

A3: STUDENT CONDUCT AND APPEALS

INTRODUCTION

The purpose of Regulation A3 and its constituent sections is to define and clarify the responsibilities and entitlements of students that follow from the act of enrolment, to specify the standards of conduct which are expected, and to stipulate students' entitlement to expect the University will meet its own clearly stated objectives, standards and performance targets within a supportive environment. [Section 1: Academic Appeals \(Awards and Progression\) Procedure](#) specifies the procedures available to students to appeal against decisions of the University regarding awards and progression. [Section 2: Student Misconduct Procedure](#) specifies the procedure which is followed when misconduct is alleged.

SECTION 1: ACADEMIC APPEALS (AWARDS AND PROGRESSION) PROCEDURE

CONTENTS

Flow Diagram: Academic Appeals (Awards and Progression)	2
Schematic Diagram: Academic Appeals (Awards and Progression)	4
1. Applicability of Regulation	5
2. Statement of Principles	5
3. University Obligations	6
3.1 Obligations to Applicants	6
3.2 Obligations to Students	6
4. Student Obligations and Conduct	7
4.1 Student Obligations	7
4.2 Student Conduct	8
4.3 Misconduct	8
5. Implications for Enrolment and Graduation	8
6. Academic Appeals (Awards and Progression)	9
Grounds for Appeal	9
7. Academic Appeals Procedure: Stage 1 - Submission of Appeal	9
Process for submission and timescale	10
Submission after the 20 working day period	10
8. Academic Appeals Procedure: Consideration by Assessment Board	11
Validity of an Appeal for Consideration	11
Validity of an Appeal	11
9. Academic Appeals Procedure: Stage 2 – Continuing with Appeal	12
9.1 Determination of Whether Prima Facie Case Exists	12
Validity of an Appeal for Consideration	12

Prima Facie Basis for Appeal	13
Decisions	13
9.2 Prima Facie Case: Re-Consideration by the Assessment Board	14
9.3 Prima Facie Case: Referral to the Student Appeals Committee	14
9.4 No Prima Facie Case: Dismissal of the Appeal	15
10. Academic Appeals Procedure: Student Appeals Committee	15
11. Distribution and Retention of Records – Academic Appeals	16
11.1 Student Appeals Committee – Distribution of Outcome	16
11.2 Retention of Records	17
11.3 Reporting to Academic Council	17
12. Scottish Public Services Ombudsman	17

FLOW DIAGRAM: ACADEMIC APPEALS (AWARDS AND PROGRESSION)

This diagram is for guidance only. For the specific content of the Procedure, reference should be made to the appropriate paragraph of the Regulation as indicated.

Paragraph reference

↓

7

Stage 1: Submission of Appeal

7.1

Student discusses concerns with Course Leader or Head of School

1. Student discusses concerns with Course Leader or Head of School, who advise on grounds of appeal, issues Regulation and *Student Appeal Form: Academic Appeal*, and directs to Student Union or Department for Governance and Academic Quality for further advice.

7.2

Student prepares *Student Appeal Form: Academic Appeal*

2. Student prepares *Student Appeal Form: Academic Appeal*.

7.3

Student submits *Student Appeal Form: Academic Appeal*

3. Student submits *Student Appeal Form: Academic Appeal* to School within 20 working days after publication of results. Date received by School is "date of lodgement".

7.5

Student Appeal Form: Academic Appeal to Assessment Board Convener

4. *Student Appeal Form: Academic Appeal* passed immediately to Convener of appropriate Assessment Board.

7.6

If submission outwith 20 days Head of School and Assistant Chief Academic Officer confer

5. If outwith 20 working day period, Head of School and Assistant Chief Academic Officer considers if delay was for verifiable circumstances. If not, opinion reported to Principal. If Principal agrees, Appeal dismissed and student informed by Head of School. If Principal disagrees with opinion, Appeal proceeds.

8

Consideration by Assessment Board

8.2

Assessment Board (internal members) convened within 20 working days of date of lodgement, subsequent decision submitted to external examiner(s) for written approval

7. Within 20 working days of date of lodgement of *Student Appeal Form: Academic Appeal*, Assessment Board Convener re-convenes internal members of Board to consider student's case. Decision of internal Board members subject to immediate written approval of external examiner(s) concerned (by email or other electronic means).

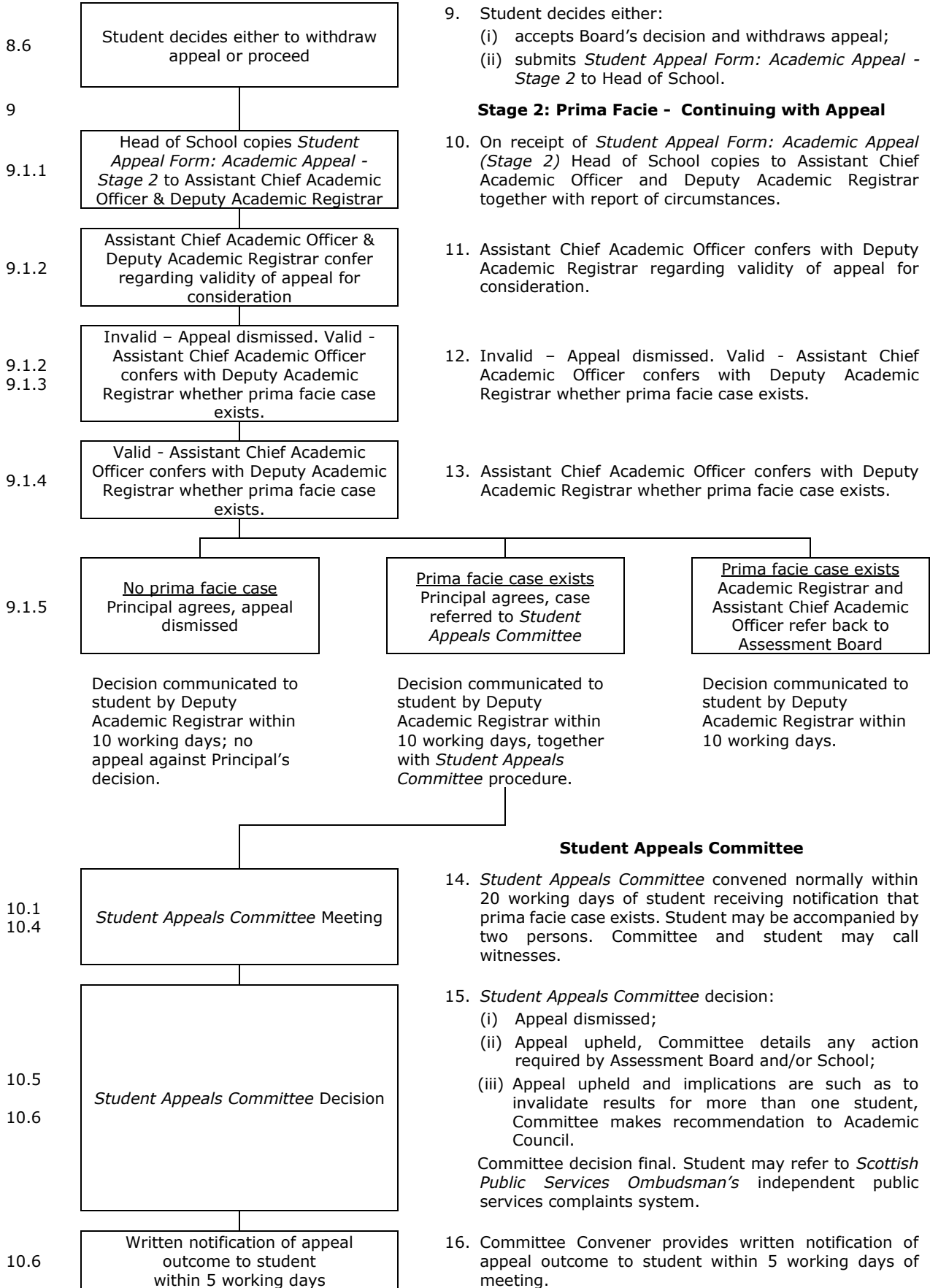
8.4

8.5

Student notified in writing of Assessment Board's decision by Convener and copy passed to Head of School

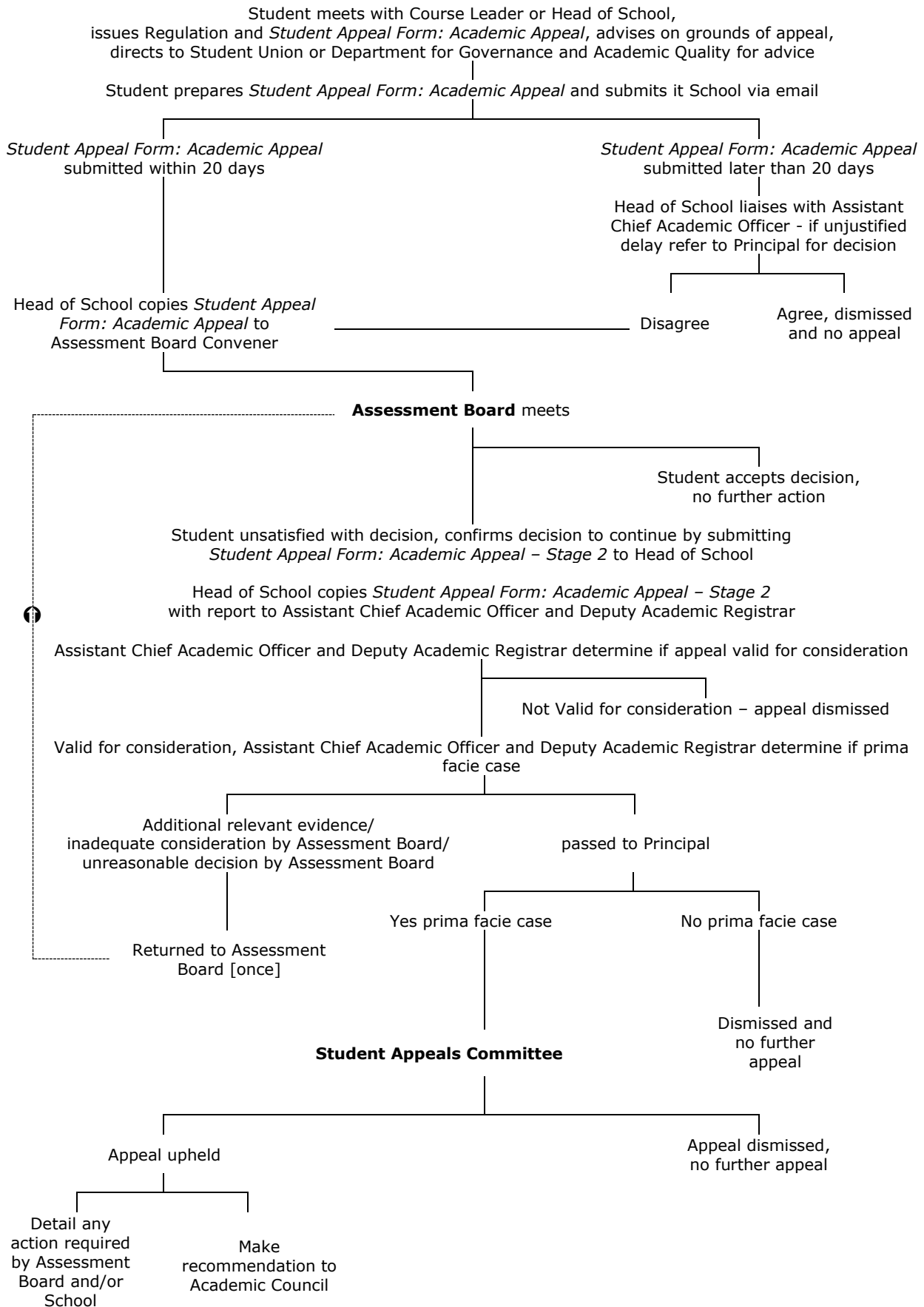
8. Student notified in writing of Assessment Board's decision by Convener (and copy passed to Head of School if appropriate).

Paragraph reference



SCHEMATIC DIAGRAM: ACADEMIC APPEALS (AWARDS AND PROGRESSION)

This diagram is for guidance only. Please refer to the Regulation for details.



REGULATION

1. APPLICABILITY OF REGULATION

The *Academic Appeals (Awards and Progression) Procedure* shall apply to all enrolled students of the University in respect of decisions relating to student progression and/or academic awards, with the exception of those students enrolled under the provisions of [Regulation A6: Research Degrees](#).

2. STATEMENT OF PRINCIPLES

This Regulation and its constituent sections have been prepared:

- (i) to ensure the authority and responsibilities of Academic Council are effectively discharged through those designated office holders referred to in this Regulation, and that these designated office holders, or their nominees who deputise on their behalf, act with the delegated authority of Academic Council;
- (ii) to reflect the principles of natural justice, including the assumption of innocence until guilt is determined, in the context of any matter which affects a student's educational progress and well-being;
- (iii) to ensure equality of treatment of students by providing transparent, consistent and accessible procedures;
- (iv) to ensure that appeals and disciplinary actions are resolved as close as possible to their point of origin, with a minimum of formality, and as expeditiously as possible; and to ensure that, as far as is reasonably practicable, all interested parties are kept informed of progress of an investigation or appeal;
- (v) to assure the identity and circumstances of all parties involved in investigations or appeals remain confidential unless disclosure is necessary to progress an investigation or appeal, in which case an identity will only be revealed judiciously to those directly involved in an investigation or appeal or with the prior approval of the subject;
- (vi) to ensure any student will not be disadvantaged because he/she contributes to an investigation, lodges an appeal or raises a complaint;
- (vii) to ensure that information revealed in the process of investigations or appeals will, where appropriate, inform a deliberate and expeditious improvement in a service which is within the control of the University;
- (viii) to ensure that the Regulation will not obviate a person's rights under the Laws of Scotland, the legal context in which these Regulations operate for all students enrolled with the University.

3. UNIVERSITY OBLIGATIONS

3.1 Obligations to Applicants

The University's obligations to its applicants are:

- (i) to provide information to potential applicants that will describe the applications procedure and assist them to make an informed choice of course;
- (ii) to specify the qualification awarded on the successful completion of the course and whether it is recognised as part of, or leads to, a professional qualification;
- (iii) to provide a statement of the fees payable together with an indication of any additional equipment or material costs for which the student may be liable;
- (iv) to ensure the process of selection is conducted fairly and the selection criteria take account of a broad and reasonable range of qualifications;
- (v) to take all reasonable steps to provide the educational services described in the prospectus and other promotional material.

3.2 Obligations to Students

The University's obligations to its students are:

- (i) to provide information on the aims, structure and content of the course, and an outline of the teaching and learning methods employed, with particular reference to the mix of practical, lecture and tutorial sessions together with details of sandwich and/or work placement elements where these apply;
- (ii) to provide a timetable of classes with any attendance requirements clearly specified;
- (iii) to provide clear and timely information on methods of assessment, and the scheduling of all assessments;
- (iv) to provide students with the appropriate opportunity to express their views on the quality of teaching, academic facilities, and other support services through the University's quality control procedures;
- (v) to attend promptly and fairly to enquiries and queries from students relating either to their course or to the range of student services offered by the University;
- (vi) to deal fairly and promptly with appeals against decisions concerning academic awards and progression in accordance with the *Academic Appeals – Awards and Progression Procedure* set out in [Section 1](#) of this Regulation;
- (vii) to deal fairly and promptly with all allegations of misconduct in accordance with the *Student Misconduct Procedure* set out in [Section 2](#) of this Regulation;

- (ix) to assure the identity and circumstances of all complainants and students remains confidential, unless disclosure is necessary to progress an investigation or appeal, in which case the identity of the complainant will only be revealed judiciously to those directly involved in an investigation or appeal or with the prior approval of the complainant;
- (x) to ensure that information revealed in the process of investigations or appeals will, where appropriate, lead to timeous corrective action or inform a deliberate improvement in a service which is within the control of the University;
- (xi) to take all reasonable steps to minimise any disruption to educational provision, caused by circumstances beyond the control of the University such as natural disaster or industrial action.

4. STUDENT OBLIGATIONS AND CONDUCT

4.1 Student Obligations

It is the obligation of each student:

- (i) to meet any attendance requirements set by the School or laid out in the Course Specification and to acknowledge that failure to do so may be taken into account by the relevant Assessment Board;
- (ii) to attend timetabled assessments, and to submit work for assessment within the notified time limit and in accordance with the conditions for the course to which the submission relates, or to notify the tutor or Head of School timeously of any special circumstances which may prevent him/her achieving this;
- (iii) to notify the tutor or Head of School timeously of any special circumstances which may adversely affect his/her academic performance;
- (iv) to declare, where deemed necessary by an associated professional, statutory and/or regulatory body, any personal circumstances pertinent to achieving and/or retaining the membership of that body;
- (v) to pay by the due dates all University or partner institution fees, loans, fines, rent and such other sums and return any property as may be due to the University or partner institution, and to acknowledge that, in the event of failure to do so, the University or partner institution is entitled to take appropriate action, which may include, but need not be limited to, one or more of the following:
 - (a) suspension or discontinuation of enrolment;
 - (b) withholding a University or partner institution award;
- (vi) to fulfil the University's published requirements for enrolment for assessment.

4.2 Student Conduct

All students of the University are subject to the jurisdiction of the Principal in respect of their conduct:

- (i) Students are expected to behave courteously, and not to engage in behaviour which is, or is likely to be, prejudicial to the good order or to the reputation of the University.
- (ii) Students are required to treat University property and equipment with respect.
- (iii) Students are required to abide by all requirements for professional conduct and behaviour be they defined by the University or an associated professional, statutory and/or regulatory body and be aware that failure to do so may result in the submission of a report to the relevant professional, statutory and/or regulatory body.
- (iv) Students are expected not to attempt to gain unfair advantage in assessments and examinations.
- (v) Breaches of the above will be deemed to constitute misconduct, and will be dealt with as specified in [paragraph 4.3](#).

4.3 Misconduct

Where misconduct is alleged in respect of [paragraph 4.2](#) of this Regulation, students shall be liable to disciplinary procedures provided for in the *Student Misconduct Procedure*, as specified in [Section 2](#) of this Regulation. Where alleged misconduct leads to criminal proceedings the University shall not be precluded from also taking action under the *Student Misconduct Procedure*.

5. IMPLICATIONS FOR ENROLMENT AND GRADUATION

- 5.1 Where a student has had their studies discontinued and has initiated an academic appeal, the student's enrolment shall be continued and, assuming all pre-requisites for the modules concerned have been met, the student shall be permitted to attend classes and to undertake assessments pending the resolution of the appeal. Any such enrolment shall in no way imply that the student's appeal will be successful.
- 5.2 In the event that a student has appealed against the decision of the Assessment Board and the appeal is not resolved prior to graduation, the student shall be eligible to graduate with the award confirmed at the original Assessment Board. This shall in no way prejudice the outcome of the Academic Appeal. Where the student's appeal is upheld and leads to a higher award then the student shall be required to relinquish the lower level award previously accepted at graduation and, thereafter, the higher award will be issued to the student.

6. ACADEMIC APPEALS (AWARDS AND PROGRESSION)

- 6.1 The *Student Appeals Committee* has delegated powers from Academic Council to consider and make decisions on its behalf with regard to appeals by students against decisions of Assessment Boards affecting their academic progress and/or the academic award for which they have been recommended.
- 6.2 In accordance with the University's *Fit to Sit Policy*, a student who has undertaken an assessment shall be considered to have declared himself/herself well enough to do so.
- 6.3 Disagreement with an Assessment Board's academic judgement, i.e. judgement about a student's academic performance, is not a valid ground for appeal.
- 6.4 A student shall not be permitted to lodge more than one appeal against a decision of an Assessment Board.

Grounds for Appeal

- 6.5 Appeals shall be considered only on the following grounds for appeal:
- (i) that there is exceptional and compelling justification, which can be evidenced, that the student was experiencing such physical or mental incapacity as to prevent the student from:
 - (a) notifying the School by submitting a *Coursework Extension Request* or a *Deferral Request*;

and/or

 - (b) undertaking the assessment;
 - (ii) that there had been a material procedural, administrative or computational error;
 - (iii) that the assessment was not conducted in accordance with the current regulations governing the course.
- 6.6 If a student make any alteration to the grounds of his/her appeal at any time after its initial lodgement with the School, then the appeal shall be deemed invalid.

7. ACADEMIC APPEALS PROCEDURE: STAGE 1 - SUBMISSION OF APPEAL

- 7.1 In the first instance, a student wishing to appeal a decision of an Assessment Board relating to his/her academic progress or to the academic award for which he/she has been recommended, should discuss their concerns with the Course Leader or Head of School. The Course Leader or Head of School will advise on the grounds of appeal, issue the student with a copy of this Regulation and the *Student Appeal Form: Academic Appeal*, and inform the student that further advice is available from the Student Union or the Department for Governance and Academic Quality.

Process for submission and timescale

- 7.2 If the student wishes to proceed with an appeal, the student shall complete the *Student Appeal Form: Academic Appeal*, specifying the grounds for appeal which form the basis for the appeal. The grounds for appeal shall be competent only where they accord with the provisions of [paragraph 6.5](#) of this Procedure.
- 7.3 The student shall submit the *Student Appeal Form: Academic Appeal* normally no later than 20 working days after publication of the results. The *Student Appeal Form: Academic Appeal* shall be submitted electronically to the School's specified email address; an automatic acknowledgement of receipt will be sent to the student and it shall be the student's responsibility to ensure that he/she receives such a receipt. It shall be the student's responsibility to ensure full and accurate contact details are provided on the *Student Appeal Form: Academic Appeal*. All communications to a student confirming decisions/outcomes shall be sent by first class mail and email. All other communications shall be sent by email only.
- 7.4 The date on which the School receives the *Student Appeal Form: Academic Appeal* shall be taken as the date of lodgement.
- 7.5 The *Student Appeal Form: Academic Appeal* shall be passed immediately to the Convener of the appropriate Assessment Board.

Submission after the 20 working day period

- 7.6 Where the *Student Appeal Form: Academic Appeal* is lodged beyond the 20 working day period after the publication of results, the Head of School shall confer with the Assistant Chief Academic Officer to decide whether failure to meet the deadline was due to verifiable circumstances which were outwith the control of the student.
- 7.7 Where the Head of School and the Assistant Chief Academic Officer are satisfied that there are verifiable, evidenced circumstances which were outwith the control of the student the appeal shall be accepted and shall be referred to the Assessment Board for consideration. The Head of School shall communicate this decision to the student by email normally within 10 working days of the lodgement of the appeal.
- 7.8 Where the Head of School and the Assistant Chief Academic Officer find no verifiable circumstances and reach the opinion that the appeal should not, therefore, be considered the Head of School shall report their opinion to the Principal of the University:
- (i) where the Principal agrees with the opinion of the Head of School and the Assistant Chief Academic Officer, he/she shall formally rule that the appeal not be considered, and the Head of School shall confirm this outcome in writing to the student, normally within 10 working days of the lodgement of the appeal. The student shall have no further right of appeal;
 - (ii) where the Principal disagrees, he/she shall instruct that the appeal process proceed.

8. ACADEMIC APPEALS PROCEDURE: CONSIDERATION BY ASSESSMENT BOARD

Validity of an Appeal for Consideration

- 8.1 An appeal shall be deemed valid for consideration by an Assessment Board only if:
- (i) the *Student Appeal Form: Academic Appeal* is submitted to the School no later than 20 working days after publication of the results. The only exception to this requirement would be where the Head of School and Assistant Chief Academic Officer have previously concluded, in accordance with [paragraph 7.7](#) of this Regulation, that the appeal may be considered because the *Student Appeal Form: Academic Appeal* had been lodged beyond the 20 working day period due to verifiable, evidenced circumstances which were outwith the control of the student; and
 - (ii) the student has specified grounds for appeal on the *Student Appeal Form: Academic Appeal*.

Any appeal not meeting these two requirements will not be considered by an Assessment Board, and will be dismissed. The student shall have no further right of appeal. The Head of School shall notify the student accordingly.

- 8.2 If the appeal is deemed valid for consideration the Assessment Board Convener shall reconvene the internal members of the Board to consider the student's case, normally within 20 working days of the date of lodgement of the [Student Appeal Form: Academic Appeal](#) by the student.

Validity of an Appeal

- 8.3 An appeal shall be deemed valid by an Assessment Board only where there is relevant evidence provided by the student which:
- (i) relates to the specified grounds for appeal as described in [paragraph 6.5](#); and
 - (ii) demonstrates:
 - (a) the student was prevented from notifying the School of a physical or mental incapacity by submitting a *Coursework Extension Request* or a *Deferral Request*; and/or
 - (b) a mental or physical incapacity prevented the student from undertaking the assessment; and/or
 - (c) a material procedural, administrative or computational error has occurred; and/or
 - (d) the assessment was not conducted in accordance with the current regulations governing the course.

- 8.4 The decision of the internal members of the Board shall be subject to the immediate written approval of the external examiner(s) concerned, which may be obtained by email or other electronic means.
- 8.5 Following the Assessment Board's re-consideration, the student shall be notified in writing of the Board's decision by the Assessment Board Convener (and a copy of the outcome passed to the Head of School if appropriate).
- 8.6 Normally within 5 working days of being so notified, any student wishing to proceed with his/her appeal shall do so by completing and submitting the *Student Appeal Form: Academic Appeal - Stage 2* to the Head of School. If no *Student Appeal Form: Academic Appeal - Stage 2* is received within 5 working days of being so notified then it will be assumed that the student has accepted the decision of the Board and has withdrawn his/her appeal.

9. ACADEMIC APPEALS PROCEDURE: STAGE 2 – CONTINUING WITH APPEAL

9.1 Determination of Whether Prima Facie Case Exists

- 9.1.1 On receipt of the student's confirmation that he/she wishes to proceed with the appeal, and normally within three working days of receipt, the Head of School shall copy the *Student Appeal Form: Academic Appeal - Stage 2* and the Assessment Board outcome to the Assistant Chief Academic Officer and Deputy Academic Registrar together with a report of the circumstances surrounding the appeal.

Validity of an Appeal for Consideration

- 9.1.2 An appeal shall be deemed valid for consideration by Assistant Chief Academic Officer and Deputy Academic Registrar only if:
- (i) the *Student Appeal Form: Academic Appeal – Stage 2* is submitted within 5 working days of the student being notified of the outcome of the Assessment Board's consideration of the *Student Appeal Form: Academic Appeal*;
 - (ii) the student has not varied from the grounds for appeal as specified on the *Student Appeal Form: Academic Appeal* (refer to [paragraph 6.6](#)).

Any appeal not meeting these two requirements will not be considered, and will be dismissed. The student shall have no further right of appeal. The Deputy Academic Registrar shall notify the student accordingly.

- 9.1.3 Where an appeal is deemed to be valid for consideration then the Assistant Chief Academic Officer and the Deputy Academic Registrar shall confer to establish whether a prima facie case for an appeal exists.

Prima Facie Basis for Appeal

- 9.1.4 A prima facie basis for an appeal shall be deemed to exist only where there is relevant evidence provided by the student which:
- (i) for valid reasons, the student was unable to provide when the *Student Appeal Form: Academic Appeal – Stage 1* was submitted; and
 - (ii) relates to the specified grounds for appeal as described in [paragraph 6.5](#); and
 - (iii) demonstrates:
 - (a) the student was prevented from notifying the School of a physical or mental incapacity by submitting a *Coursework Extension Request* or a *Deferral Request*; and/or
 - (b) a mental or physical incapacity prevented the student from undertaking the assessment; and/or
 - (c) a material procedural, administrative or computational error has occurred; and/or
 - (d) the assessment was not conducted in accordance with the current regulations governing the course.

Decisions

- 9.1.5 The Assistant Chief Academic Officer and Deputy Academic Registrar shall have the following decisions available to them:
- (i) **Prima facie case:** where it is deemed a prima facie case exists the Assistant Chief Academic Officer and Deputy Academic Registrar shall have the following two options available to them:
 - (a) refer a case directly back to the Assessment Board for re-consideration, once only, in accordance with the provisions of [paragraph 9.2](#) of this Procedure when:
 - additional relevant evidence is submitted that was not previously made available to the Assessment Board; and/or
 - it is deemed by the Assistant Chief Academic Officer and Deputy Academic Registrar that there is insufficient evidence of appropriate consideration of a case by the Assessment Board; and/or
 - it is deemed by the Assistant Chief Academic Officer and Deputy Academic Registrar that the Assessment Board's decision was unreasonable on the basis of the information available to it when reaching its decision.

- (b) submit a recommendation to the Principal that the case be referred to the *Student Appeals Committee* for consideration in accordance with the provisions of [paragraph 9.3](#) of this Procedure.
- (ii) **No prima facie case:** where it is deemed that no prima facie case exists, the Assistant Chief Academic Officer and Deputy Academic Registrar shall submit a recommendation to the Principal that the case be dismissed in accordance with the provisions of [paragraph 9.4](#) of this Procedure.

9.2 Prima Facie Case: Re-Consideration by the Assessment Board

- 9.2.1 The Deputy Academic Registrar shall communicate the decision to refer the case for re-consideration by the Assessment Board to the student by email normally within 10 working days of receiving the student's *Student Appeal Form: Academic Appeal – Stage 2* and the Head of School's report; the Deputy Academic Registrar shall also communicate the decision to the Head of School concerned. In the event of any dispute between the Assistant Chief Academic Officer and Deputy Academic Registrar then the case shall be referred to the Principal, in his/her capacity as Chair of Academic Council. The Principal shall communicate his/her decision to the Assistant Chief Academic Officer and Deputy Academic Registrar normally within 5 working days of receipt of the referral.
- 9.2.2 Normally within 20 working days of the Assistant Chief Academic Officer and Deputy Academic Registrar receiving the student's *Student Appeal Form: Academic Appeal – Stage 2*, the internal members of the Assessment Board shall convene to re-consider the case. The subsequent decision shall be subject to the immediate written approval of the external examiner(s) concerned which may be obtained by email or other electronic means.
- 9.2.3 Following the Assessment Board's re-consideration, the student shall be notified in writing of the Board's decision by the Assessment Board Convener (and a copy of the outcome passed to the Head of School if appropriate). Normally within 5 working days of being so notified the student shall either:
 - (i) accept the decision of the Board, and withdraw his/her appeal; or
 - (ii) confirm he/she wishes to proceed with the appeal by submitting a further *Student Appeal Form: Academic Appeal – Stage 2*.

9.3 Prima Facie Case: Referral to the Student Appeals Committee

- 9.3.1 Where it is deemed by the Principal that a prima facie case exists, the Principal shall refer the case to the *Student Appeals Committee* for consideration. The *Student Appeals Committee* shall be convened in accordance with [paragraph 10](#) of this Procedure.
- 9.3.2 The Deputy Academic Registrar shall communicate the Principal's decision to the student in writing, together with details of the procedure to be adopted by the *Student Appeals Committee*, normally within 10 working days of the Assistant Chief Academic Officer receiving the student's *Student Appeal Form: Academic Appeal – Stage 2* and the Head of School's report.

9.4 No Prima Facie Case: Dismissal of the Appeal

- 9.4.1 Where it is deemed by the Principal that no prima facie case exists, the Principal shall dismiss the appeal. There shall be no appeal against such a decision of the Principal.
- 9.4.2 The Deputy Academic Registrar shall communicate the Principal's decision to the student in writing within 10 working days of receiving the student's *Student Appeal Form: Academic Appeal – Stage 2* and the Head of School's report; the Deputy Academic Registrar shall also communicate the Principal's decision to the Head of School concerned.

10. ACADEMIC APPEALS PROCEDURE: STUDENT APPEALS COMMITTEE

- 10.1 A meeting of the *Student Appeals Committee* shall be convened normally within 20 working days of the student being notified that a prima facie case is established. The Secretary of the *Student Appeals Committee* shall confirm in writing to the student the date, time and venue for the Committee at least 10 working days prior to the meeting, issuing the correspondence by recorded delivery, first class mail and email. The student shall be notified that if he/she fails to attend, without good reason, the meeting may proceed in his/her absence, without this constituting grounds for appeal.
- 10.2 If the student fails to attend, but has provided good reason for non-attendance, then a further meeting shall be arranged, the arrangements for which shall also be confirmed in writing to all interested parties, and the student informed that the meeting will proceed in his/her absence if necessary, without this constituting grounds for appeal.
- 10.3 Where there is insufficient time for a student's appeal to be considered prior to a meeting of an Assessment Board, a decision on the student's progress shall be deferred.
- 10.4 In considering an appeal, the *Student Appeals Committee* shall be subject to the following conditions:
- (i) the student shall be required to appear before the Committee;
 - (ii) the student shall be entitled to be accompanied by two persons;
 - (iii) the student and those accompanying him/her shall be entitled to address the Committee;
 - (iv) the student shall be entitled to call witnesses;
 - (v) the Committee shall be entitled to call witnesses and to require members of academic staff of the University to attend before the Committee for the purpose of examination in connection with any matter subject to the Committee's consideration;
 - (vi) the academic members of staff shall be entitled to call witnesses.

- 10.5 The courses of action available to the *Student Appeals Committee* shall be as stated:
- (i) Where the Committee is not satisfied a case has been established, it shall dismiss the appeal.
 - (ii) Where the Committee is satisfied a case has been established, the appeal shall be upheld and the Committee shall be required to detail any action that may be required by the Assessment Board and/or School.
 - (iii) Where the Committee is satisfied that a case has been established in terms of the provisions of [paragraph 6.5](#) of this Procedure and, where the implications are such as to invalidate the results of the assessment that is the subject of appeal for more than one student, the Committee may recommend to Academic Council that it annul the whole assessment or any part of it.
- 10.6 The Convener of the *Student Appeals Committee* shall issue a written notification of the outcome to the student within 5 working days of the meeting. In respect of the University's internal procedure for Academic Appeals – Awards and Progression, the decision of the *Student Appeals Committee* shall be final. Thereafter, the student may refer to the *Scottish Public Services Ombudsman's* independent public services complaints system, as contained in [paragraph 12](#) of this Procedure.

11. DISTRIBUTION AND RETENTION OF RECORDS – ACADEMIC APPEALS

11.1 Student Appeals Committee – Distribution of Outcome

- (i) All records, whether in paper or electronic form, documenting Academic Appeals shall be retained in the School's student file.
- (ii) The Convener of the *Student Appeals Committee* shall distribute a copy of the Committee's report to the Head of School in which the student is studying, for retention in the School's student file. The Department for Governance and Academic Quality will also retain a copy.
- (iii) The Convener of the *Student Appeals Committee* shall report the outcome of the appeal to:
 - the Student Administration Department and the Student Services Department where a penalty involves an alteration to a student's grades, a suspension, or exclusion (temporary or permanent), or discontinuation of studies;
 - those other central Professional Support Departments to which the case relates, which might include any or all of the following: the Estates and Property Services Department, the Financial Services Department, the IT Services Department and the Library.

11.2 Retention of Records

All records, whether in paper or electronic form, documenting the handling and outcome of Academic Appeals (Awards and Progression) by a student shall be retained for six years from the date the case concluded, and thereafter destroyed, unless otherwise required by a relevant professional, statutory or regulatory body to retain such records for a longer specified period.

11.3 Reporting to Academic Council

The Academic Registrar shall maintain a central record of all appeal decisions by the *Student Appeals Committee* and report these annually to Academic Council.

12. SCOTTISH PUBLIC SERVICES OMBUDSMAN

12.1 Under the Further and Higher Education (Scotland) Act 2005 the remit of the Scottish Public Services Ombudsman has been extended to cover student complaints. All students of The Robert Gordon University are entitled to pursue a complaint through the Ombudsman where the complainant has exhausted the University's internal complaints procedure. The Ombudsman shall consider complaints where a student has suffered injustice or hardship as a result of: administrative failure; the failure of the University to provide a service; or failure in a service provided by the University. In exceptional circumstances the Ombudsman may consider: complaints which could be taken to court or to an independent tribunal, but not if proceedings have already begun; and complaints made more than 12 months after the day on which the complainant found out about the matter.

The Ombudsman shall not consider:

- properly made decisions that the University has a right to make, even if the complainant does not agree with the decision;
- personnel issues such as appointments of staff, pay, or discipline;
- most commercial or contractual issues.

Some of these matters are considered by other ombudsmen and agencies handling complaints and details can be found at the Scottish Public Services Ombudsman website at: www.spsso.org.uk.

12.2 Prior to contacting the Ombudsman, the complainant should have exhausted the University's internal complaints mechanisms. In the event that the complainant is dissatisfied with the resolution to the complaint then the complainant can contact the Ombudsman. The complaint should be put in writing to the Ombudsman by using the *Complaints Form*, which can be accessed at www.spsso.org.uk. All correspondence relating to the complaint should accompany the completed form.

In the event that the complainant experiences difficulties in putting the complaint in writing then he/she may contact the Ombudsman for advice.

In the event that a complaint is being made on someone else's behalf, that person is required to authorise the complaint in writing.

- 12.3 The Ombudsman shall endeavour to resolve complaints informally, without the need to proceed to a formal, and possibly lengthy, investigation. However, it is recognised that there shall be occasions when it is necessary to conduct a formal investigation and this may take several months to complete. In both instances, the Ombudsman shall notify the complainant of the course of action being taken and what is involved.

In the event that the Ombudsman requires additional background information, evidence or correspondence, to assist with the investigation then it shall contact the complainant. The Ombudsman shall also notify the University that a complaint is being considered. If the complainant has a strong objection to this then he/she should notify the Ombudsman.

At the end of the formal investigation, the complainant and the University shall be issued with a copy of the Ombudsman's report. In addition, the report shall be issued to the Scottish Parliament. The report shall not identify any person involved, except in certain limited circumstances.

If after investigation, the Ombudsman finds the complaint justified then it shall recommend a course of action to remedy the complaint. In doing this it shall have two main objectives:

- (i) To put the complainant in the position he/she would have been in if things had not gone wrong;
- (ii) To prevent the same thing happening to anyone else in the future.

In this way, the Ombudsman's role is more about finding remedies for the complainant, and not about punishing the body complained about.

In all cases, the Ombudsman aims to put the complainant, as far as possible, back in the position he/she would have been in if things had not gone wrong. In order to achieve this, the Ombudsman might require some or all of the following:

- an apology and/or an explanation;
- practical action to mitigate any injustice;
- reimbursement of any actual loss/costs necessarily incurred;
- other suitable redress, either under any redress scheme run by the authority itself or as a 'one-off' based on the specific circumstances of the case. In many cases, this redress could be non-financial;
- a modest payment in recognition of time and trouble;
- exceptionally, asking the authority to propose appropriate action (for example, in a particularly serious and/or non-standard case).

An important part of the Ombudsman's work is ensuring, as far as possible, that the matters that students complain about do not happen again. Therefore, as well as making recommendations about the specific case in question, the Ombudsman may also require the University to take more general action. This could include:

- changes to procedures;
- changes to policy;
- staff guidance/training;
- feedback about any changes made.

12.4 The Ombudsman carefully considers all complaints received and the time needed to reach a decision shall vary from case to case. However, the complainant shall be kept informed of what is occurring.

Within 3 working days of the complaint being received by the Ombudsman, an acknowledgement shall be issued to the complainant. Within a further 20 working days the Ombudsman shall either:

- Let the complainant know if it is not going to take action and explain why (If the Ombudsman believes that the complainant may be able to complain to another agency or ombudsman, the complainant shall be notified as such); or
- Tell the complainant how it intends to look further into the complaint; or
- Request additional information necessary to taking a decision.

Within a further 20 working days, if the Ombudsman has not reached a decision then it shall provide the complainant with an explanation as to why and detail any further action that is being taken. Thereafter, the complainant shall be kept updated on progress at intervals of no more than twenty working days.

Further details of the Scottish Public Services Ombudsman can be obtained at:
www.spsso.org.uk.

Scottish Public Services Ombudsman [online] from: www.spsso.org.uk
 Regulation revised September 2005 following the implementation of the Further and Higher Education (Scotland) Act 2005.