

ACADEMIC COUNCIL

10 December 2014

Annual Report on Academic Appeals and Misconduct: Session 2013/14



Overview

The purpose of this report is to inform Academic Council of the number of Academic Appeals (Awards and Progression), and cases of Misconduct and Misconduct Appeals raised during the session, as required by *Academic Regulation A3: Student Conduct and Appeals*. For the purposes of this report, the cases referred to are those initiated between September 2013 and September 2014.

Some trends that may be highlighted include:

- the number of Stage 1 Academic Appeals considered by Assessment Boards has *decreased* by 9% to 241 in Session 2013/14, with 71% upheld by Assessment Boards. In respect of grounds for appeal, 68% were based on paragraph 6.2(i) and 20% were based on paragraph 6.2(ii);
- cases of academic misconduct *increased* by 47% to 248 from a total of 169 in Session 2012/13, with the largest *increase* in the School of Engineering (76 cases up from 32, a 137.5% increase);
- cases of non-academic misconduct reported by the Accommodation Service have *decreased* by 38.7% to 38 (from 62 in Session 2012/13 and 52 in 2011/12), and 15 cases of non-academic misconduct were reported by Schools, a *decrease* of 18 on the number investigated in Session 2012/13.

The report is divided into the following sections:

1.	Introduction	3
2.	Academic Appeals: Awards and Progression	3
2.1	Background and Grounds for Appeal	3
2.2	Stage 1 Academic Appeals considered by Assessment Boards	3
2.3	Stage 2 Academic Appeals – Prima Facie Cases	5
3.	Misconduct	6
3.1	Misconduct Hearings – Academic Misconduct	6
3.2	Misconduct Hearings – Non-Academic Misconduct	7
3.3	Misconduct Appeals	8
4.	Analysis of Scottish Public Services Ombudsman (SPSO) Statistics	8
4.1	Introduction	9
4.2	Reporting Findings	9
4.3	Statistics	10

Recommendation

Academic Council is asked to consider the contents of this report.

Academic Affairs Department
December 2014

1. INTRODUCTION

The cases cited in this report were subject to the version of *Academic Regulation A3: Student Conduct and Appeals* implemented in September 2013.

Academic Regulation A3: Student Conduct and Appeals is available at both www.rgu.ac.uk/academicregulations and <https://portal.rgu.ac.uk>.

All forms relating to the *Academic Regulations* to be used by students are available at www.rgu.ac.uk/academicregulationsstudentforms and <https://portal.rgu.ac.uk>.

2. ACADEMIC APPEALS: AWARDS AND PROGRESSION

2.1 Grounds for Appeal

The following extract is taken from *Academic Regulation A3: Student Conduct and Appeals, Section 1: Academic Appeals (Awards and Progression) Procedure* (September 2013) which specifies the circumstances under which a student can appeal with regards to awards and progression following the publication of results ratified by an Assessment Board.

6.2 The University is not obliged to review decisions relating to student progress and/or recommended academic awards, and nor has it conferred on any student the right of appeal to Academic Council. However, Academic Council shall, through the *Student Appeals Committee*, consider appeals against decisions relating to academic performance and/or recommended academic awards, on the following grounds:

- (i) that the student's performance was adversely affected by illness or other factors which he/she was unable or, for valid reasons, unwilling to divulge to his/her Head of School/Associate Dean prior to the decision being made (refer also to Regulation A4, paragraph 3.7); and/or
- (ii) that there had been a material administrative error, or that the assessment was not conducted in accordance with the current regulations governing the course, or that some other irregularity which materially affected the assessment had occurred.

Disagreement with the academic judgement, i.e. judgement about a student's academic performance, of an Assessment Board cannot constitute grounds for appeal.

2.2 Stage 1 Academic Appeals considered by Assessment Boards

In previous sessions the Academic Affairs Department has reported the number of Stage 1 Academic Appeals on the basis of the number of *Post Assessment Board Decision Forms (Academic Appeal)* it received from Schools. Over the past two sessions, a facility has been used in SITS to record Academic Appeals. The data drawn from SITS has been separately verified by Schools. Further development is planned to enhance the SITS Academic Appeal facility in the coming months, including introducing the ability to differentiate between undergraduate and postgraduate cases, and potentially to analyse the data in relation to protected characteristics.

Of the **241** Stage 1 Academic Appeals reported, **171** were upheld and resulted in a change to the decision of the Assessment Board and **70** were rejected. **28** errors were identified proactively by the School which had materially affected the decision of the Assessment Board(s) and were actioned accordingly.

Trends over five sessions:

	2013/14	2012/13	2011/12	2010/11	2009/10
Per paragraph 6.2(i)	164	181	152	197	200
Per paragraph 6.2(ii)	49	38	23	48	31
Per both 6.2(i) and (ii)	1	8	1	5	6
Error noted by School	28	39	29	32	44
Total Stage 1 Academic Appeals considered by Assessment Boards	241	266	205	282	281

Analysis by School for Session 2013/14:

	Appeals 6.2(i)	Appeals 6.2(ii)	Both 6.2(i) and 6.2(ii)	Error noted by School	TOTAL	Upheld	Reject
Aberdeen Business School	125	29	0	11	165	114	51
Applied Social Studies	6	*5	1	*1	12	10	2
Computing Science and Digital Media	2	2	0	0	4	1	3
Engineering	3	4	0	0	7	6	1
Gray's School of Art	3	0	0	0	3	1	2
Health Sciences	11	1	0	0	12	10	2
Nursing and Midwifery	6	4	0	5	15	12	3
Pharmacy and Life Sciences	6	2	0	8	16	13	3
Scott Sutherland School	2	2	0	3	7	4	3
Totals	164	49	1	28	241	171	70
%	68	20	0.4	11.6		71	29

*Same student appealed under 6.2(ii) and also Error noted by School.

2.3 Stage 2 Academic Appeals – Prima Facie Cases

The following Stage 2 Academic Appeals were considered to determine if there was a *prima facie* case:

	2013/14		2012/13	2011/12	2010/11	2009/10
No <i>prima facie</i> case – dismissed by Principal	29	63%	27	22	24	21
<i>Prima facie</i> case – Returned to Assessment Board	17	37%	14	32	26	13
<i>Prima facie</i> case – Student Appeals Committee – upheld				3	1	1
<i>Prima facie</i> case – Student Appeals Committee – dismissed						
Premature				1		
Consideration deferred pending extenuating circumstances			1			
Total	46	100%	42	23	24	21

An analysis of outcome by School is as follows:

	No <i>prima facie</i> case – dismissed by Principal	<i>Prima facie</i> case – Returned to Assessment Board	<i>Prima facie</i> case – referred to Student Appeals Committee – upheld	<i>Prima facie</i> case – referred to Student Appeals Committee – dismissed	Total
Aberdeen Business School	15	12			27
Applied Social Studies	1	1			2
Computing Science and Digital Media	1				1
Engineering	5	1			6
Gray's School of Art		1			1
Health Sciences	3				3
Nursing and Midwifery		1			1
Pharmacy and Life Sciences		1			1
Scott Sutherland School	3				3
Graduate School IDEAS					0
Graduate School IHWR					0
Graduate School IMaGeS				1	1
Total	28	17	0	1	46
%	61	37	0	2	100

No Academic Appeals were referred to the Student Appeals Committee during Session 2013/14.

3. MISCONDUCT

3.1 Misconduct Hearings – Academic Misconduct

The following cases of academic misconduct have been investigated by Schools and Graduate Schools:

	2013/14	2012/13	2011/12	2010/11
Aberdeen Business School	102 84 proven, 18 dismissed	77 50 proven, 16 dismissed 11 extenuating circumstances	116 60 proven, 34 dismissed 22 extenuating circumstances	93 60 proven, 32 dismissed 1 withdrew
Applied Social Studies	11 10 Proven, 1 dismissed	19 16 proven, 3 dismissed	18 16 proven, 2 dismissed	14 13 proven, 1 dismissed
Computing Science and Digital Media	29 21 proven, 8 dismissed	18 15 proven, 3 dismissed	20 17 proven, 3 dismissed	25 20 proven, 5 dismissed
Engineering	76 68 proven, 8 dismissed	32 27 proven, 5 dismissed	37 35 proven, 2 dismissed	38 30 proven, 8 dismissed
Gray's School of Art		1 1 dismissed	1 1 dismissed	1 1 proven
Health Sciences	16 15 proven, 1 dismissed	1 1 proven	2 2 proven	1 1 proven
Nursing and Midwifery	4 9 proven	17 15 proven, 2 dismissed	5 4 proven, 1 dismissed	8 6 proven, 2 dismissed
Pharmacy and Life Sciences	7 7 proven	4 2 proven, 2 dismissed	2 2 proven	5 5 proven
Scott Sutherland School	2 2 proven		8 8 proven	5 5 proven
Graduate School IDEAS			-	-
Graduate School IHWR			-	-
Graduate School IMAGeS	1 1 proven		-	-
Totals	248	169	209	190

3.2 Misconduct Hearings – Non-Academic Misconduct

In Session 2013/14, there were **53** cases of non-academic misconduct, **38** of these were brought by the Student Accommodation Office, and **15** were reported and resolved within Schools:

	2013/14	2012/13	2011/12	2010/11
Aberdeen Business School	4 2 proven, 2 dismissed	5 5 proven	1 1 proven	3 3 proven
Applied Social Studies	4 4 proven	4 3 proven, 1 dismissed	2 2 proven	4 1 proven, 3 dismissed
Computing Science and Digital Media	1 1 dismissed			
Engineering		2 1 proven, 1 dismissed	2 1 proven, 1 dismissed	2 2 proven
Gray's School of Art	2 2 dismissed	1 1 proven	2 2 proven	2 2 proven
Health Sciences	1 1 proven	9 8 proven, 1 dismissed	4 3 proven, 1 dismissed	2 2 proven
Nursing and Midwifery	3 2 proven, 1 dismissed	9 8 proven, 1 dismissed	13 12 proven, 1 dismissed	16 15 proven, 1 dismissed
Pharmacy and Life Sciences		2 2 proven		
Scott Sutherland School		1 1 proven		
Graduate School IDEAS				
Graduate School IHWR		1 1 dismissed		
Graduate School IMAGeS				
Student Accommodation Service	38	62	52	47
Total	53	96	76	76

3.3 Misconduct Appeals

The following misconduct appeals were considered to determine if there was a *prima facie* case, and a breakdown of the outcome is as follows:

	Invalid case - dismissed by Dean/Director (EPS) & Academic Registrar	Valid case - Returned to School/ Accommodation Services	Valid case - Student Appeals Committee – upheld	Valid case - Student Appeals Committee – dismissed	Total
Aberdeen Business School	4	6	1	1	12
Applied Social Studies	1	2			3
Computing Science and Digital Media	1				1
Engineering	7	1			8
Gray's School of Art					
Health Sciences					
Nursing and Midwifery	1	1			2
Pharmacy and Life Sciences					
Scott Sutherland School	1				1
Graduate School IDEAS					
Graduate School IHWR					
Graduate School IMAGeS					
Accommodation	4				4
Total	19	10	1	1	31
%	61.3	32.3	3.2	3.2	100

The Student Appeals Committee was convened **twice** in Session 2013/14 to consider an appeal regarding *academic misconduct* (Session 2012/13 – 0; Session 2011/12 – 1; Session 2010/11 – 1; Session 2009/10 - 2; Session 2008/09 – 19; Session 2007/08 – 10).

The Student Appeals Committee did not convene in Session 2013/14 to consider appeals in respect of *non-academic misconduct* (Session 2012/13 – 2; Session 2011/12 – 1; Session 2010/11 – 1; Session 2009/10 – 0; Session 2008/09 – 1; Session 2007/08 – 1).

4. ANALYSIS OF SCOTTISH PUBLIC SERVICES OMBUDSMAN (SPSO) STATISTICS

4.1 Introduction

The following section provides selected statistics issued by the Scottish Public Services Ombudsman (SPSO) [www.spsso.org.uk/statistics]. The SPSO deals with complaints about councils, the National Health Service, housing associations, colleges and universities, prisons, most water and sewerage providers, the Scottish Government and its agencies and departments and most Scottish authorities.

Under a process the SPSO implemented in May 2010, its *Advice and Early Resolution Teams* review complaints first, and check their 'fitness' for consideration by the SPSO. They deal with the vast majority of the complaints received, passing to the *Investigations Team* only those cases that require further in-depth examination before reaching a decision.

When the SPSO *investigates* a complaint, it usually reports its findings and conclusions in a *decision letter*. In a few cases that meet certain criteria for full investigation and publication, it lays the full *investigation report* before the Scottish Parliament and places it on the SPSO website. Under legislation that came into force in April 2011, it is able to publish the learning from *decision letters* as well as *investigation reports*. The SPSO lays a *decision report* before the Parliament each month and, like *investigation reports*, makes these available on its website.

4.2 Reporting Findings

Decision letters are issued if:

- the organisation accepts there were failings, apologises and takes action to prevent the problem from happening again; or
- from the evidence, it appears that the organisation did not do anything wrong (there is no evidence of 'maladministration or service failure' by the organisation); or
- the Ombudsman has decided that the substance of the complaint and his decision do not raise public interest considerations.

Decision letters are sent to the complainant and the organisation complained about. In June 2011, the Ombudsman started to lay summary reports of *decision letters* before the Scottish Parliament and place them on the website.

Investigation reports are sent to the complainant and the organisation complained about, are reported in full to the Scottish Parliament, and also sent to Ministers in the Scottish Government. The Ombudsman decides whether an investigation should be reported to the Parliament, on the basis of whether or not the matter is in the public interest. This can include:

- significant personal injustice complaints; and/or
- systemic failure cases; and/or
- precedent and test cases; and/or
- cases where there has been a significant failure in the local complaints procedure.

Any report sent to Parliament becomes a public document and will name the organisation but not the complainant. Once the report has been laid before the Parliament it cannot be altered.

4.3 Statistics

In 2013/14:

- the Ombudsman **received** 4,819 complaints (2012/13: 4,120; 2011/12: 3,918; 2010/11: 3,489; 2009/10: 3,307), of which 111 (2.5%) were related to the higher education sector;
- the Ombudsman **determined** 4,408 complaints (2012/13: 4,077; 2011/12: 3,748; 2010/11: 3,351; 2009/10: 3,524), of which 101 (2.5%) were concerned with the higher education sector;
- the overall level of **upheld** complaints rose to 50% in 2013/14, up from 46% in 2012/13 and 39% in 2011/12;
- 9 of the 111 complaints determined for the higher education sector were upheld or partially upheld.

Investigation Reports

Since higher education institutions came within the remit of the SPSO in October 2005, the Robert Gordon University has had five *investigation reports* laid before the Scottish Parliament: these were dated 31 October 2006, 27 March 2007, 23 May 2007, 17 December 2008 and 21 December 2011. A summary by year and organisation is:

Investigation reports laid before Scottish Parliament: 2006 - 2013									
	2006	2007	2008	2009	2010	2011	2012	2013	TOTAL
University of Glasgow	1		6	1					8
Robert Gordon University	1	2	1			1			5
Queen Margaret University	1		1	1					3
University of Dundee		1			1				2
University of Strathclyde	1			1					2
Edinburgh College of Art				1					1
Glasgow Caledonian University				1					1
University of Aberdeen		1							1
University of Abertay Dundee			1						1
University of Edinburgh				1					1
University of St Andrews			1						1
University of the West of Scotland	1								1
UHI Millennium Institute		1							1
University of Stirling							1		1
Edinburgh Napier University									0
Heriot-Watt University									0
Royal Conservatoire of Scotland									0
Glasgow School of Art									0
TOTAL	5	5	10	6	1	1	1	0	29

In 2013/14, the SPSO changed how it recorded complaints about its own service, to bring itself into line with what it asks other organisations to do under the model *Complaints Handling Procedure*. It published the following data in its Annual Report 2013/14:

Complaints determined about the SPSO: 2013–14

Service Delivery Complaint Type	Fully Upheld	Some Upheld	Not Upheld	Complaint Withdrawn	Total
<i>Stage 1 Officer/Manager</i>	6	1	27	3	37
<i>Stage 2 Senior Management</i>	3	7	11	1	22
Total	9	12	42	4	59
<i>Stage 3 Cases to Independent Service Delivery Reviewer (ISDR)</i>	0	4	4	0	8

Comparison across the Higher Education Sector

Complaints received by subject: 2013-14																			
Subject	Scottish Higher Education Authority																		
	Unknown University	Edinburgh Napier University	Glasgow Caledonian University	Glasgow School of Art	Heriot-Watt University	Queen Margaret University	Royal Conservatoire of Scotland	Robert Gordon University	University of Aberdeen	University of Abertay Dundee	University of Dundee	University of Edinburgh	University of Glasgow	University of St Andrews	University of Stirling	University of Strathclyde	University of the Highlands and Islands	University of the West of Scotland	Total
Academic appeal / exam results / degree classification		1	1			3		5	3	1	3	8	4	3	1	7	1	2	43
Accommodation													1						1
Communication staff attitude and confidentiality												1							1
Complaints handling				1			1					3							5
Facilities													1						1
Other													1	1					2
Personnel matters	1											1							2
Plagiarism and intellectual property								1					1						2
Policy / administration	1				1				1	1	1	2	2	2	2	1	1	1	16
Special needs - assessment and provision									1				1					1	3
Student discipline													1						1
Teaching and supervision							1				1	3			1		1	1	8
Subject unknown	1																		1
Total 2013-14	3	1	1	1	1	3	2	6	5	2	5	18	12	6	4	8	3	5	86
Total 2012-13	4	1	4	N/A	2	5	2	6	8	1	3	16	4	9	9	10	1	6	91
Total 2011-12	5	5	4	N/A	4	6	N/A	7	11	0	5	8	10	4	9	4	2	5	89
Total 2010-11	6	6	6	N/A	1	3	N/A	9	8	2	1	11	2	9	8	9	0	4	85
Total 2009-10	1	3	9	N/A	1	0	N/A	9	2	1	6	7	4	4	6	3	0	1	57

Complaints determined by outcome

Complaints determined by outcome: 2013-14																					
		Scottish Higher Education Authority																			
Stage	Closure Category	University Unknown	Edinburgh Napier University	Glasgow Caledonian University	Glasgow School of Art	Heriot-Watt University	Queen Margaret University	Royal Conservatoire of Scotland	Robert Gordon University	University of Aberdeen	University of Abertay Dundee	University of Dundee	University of Edinburgh	University of Glasgow	University of St Andrews	University of Stirling	University of Strathclyde	University of the Highlands and Islands	University of the West of Scotland	Total	
Advice	Not duly made or withdrawn	3					1		2	1	1	1	3	5	1	3		2		23	
	Out of jurisdiction (discretionary)																			0	
	Out of jurisdiction (non-discretionary)							1	1	1		1	3		1				1	9	
	Outcome not achievable													1	1	1				3	
	Premature			1		1			1	1		2	2	1						2	11
	Resolved																				0
	Total		3	0	1	0	1	1	1	4	3	1	4	8	7	3	4	0	2	3	46
Early Resolution 1	Not duly made or withdrawn												1	1						2	
	Out of jurisdiction (discretionary)								1								1			2	
	Out of jurisdiction (non-discretionary)				1							1	2							4	
	Outcome not achievable												1							1	
	Premature						1			1										2	
	Resolved						1			1										2	
	Total		0	0	0	1	0	2	0	1	2	0	1	4	1	0	0	1	0	0	13
Early Resolution 2	Fully Upheld		1																1	2	
	Some Upheld											1								1	
	Not Upheld								1		1		3	2	1		1			9	
	Total		0	1	0	0	0	0	0	1	0	1	0	4	2	1	0	1	0	1	12
Investigation 1	Fully Upheld							1									1			2	
	Some Upheld																			0	
	Not Upheld												1			1	2			4	
	Total		0	0	0	0	0	0	1	0	0	0	1	0	0	1	3	0	0	6	
Investigation 2	Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Total Complaints		3	1	1	1	1	3	2	6	5	2	5	17	10	4	5	5	2	4	77	