeal Form requests specific information to assist the University in the consideration of the academic appeal, therefore it is essential that all mandatory sections of the Academic Appeal Form are completed. Academic Appeals that are not submitted in the correct format, on the correct Academic Appeal Form, or where mandatory fields are not completed, will not be considered and will be returned to the appellant with an explanation. Those received out with the required timescale will be rejected. All mandatory sections of the Academic Appeal Form should be completed and all appropriate supporting evidence should be submitted. All documentation should be written in English. Evidence submitted in a language other than English must include a certified translation in English.

4.3

The academic appeal must be submitted by the appellant. The appellant may seek the assistance of a third party such as the Student Union Advice Hub. The University will only deal with a third party providing assistance to the appellant where there is written and signed authorisation by the appellant to allow this to happen. The appellant remains the responsible person with respect to the academic appeal and will be required to liaise directly with the University authorities. The appellant is not permitted to appoint someone to act on his or her behalf.

4.4

The academic appeal must set out in full the reasons for making the academic appeal and this will be treated as the definitive statement of the appellant's grounds for appeal.

4.5

Collective academic appeals will be managed on a case-by-case basis depending on the nature of the academic appeal. Each individual member of the collective academic appeal must provide their individual details and signature as required on the Academic Appeal Form, together with independent confirmation of their support for the academic appeal, and willingness to engage in the academic appeal process. A collective academic appeal will be managed in the same way as an individual academic appeal, in accordance with the Procedures.

4.6

The QAA's *UK Quality Code for Higher Education* recommends that a process must be in place for dealing with academic appeals involving legal referral by an appellant. Legal

advice is that if a Student raises legal proceedings with regard to an academic appeal before submitting the academic appeal for consideration under the University's academic appeals procedures, the procedures shall not be initiated until legal proceedings have been concluded. If an appellant raises legal proceedings with regard to an academic appeal whilst an academic appeal is under consideration by the University, the academic appeal procedures will be suspended until the legal proceedings have been concluded.

## **5. Stage 1 Academic Appeal**

- 5.1 Academic Appeals must be submitted in the first instance to the University Appeals Office ([appeals@hw.ac.uk](mailto:appeals@hw.ac.uk)) in writing on the Stage 1 Academic Appeal Form (available at: <https://www.hw.ac.uk/uk/students/studies/complaints/student-appeals.htm>) The Academic Appeal Form must be submitted by the appellant not later than 10 working days after receipt of the information which forms the basis of the academic appeal coming to the appellant's knowledge.
- 5.2 The Head of School or their delegate is responsible for consideration of the academic appeal, including providing information to and liaising with the University Appeals Office, in particular on the outcome of the academic appeal.
- 5.3 The Head of School may delegate authority for conducting the consideration of the academic appeal to a member of Academic Staff of the University or any member of the Heriot-Watt Group with appropriate experience. For the purposes of these Procedures the person conducting the consideration of the academic appeal shall be referred to as the Head of School. It is envisaged that such authority would be delegated to one or two individuals in each School.
- 5.4 If the Head of School has had a previous involvement in the matter that is the subject of an academic appeal being made this shall be disclosed and he or she shall appoint a member of academic staff in the School with appropriate experience to conduct the consideration of the appeal, ensuring that such a member of staff has had no previous involvement in the appeal.
- 5.5 For a student who is not enrolled in a particular School, the Vice-Principal will assign a Head of School to consider a Student academic appeal. The person considering an academic appeal shall have had no previous involvement in any matters relating to the academic appeal being made.
- 5.6 The outcome of a Stage 1 academic appeal shall normally be determined within 30 working days of receipt of the academic appeal and all required supporting documentation by the University Appeals Office. Every reasonable effort will be made to meet this time limit. Where it is not met the University Appeals Office will provide an explanation for the delay, based on information from the School, to the appellant. Students should be aware that timescales may need to be extended in order to ensure proper consideration of the matter in hand. Students should be aware that the academic appeals process is investigative in nature, and that this can impact on the length of time it takes for the outcome of an academic appeal to be determined.
- 5.7 The University Appeals Office will acknowledge receipt of the academic appeal in writing within 10 working days. If the appellant has not received an acknowledgement within this time he or she should contact the Office.
- 5.8 The Head of School shall have the following powers:
  - i) On behalf of the Board of Examiners, on due consideration, to reject the academic appeal in whole or in part with or without referring the case to the Board of Examiners;
  - ii) To refer the academic appeal to the Board of Examiners for consideration;
  - iii) To dismiss the academic appeal as vexatious or frivolous.

- 5.9 If considered necessary by the Head of School, he or she may consult the Dean who is Chair of the Undergraduate Studies Committee or the Postgraduate Studies Committee, as appropriate, before reaching the decision on an academic appeal.
- 5.10 If the Head of School decides that the academic appeal should be referred to the Board of Examiners under paragraph 5.8(ii) he or she will request that the Board of Examiners considers the grounds for appeal and reconsiders its decision.
- 5.11 The appellant is entitled, on request, to receive copies of the Examiners' reports and relevant extracts from the minutes of meetings of the Board of Examiners. The appellant should email [dataprotection@hw.ac.uk](mailto:dataprotection@hw.ac.uk) for such requests. Reports will be disclosed in accordance with the UK General Data Protection Regulation (UK GDPR), tailored by the Data Protection Act 2018 and subject to any exemptions which apply under the Freedom of Information (Scotland) Act 2005.
- 5.12 At the conclusion of his or her consideration of the academic appeal the Head of School should ensure that the School Academic Appeal Response Form is fully completed including the reasons for the decision reached in respect of the academic appeal. The appellant will be advised, in writing, of the outcome and the reasons for the judgement, any remedial action to be taken, and the subsequent right of further appeal if the academic appeal is rejected by the Head of School. The appellant will normally be notified of the outcome within ten working days of the decision on the outcome being made.
- 5.13 The University Appeals Office will keep a record of all academic appeals considered and submit an annual report in accordance with paragraph 8.4.

## **6 Stage 2 Academic Appeal**

- 6.1 If an appellant considers that his or her Stage 1 academic appeal has not been dealt with satisfactorily, and feels that the matter should be taken further, he or she may appeal to the Vice Principal. The Vice Principal will appoint an Assessor to consider a Stage 2 Academic Appeal. Assessors, will be members of Academic Staff appointed by the Senate to undertake the review of Stage 2 Academic Appeals. An assigned member of Academic Registry staff shall have the delegated authority of the Vice Principal to assign Stage 2 Academic Appeals to an appointed Assessor. An appellant wishing to submit an academic appeal to the Vice Principal should complete the appropriate Academic Appeal Form (available at <https://www.hw.ac.uk/uk/students/studies/complaints/student-appeals.htm>) and submit it to the University Appeals Office ([appeals@hw.ac.uk](mailto:appeals@hw.ac.uk)). The Academic Appeal Form must be submitted not later than twenty working days after confirmation of the outcome of the Stage 1 academic appeal has been issued to the appellant. The Academic Registrar will assign a member of staff of the Academic Registry to be responsible for supporting the process of appeal to the Vice Principal. An acknowledgement of receipt of an academic appeal will be sent to the appellant within ten days of receipt of the academic appeal.
- 6.2 If the Assessor has had a previous involvement in any matter relating to the appeal being made or is from the same School as the appellant this shall be disclosed and the Vice-Principal shall appoint - a replacement Assessor, with no previous involvement in the appeal, to act in the place of the appointed Assessor. An assigned member of Academic Registry staff shall have the delegated authority of the Vice Principal to appoint a replacement Assessor.
- 6.3 The outcome of an appeal to the Vice Principal shall normally be determined within 30 working days of receipt of the appeal and all required supporting documentation by the Assessor who will undertake the review of a Stage 2 Academic Appeal. Every reasonable effort will be made to meet this time limit. Where it is not met the Assessor will provide an explanation for the delay to the appellant. Students should be aware that timescales may

need to be extended in order to ensure proper consideration of the matter in hand. Students should be aware that the academic appeals process is investigative in nature, and that this can impact on the length of time it takes for the outcome of an academic appeal to be determined.

6.4 The Assessor shall have the following powers:

- i) To refer the academic appeal back to the Head of School. The Assessor shall refer the academic appeal to the Head of School with recommendations for resolving the academic appeal;
- ii) To determine that the academic appeal be upheld or partially upheld;
- iii) To determine that there is a *prima facie* case or that the complexity of the case requires further investigation. The Assessor may choose to establish an academic appeal committee of enquiry to consider the academic appeal;
- iv) To determine that valid academic appeal submission grounds do not exist for the academic appeal to be considered and that there is no requirement for further investigation;
- v) To dismiss the academic appeal as vexatious or frivolous.

In each case the Assessor shall complete an Assessor Academic Appeal Response Form outlining the reasons for the decision. The appellant will be advised, in writing, The appellant will normally be notified of the outcome and the reasons for the judgement within ten working days of the decision on the outcome being made. Where a case is to be referred to an academic appeal committee in terms of paragraph 6.4 (iii), the appellant will be informed in writing. Where appropriate the appellant will be advised that the University's appeals procedures have been exhausted and the right to appeal to the Scottish Public Service Ombudsman.

The Assessor, supported by the member of Academic Registry staff referred to in paragraph 6.1, will not be expected to conduct his or her own investigations, but will rely largely upon the appellant's submitted documentation, seeking clarification at his or her discretion, from the appellant and relevant departments of the University.

6.5 The Academic Registrar will keep a record of all academic appeals considered by the Assessor in accordance with paragraph 8.4.

***Procedures for Academic Appeal Hearing***

6.6 If an academic appeal committee is to consider the appeal the Vice-Principal, on the recommendation of the Assessor, shall approve the members of the committee who will not normally be drawn from the same School as the appellant. Members of the committee must have had no previous involvement in the case. The panel, which should include at least one male and one female member, will normally comprise the following:

- i) The Assessor who shall be the Chair;
- ii) For graduate Students, a member of the Postgraduate Studies Committee who is a member of the Senate;
- iii) For all other Students, a member of the Undergraduate Studies Committee who is a member of the Senate;
- iv) An elected member of the Senate.

A member of staff will be appointed to support the academic appeal as the Clerk to the committee.

6.7 The academic appeal committee shall meet to consider the documentation submitted by the appellant. The academic appeal committee may provide relevant members of staff and, where appropriate, the Board of Examiners or any other person required to attend the hearing who is not a member of staff, with copies of the documentation and any further information deemed to be relevant and invite their written comments.

- 6.8 Having considered the academic appeal and any comments the academic appeal committee shall agree one of following courses of action:
- i) Determine that on the basis of the academic appeal submission grounds there is no requirement for further investigation and that the academic appeal should not be upheld;
  - ii) Determine that the academic appeal be upheld or partially upheld;
  - iii) Exceptionally determine that the appellant should be invited to attend a hearing. The academic appeal committee should determine the reasons why a hearing is required.
- 6.9 The appellant shall be given notice of at least ten working days of the hearing of the academic appeal committee. Such notice shall state:
- i) The membership of the academic appeal committee and the date, time and place of the hearing;
  - ii) The names of any witnesses or any person considered beneficial in providing advice to the hearing (e.g. registered medical practitioner, interpreter, or other suitably qualified person) to be called to attend the hearing by the University. Such advisers will not be entitled to participate in committee decisions, but can give advice to, or address the committee at the invitation of the Chair;
  - iii) That he or she has the right to be heard at the hearing accompanied, if he or she so wishes, by one other individual who is a student of the University or a member of staff of the University or a representative of the Student Union. The Clerk should be informed at least five working days prior to the hearing of whether or not the appellant will be accompanied and the name of the person accompanying him or her, and in what capacity;
  - iv) That he or she has the right to submit a written statement or written evidence for the consideration of the academic appeal committee. Where an appellant wishes to submit medical reports to support his or her case, he or she will be responsible for obtaining such reports and paying any fee that may be charged;
  - v) That written evidence submitted to the hearing may be disclosed to all relevant parties and that when comments are sought from third parties they will be advised that their comments may be disclosed to the appellant;
  - vi) The Clerk shall invite to the hearing any witnesses that the appellant has indicated he or she wishes to attend. The Clerk should be informed at least five working days prior to the hearing of the witnesses the appellant proposes to call;
  - vii) That the appellant is expected to acknowledge receipt of the notification and that any objection to the place, time or membership of the academic appeal committee must be lodged immediately stating the grounds of the objection, but that any change will be solely at the discretion of the Chair of the academic appeal committee;
  - viii) A warning that if the appellant fails to attend the hearing, the meeting of the academic appeal committee will normally proceed in his or her absence.
- 6.10 An appellant who is undertaking a programme of study overseas will not normally be expected to attend a hearing and arrangements may be made for a hearing to be conducted using video conferencing or conference call facilities where this is practicable. Any appellant who attends a hearing will be liable for payment of their own travel and any other personal costs.
- 6.11 With regard to paragraphs 6.4 and 6.8 the Assessor and the academic appeal committee respectively have the authority to make decisions without reference to the Senate.
- 6.12 The decision of the Board of Examiners on any academic appeal referred to it by the Head of School, the Assessor or an academic appeals committee, where any such decision affects a result already reported to the Senate, will be subject to confirmation by that body.

### ***Conduct of the Hearing***

- 6.13 The Clerk to the academic appeal committee shall keep a record of the proceedings.
- 6.14 The suggested procedure for the hearing is as follows. The Chair may amend the procedures for the hearing to take account of each appellant's case.
- 6.15 Evidence shall be taken in the following order:
- 6.15.1 The appellant;
  - 6.15.2 Witnesses in support of the appellant;
  - 6.15.3 Witnesses for the University.
- 6.16 The academic appeal committee will meet in private prior to the hearing to agree the issues to be addressed and the details of how the hearing will be conducted. Members of the academic appeal committee shall have the right to put questions to any persons attending the hearing.
- 6.17 Throughout the main part of the hearing all parties will be present to promote a full and open discussion of all points that are raised with the committee. Witnesses will be present during relevant parts of the hearing.
- 6.18 The papers of the academic appeal committee will be strictly confidential to the participants in the hearing, save in exceptional circumstances where the academic appeal committee, with the agreement of the appellant, decides otherwise.
- 6.19 At the start of the hearing the Chair will explain the powers of the panel and summarise the process to date, the procedures for the hearing, the evidence received and indicate that all submissions have been shared with all the members present. When a submitted item has not been shared due to issues of confidentiality, this will be intimated at this stage.
- 6.20 The Chair will explain that wherever possible the academic appeal committee will wish to hear directly from the appellant.
- 6.21 The Chair will invite the appellant or the person accompanying him or her to make a statement in response to the opening remarks in relation to the procedures that will be followed or to seek clarification on matters of procedure.
- 6.22 The appellant or the person accompanying him or her will be invited to make a statement on anything he or she may wish to add to the written submissions.
- 6.23 The Chair will invite witnesses and any other person(s) called upon to attend the hearing to make a brief statement, and will then invite the academic appeal committee to ask questions.
- 6.24 At each stage the Chair has the discretion to allow questioning, through the Chair, of the appellant or witnesses by members of the Committee, or of witnesses by the appellant or the person accompanying him or her.
- 6.25 Once the Chair is satisfied that the academic appeal committee has completed its questioning and the appellant or the person accompanying him or her has had a full opportunity to convey the information to the academic appeal committee, the Chair will invite closing statements from the appellant or the person accompanying him or her. The Chair will ask everyone but the academic appeal committee and the Clerk to withdraw.
- 6.26 The academic appeal committee shall sit in private to discuss the case and make its decision. The Clerk shall be present. The Chair shall have a deliberative and a casting vote.

- 6.27 At any stage the Chair may adjourn, continue or postpone a hearing for an appropriate period when there is good reason.
- 6.28 Where the appellant does not appear at the hearing, the academic appeals committee may proceed to deal with the appeal in his or her absence; provided that the academic appeals committee is satisfied that the appellant has been properly notified of the hearing of the academic appeals committee in accordance with the procedures described above.
- 6.29 The academic appeal committee may take one of the following decisions:
- i) Reject the academic appeal and confirm the original decision which shall be final;
  - ii) Request a Board of Examiners or other relevant persons to consider the original decision in the light of new evidence disclosed in the course of the academic appeal;
  - iii) Uphold the academic appeal, in whole or in part, with or without conditions.
- 6.30 The academic appeal committee shall inform the appellant, if he or she is present, of its decision at the end of the hearing, within ten working days of the decision the Clerk shall provide written confirmation of the decision for the appellant and all other parties concerned. The appellant will be advised that the University's appeal processes have been exhausted.
- 6.31 A brief report of the proceedings of the academic appeal committee will be compiled and approved by the academic appeal committee.
- 6.32 The Clerk will keep a record of all academic appeals considered and submit an annual report to the Academic Registrar in accordance with paragraph 8.4.

## 7. Independent Review

- 7.1 At the point when the internal appeal procedures have been completed there remains no further recourse to action through the internal University procedures. However, there is an opportunity for independent consideration of an appeal which the appellant considers has not been satisfactorily resolved and where the appellant remains dissatisfied. An appellant will be advised, at the appropriate stage in the appeal process, of their right to appeal to the Scottish Public Service Ombudsman (SPSO).
- 7.2 The SPSO will consider complaints about administrative failure. It does not look again at the substance of an appeal. Before submitting the appeal to the SPSO, an appellant must have exhausted all the appeal processes in the University and have received the University's final response, which will refer to the role of the SPSO. Referral to the SPSO should take place within twelve months of receipt of the final response.
- 7.3 The contact details for the SPSO are as follows:

The Scottish Public Service Ombudsman  
Bridgeside House  
99 McDonald Road  
Edinburgh  
EH7 4NS

FREEPOST SPSO

Telephone: 0800 377 7330  
Email: <https://www.spso.org.uk/contact-form>  
Website: <https://www.spso.org.uk/>

## **8. Records and Reports**

- 8.1 Full notes should be taken of all proceedings and responsibility for recording proceedings shall be as follows:
- i) Academic Appeals to Heads of Schools: the Head of School;
  - ii) Academic Appeals to the Vice Principal: Academic Registrar.
- 8.2 With regard to the nature of reports on proceedings, the following should be observed:
- i) Reports should be sufficiently full to reflect the reasoning by which conclusions and recommendations have been reached;
  - ii) Reports should be sufficiently comprehensive to allow the appropriate officer of the University or committee, depending upon the stage of academic appeal, to use them as a basis for the review of a case;
  - iii) Reports should be compiled with all due regard for confidentiality.
- 8.3 The Clerk to an academic appeal committee must ensure that minutes and reports on meetings of a committee are agreed by the members of the committee.
- 8.4 Reports on academic appeals for submission to the Academic Registrar shall be made in a format approved by the Academic Registrar. An annual report will be submitted to the Senate via the Senate Business Committee. The Quality and Standards Committee and the Student Learning Experience Committee will receive the report for information.
- 8.5 All academic appeals should be recorded at every stage on the student administration system (information for staff on the process for recording academic appeals on the system will be provided).
- 8.6 The Academic Registry Operations Manager must be informed of all students submitting academic appeals against award decisions and the outcome of such academic appeals once an academic appeal has been concluded. This is to ensure that an appellant is not eligible to graduate until an academic appeal has been concluded.

## **9. Modification of Procedures**

- 9.1 Any modifications made to these Procedures will be made in accordance with Regulation 36.

## **10. Further Information**

- 10.1 Further guidance on academic appeals is available at:  
<https://www.hw.ac.uk/uk/students/studies/complaints/student-appeals.htm>
- 10.2 This document can be provided in other formats (such as large print, audio and Braille) if required by contacting: [disability@hw.ac.uk](mailto:disability@hw.ac.uk)