

ACADEMIC COUNCIL

4 December 2017

Annual Report on Academic Appeals and Misconduct: Session 2016-17



Overview

The purpose of this report is to inform Academic Council of the number of **academic appeals**, and cases of **academic** and **non-academic misconduct** and **misconduct appeals** raised during the session, as required by *Academic Regulation A3: Student Conduct and Appeals*. Some trends that may be highlighted include:

- the number of **stage 1 academic appeals** considered by Assessment Boards has increased by just over 10% to 268 in Session 2016-17, from 215 in 2015-16, with 65% upheld by Assessment Boards. In respect of **grounds for appeal**, 48% were based on paragraph 6.5(i)(a), 15% were based on paragraph 6.5(i)(b), with 0.37% citing both these grounds. A further 30.6% were based on paragraph 6.5(ii) and 6% were based on paragraph 6.5(iii). The remaining 7.8% were errors identified proactively by the School;
- of 57 **stage 2 academic appeals** and five **research degree appeals**, 64.5% were dismissed by the Principal, 30.6% were returned to the Assessment Board or Research Degrees Committee for re-consideration, and 3.2% were upheld by the *Student Appeals Committee*;
- for the third session running cases of **academic misconduct** have decreased to 173 (-2.25%) from 177 in 2015-16, 208 in 2014-15, and 248 in 2013-14), of which 85% were established and 15% dismissed; two appeals were considered and dismissed by the *Student Appeals Committee*;
- cases of **non-academic misconduct** investigated in Misconduct Hearings by the Accommodation Service have increased by 36% to 64 from 47 in 2015-16 (123 in 2014-15, 38 in 2013-14 and 62 in 2012-13); and 24 cases of non-academic misconduct were investigated by Schools, an increase of 5 on the 19 investigated in 2015-16; one appeal was considered and upheld by the *Student Appeals Committee*.

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Recommendation

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

Department for Governance and Academic Quality
December 2017

1. INTRODUCTION

The cases cited in this report were subject to the version of *Academic Regulation A3: Student Conduct and Appeals* implemented in September 2016. A number of amendments were made to this regulation in direct response to the introduction of the University's *Fit to Sit Policy*. The most significant of these changes relate to a revision of the grounds for appeal (*Academic Regulation A3 – Section 1, paragraph 6*). Refer section 2.2.1 below.

Sections 1 and 2 of *Academic Regulation A3: Student Conduct and Appeals*, relating to the *Academic Appeals (Awards and Progression) Procedure* and *Student Misconduct Procedure* respectively, are available at 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 grounds for appeal are as contained in paragraph 6.5 of *Academic Regulation A3: Student Conduct and Appeals, Section 1: Academic Appeals (Awards and Progression) Procedure* (September 2016).

2.2 Stage 1 Academic Appeals considered by Assessment Boards

2.2.1 Analysis of Academic Appeals

As indicated above, there have been significant changes to the grounds for appeal since the last report. As such, **Table 1(a)** below shows the trend over five sessions under the previous grounds for appeal which were, for ease of reference, as follows:

- 6.2 (i) that the student's performance was adversely affected by illness or other factors which he/she was unable, for valid reasons, to divulge to his/her Head of School prior to the decision being made; 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.

Table 1(b) shows the figures for Session 2016-17 based on the revised grounds for appeal, which are:

- 6.5 (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.

Table 1(a): Trends over previous five sessions

	2015-16	2014-15	2013-14	2012-13	2011-12
Per paragraph 6.2(i)	137	129	164	181	152
Per paragraph 6.2(ii)	36	47	49	38	23
Per both 6.2(i) and (ii)	15	12	1	8	1
Error noted by School	27	21	28	39	29
Total Stage 1 Academic Appeals considered by Assessment Boards	215	209	241	266	205

Table 1(b): Figures for Session 2016-17*

	2016-17
Per paragraph 6.5(i)(a)	129
Per paragraph 6.5(i)(b)	40
Per both 6.5(i) (a) and (b)	1
Per paragraph 6.5 (ii)	82
Per paragraph 6.5 (iii)	16
Error noted by School i.e. not included in total shown below	21
Total Stage 1 Academic Appeals considered by Assessment Boards	268

* the above figures may not be 100% accurate given that BIS was not updated to reflect the revised grounds for appeal until June 2017.

Of the **268 stage 1 academic appeals** reported in 2016-17, **175** were upheld (65%) and resulted in a change to the decision of the Assessment Board and **91** were rejected (34%). **21** errors were identified proactively by the School which had materially affected the decision of the Assessment Board(s) and were actioned accordingly. There are 2 **academic appeals** where the outcome has not been reported in SITS as they were still pending.

Table 2: Analysis by School/Department for Session 2016-17 [from SITS]

	Appeal 6.5(i)(a)	Appeal 6.5(i)(b)	Both 6.5(i) (a) and (b)	Appeal 6.5(ii)	Appeal 6.5(iii)	Error noted by School	TOTAL	Outcome		
								Upheld	Reject	Unknown
Aberdeen Business School	47	13	0	19	3	0	82	47	30	5
Applied Social Studies	8	0	0	6	1	2	15	10	1	4
Computing Science and Digital Media	1	1	0	6	0	0	8	9	0	*
Creative and Cultural Business	8	3	0	4	0	1	15	13	1	1
Engineering	10	4	0	20	1	1	35	14	15	6
Gray's School of Art	1	1	0	1	0	0	3	0	3	0
Health Sciences	3	3	0	1	1	0	8	5	2	1
Nursing and Midwifery	7	0	1	3	1	4	12	12	6	*
Pharmacy and Life Sciences	14	4	0	6	1	1	25	18	9	*
Scott Sutherland School	0	2	0	2	1	0	5	4	0	1
The Law School	30	9	0	14	7	11	60	43	24	*
Totals	129	40	1	82	16	21	268	175	91	18
%	48%	15%	0.37%	30.6%	6%	7.8%		65%	34%	6.7%

* figure in SITS is higher than total

2.3 Stage 2 Academic Appeals and Research Degree Appeals

Table 3: Stage 2 Academic Appeals (prima facie stage) and Research Degree Appeals by session

	2016-17*		2015-16		2014-15	2013-14	2012-13	2011-12
No <i>prima facie</i> case – dismissed by Principal	40	64.5%	34	61.8%	33	29	27	22
<i>Prima facie</i> case – Returned to Assessment Board/ Research Degrees Committee	19	30.6%	20	36.4%	7	17	15	32
<i>Prima facie</i> case – Student Appeals Committee – upheld	2	3.2%			1			3
<i>Prima facie</i> case – Student Appeals Committee – dismissed					1			
Pending	1	1.6%						
Late	0		1	1.8%	1			1
Total	62		55		43	46	42	23

* The figures in Table 3 include 7 research degree appeals

Table 4: Stage 2 Academic Appeals (prima facie stage) and Research Degree Appeals by School

	No <i>prima facie</i> case – dismissed by Principal	<i>Prima facie</i> case – Returned to Assessment Board/ Research Degrees Committee	<i>Prima facie</i> case – Student Appeals Committee – upheld	<i>Prima facie</i> case – Student Appeals Committee – dismissed	Pending	Late	Total
Aberdeen Business School	13	6					19
Applied Social Studies	2						2
Computing Science and Digital Media		1					1
Creative and Cultural Business		2					2
Engineering	5	3	2				10
Gray's School of Art							0
Health Sciences		1					1
Nursing and Midwifery	3	1					4
Pharmacy and Life Sciences	2						2
Scott Sutherland School							0
The Law School	11	3			1		14
Graduate School*	5	2					7
Total	40	19	2	0	1	0	62
%	64.5%	30.6%	3.2%		1.6%		

* 3 from the School of Engineering, 2 from the School of Creative and Cultural Business, 1 from The Law School and 1 from the Aberdeen Business School.

3. MISCONDUCT

3.1 Misconduct Hearings – Academic Misconduct

Table 5: Academic misconduct cases investigated by School [1 October 2016 – 30 September 2017 approximately]:

	2016-17		2015-16		2014-15		2013-14		2012-13	
Aberdeen Business School	Total	46	Total	57	Total	61	Total	102	Total	77
	established	36	established	39	established	41	established	84	established	50
	dismissed	10	dismissed	18	dismissed	30	dismissed	18	dismissed	16
									extenuating circumstances	11
Applied Social Studies	Total	11	Total	3	Total	13	Total	11	Total	19
	established	10	established	3	established	12	established	10	established	16
	dismissed	1	dismissed	0	dismissed	1	dismissed	1	dismissed	3
Computing Science and Digital Media	Total	11	Total	21	Total	30	Total	29	Total	18
	established	9	established	17	established	28	established	21	established	15
	dismissed	2	dismissed	4	dismissed	2	dismissed	8	dismissed	3
Creative and Cultural Business	Total	6								
	established	6								
	dismissed	0								
Engineering	Total	36	Total	48	Total	76	Total	76	Total	32
	established	31	established	42	established	67	established	68	established	27
	dismissed	5	dismissed	6	dismissed	9	dismissed	8	dismissed	5

	2016-17		2015-16		2014-15		2013-14		2012-13	
Gray's School of Art	Total	0	Total	0	Total	0	Total	0	Total	1 established 0 dismissed 1
Health Sciences	Total	5 established 4 dismissed 1	Total	7 established 3 dismissed 4	Total	5 established 2 dismissed 3	Total	16 established 15 dismissed 1	Total	1 established 1 dismissed 0
Nursing and Midwifery	Total	7 established 7 dismissed 0	Total	6 established 6 dismissed 0	Total	9 established 4 dismissed 5	Total	4 established 9 dismissed 0	Total	17 established 15 dismissed 2
Pharmacy and Life Sciences	Total	10 established 8 dismissed 2	Total	13 established 13 dismissed 0	Total	5 established 4 dismissed 1	Total	7 established 7 dismissed 0	Total	4 established 2 dismissed 2
Scott Sutherland School	Total	13 established 11 dismissed 2	Total	21 established 21 dismissed 0	Total	8 established 7 dismissed 1	Total	2 established 2 dismissed 0	Total	0
The Law School	Total	28 established 25 dismissed 3								
Graduate School	Total	0	Total	1 established 1 dismissed 0	Total	0	Total	2 established 2 dismissed 0	Total	0
Totals		173 established 147 (85%) dismissed 26 (15%)		177 established 145 (82%) dismissed 32 (18%)		208 established 166 (80%) dismissed 42 (20%)		248		169

3.2 Misconduct Hearings – Non-Academic Misconduct

Table 6: Non-academic misconduct cases investigated by School/Accommodation Service [1 October 2016 – 30 September 2017 approximately]:

	2016-17		2015-16		2014-15		2013-14		2012-13	
Aberdeen Business School	Total	0	Total	0	Total	2 established 1 dismissed 1	Total	4 established 2 dismissed 2	Total	5 established 5
Applied Social Studies	Total	2 established 2 dismissed 0	Total	4 established 4 dismissed 0	Total	4 established 3 dismissed 1	Total	4 established 4	Total	4 established 3 dismissed 1
Computing Science and Digital Media	Total	2 established 2 dismissed 0	Total	1 established 1 dismissed 0	Total	0	Total	1 established 1	Total	18 established 15 dismissed 3
Creative and Cultural Business	Total	0								
Engineering	Total	3 established 3 dismissed 0	Total	0	Total	0	Total	0	Total	2 established 1 dismissed 1
Gray's School of Art	Total	0	Total	1 established 1 dismissed 0	Total	0	Total	2 dismissed 2	Total	1 established 1
Health Sciences	Total	3 established 3 dismissed 0	Total	1 established 1 dismissed 0	Total	6 established 6 dismissed 0	Total	1 established 1	Total	9 established 8 dismissed 1
Nursing and Midwifery	Total	6 established 5 dismissed 1	Total	4 established 3 dismissed 1	Total	9 established 8 dismissed 1	Total	3 established 2 dismissed 1	Total	9 established 8 dismissed 1

	2016-17		2015-16		2014-15		2013-14		2012-13	
Pharmacy and Life Sciences	Total	7	Total	8	Total	0	Total	0	Total	2
	established	3	established	8					established	2
	dismissed	4	dismissed	0					dismissed	2
Scott Sutherland School	Total	1	Total	0	Total	0	Total	0	Total	1
	established	1							established	1
	dismissed	0							dismissed	1
The Law School	Total	0								
Graduate School	Total	0	Total	0	Total	2	Total	0	Total	1
	established		established		established	2	dismissed		dismissed	1
	dismissed		dismissed		dismissed	2				
Accommodation Service	Total	64	Total	47	Total	123	Total	38	Total	62
	established	62	established	45	established	81				
	dismissed	2	dismissed	2	dismissed	42				
Totals	88		66		146		53		96	
	established	81 (92%)	established	63 (95%)	established	101 (69%)				
	dismissed	7 (8%)	dismissed	3 (5%)	dismissed	45 (31%)				

3.3 Misconduct Appeals

Table 7: Academic misconduct appeals (prima facie stage) by School [1 October 2016 – 30 September 2017 approximately]:

	Valid case - Returned to School	Invalid case - dismissed by Assistant Chief Academic Officer & Academic Registrar	Valid case - Student Appeals Committee – upheld	Valid case - Student Appeals Committee – dismissed	Total
Aberdeen Business School	1			1	2
Applied Social Studies					
Computing Science and Digital Media	1				1
Creative and Cultural Business					
Engineering	1	1			2
Gray's School of Art					
Health Sciences					
Nursing and Midwifery					
Pharmacy and Life Sciences					
Scott Sutherland School	1	1			2
The Law School	3	2		1	6
Graduate School					
Total	7	4		2	13
%	53.8%	30.7%		15.3%	

Table 8: Non-academic misconduct appeals (prima facie stage) by School/Accommodation Service [1 September 2016 – 31 August 2017 approximately]

	<i>Valid case - Returned to School/Accommodation Services</i>	<i>Valid case - Student Appeals Committee – upheld</i>	<i>Valid case - Student Appeals Committee – dismissed</i>	<i>Invalid case - dismissed by Assistant Chief Academic Officer /Director (EPS) & Academic Registrar</i>	Out of time	Total
Aberdeen Business School				1		1
Applied Social Studies						
Computing Science and Digital Media		1		1		2
Creative and Cultural Business						
Engineering						
Gray's School of Art						
Health Sciences						
Nursing and Midwifery						
Pharmacy and Life Sciences						
Scott Sutherland School						
The Law School						
Graduate School						
Accommodation						
Total		1		2		3
%		33.3%		66.6%		

Table 9: Meetings of the Student Appeals Committee

	Academic Misconduct	Non-Academic Misconduct
Session 2016-17	2	1
Session 2015-16	1	0
Session 2014-15	1	0
Session 2013-14	2	0
Session 2012-13	0	2
Session 2011-12	1	1
Session 2010-11	1	1
Session 2009-10	2	0
Session 2008-09	19	1
Session 2007-08	10	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: Scottish Parliament and Scottish administration, health service, local government, housing, further and higher education, prisons, Scottish public authorities, water, cross-border public authorities, and selected tribunals.

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

4.3.1 Summary

In 2016-17:

- the Ombudsman **received** 4182 complaints of which 130 (3.1%) were related to the higher education sector (2015-16: 4,598; 2014-15: 4,895; 2013-14: 4,456; 2012-13: 4,120; 2011-12: 3,918; 2010-11: 3,489);
- the Ombudsman **determined** 4104 complaints of which 115 (2.8%) were concerned with the higher education sector [see [Table 11](#)] (2015-16: 4,636; 2014-15: 4,802; 2013-14: 4,408; 2012-13: 4,077; 2011-12: 3,748; 2010-11: 3,351);
- the overall level of **upheld** complaints was 52% in 2016-17, down 2% on 2015-16 (54% in 2015-16, 50% in 2013-14 and 46% in 2012-13);
- 9 of the 81 complaints **determined** for the higher education sector were upheld or partially upheld (11%), and 13 were not upheld (16%) [see [Table 12](#)].

4.3.2 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.

No *investigation reports* involving the higher education sector have been laid before the Scottish Parliament since December 2012 [see [Table 10](#)].

Table 10: Investigation reports laid before Scottish Parliament: 2007 - 2016

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	TOTAL
University of Glasgow		6	1								8
The Robert Gordon University	2	1			1						5
Queen Margaret University		1	1								3
University of Dundee	1			1							2
University of Strathclyde			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
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	10	6	1	1	1	0	0	0	0	29

Table 11: Complaints received by institution and subject: 2016-17

Subject	A Unknown University	Edinburgh Napier University	Glasgow Caledonian University	Glasgow School of Art	Heriot-Watt University	Queen Margaret University	Scotlands Rural College	The 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		4			5	4		11	2			5	3	1	1	8	1	7	52
Accommodation													1		2				3
Admissions			1									1			1	1			4
Communication/staff attitude/dignity/confidentiality		1	2		1			1	1				1						7
Complaints handling			1	1	1	1						3	3		1	4		1	16
Facilities			1										1						2
Inappropriate staff/student relationship									1										1
Other																			
Plagiarism and intellectual property									1			1							2
Policy/administration		1	2		4			2	1		1	4		4		2		2	23
Special needs - assessment and provision		1			1							1							3
Student discipline					1			1				1						1	4
Teaching and supervision			1		1							2	2	1					7
Welfare							1	1							1	1			4
Subject unknown								1						1					2
TOTAL 2016-17		7	8	1	14	5	1	17	6		1	18	11	7	6	16	1	11	130
Total 2015-16	2	3	6	3	10	3	1	12	10	3	2	27	8	5	3	13	3	16	130
Total 2014-15	3	1	11		6	7		7	7	1	5	24	15	7	3	8	3	8	116
Total 2013-14	3	1	1		1	3		6	5	2	5	18	12	6	4	8	3	5	86
Total 2012-13	4	1	4		2	5		6	8	1	3	16	4	9	9	10	1	6	89
Total 2011-12	5	5	4		4	6		7	11	0	5	8	10	4	9	4	2	5	89
Total 2010-11	6	6	6		1	3		9	8	2	1	11	2	9	8	9	0	4	85
Total 2009-10	1	3	9		1	0		9	2	1	6	7	4	4	6	3	0	1	57

Table 12: Complaints determined by institution and outcome: 2016-17

Stage	Outcome Group	Edinburgh Napier University	Glasgow Caledonian University	Glasgow School of Art	Heriot-Watt University	Queen Margaret University	Scotlands Rural College	The 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		1		2	1		4	3			1	1	2	1	1		4	21
	Premature		2		1				2			2			3	2	1		13
	Total		3		3	1		4	5			3	1	2	4	3	1	4	34
Early Resolution	Not duly made or withdrawn							2				2						2	6
	Out of jurisdiction (discretionary)											4		1		1			6
	Out of jurisdiction (non-discretionary)	1			6			6			1	1	1	1		2		1	20
	Outcome not achievable					2		2					1	1		2			8
	Premature	1			1													1	3
	Proportionality		2	1			1	1				1	3		1	3		2	15
	Total	2	2	1	7	2	1	11			1	8	5	3	1	8		6	58
Investigation	Fully Upheld																	1	1
	Some Upheld	1			1				2					1		2		1	8
	Not Upheld	2	1			1						3	2	2	1	1			13
	Not duly made or withdrawn				1														1
	Total	3	1		2	1			2			3	2	3	1	3		2	23
Total Complaints	5	6	1	12	4	1	15	7		1	14	8	8	6	14	1	12	115	

4.4 Complaints about the SPSO

In 2015-16, 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 2016-17](#).

Table 13: Complaints about its own service, determined about the SPSO: 2016-17

Customer Complaint Type	Upheld	Not Upheld	Total	% Upheld
Stage 1 Officer/Manager	7	24	31	22.6
Stage 2 Senior Management	3	9	12	25
Stage 2 Senior Management escalated	1	6	7	14.3
Stage 3 Cases to Independent Customer Complaints Reviewers	2	0	2	100
Total	13	39	52	25