

## ACADEMIC REGULATION 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 taught awards and progression in taught courses. (The Procedure for consideration of appeals relating to research degrees is contained in Regulation A6: Research Degrees, paragraph 10, Research Degrees Appeal Procedure).*

*Section 2: Student Conduct Procedure specifies the procedure which is followed when misconduct is alleged for students on taught courses or research degrees.*

*Section 3: Student Fitness to Practise Procedure specifies the procedure which is followed when concerns are raised regarding a student's fitness to meet the professional, statutory and/or regulatory body requirements of a particular course. The University has a responsibility to ensure that all students undertaking a course of study leading to registration as a health or social care professional with a professional or regulatory body have the skills, knowledge, health and character to work effectively and safely.*

*Section 4: Student Fitness to Study Procedure specifies the procedure which is followed when concerns are raised regarding an enrolled student's fitness to study. Where these concerns relate to a student enrolled on a course leading to registration as a health or social care professional with a professional, statutory or regulatory body then Regulation A3 - Section 3: Fitness to Practise Procedure should normally be followed.*

## SECTION 1: ACADEMIC APPEALS (AWARDS AND PROGRESSION) PROCEDURE

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**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 Dean

1. Student discusses concerns with Course Leader or Dean, 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 10 working days<sup>1</sup> 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 10 working days (but within 6 month period) Dean determines if verifiable circumstances

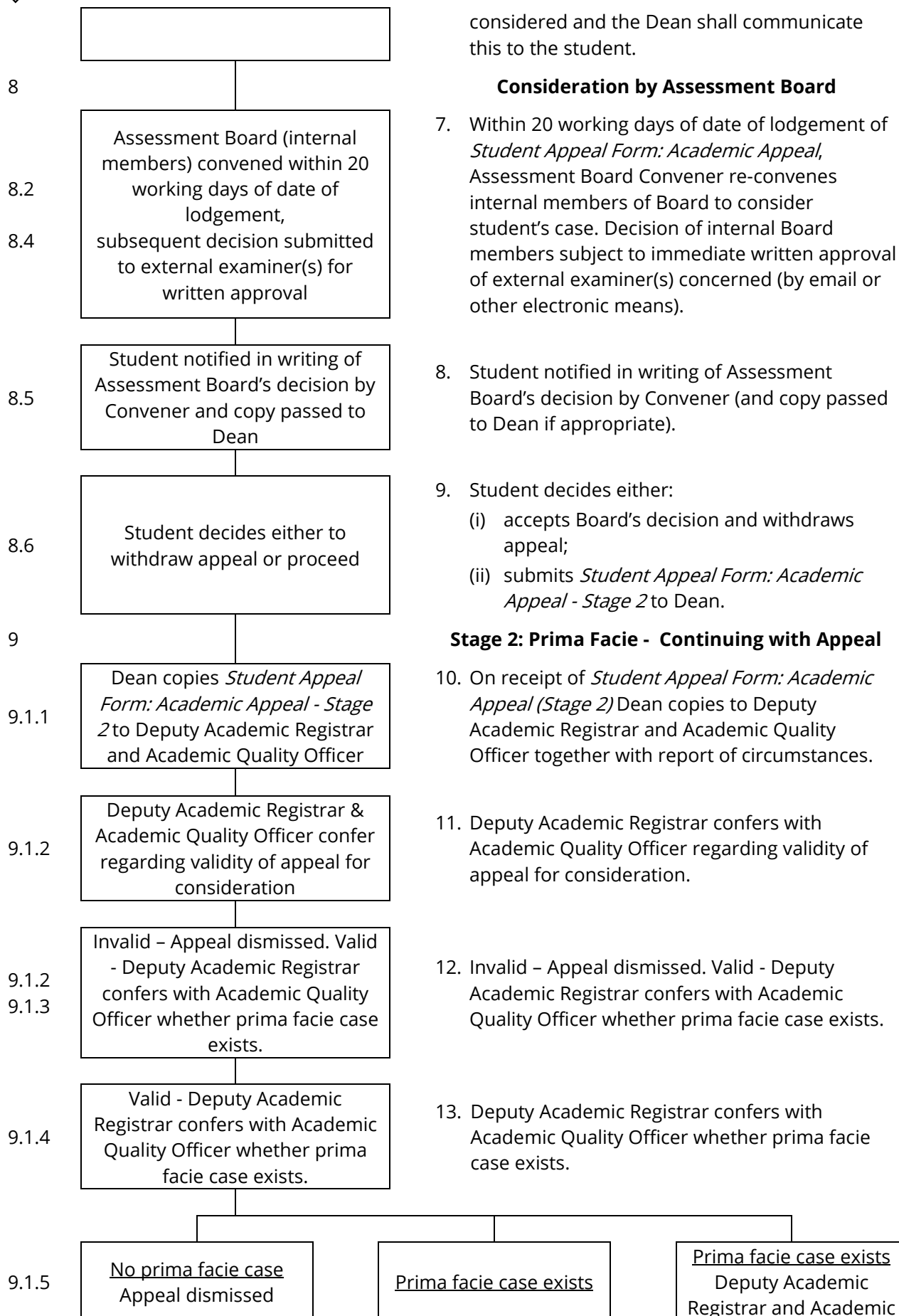
5. If outwith 10 working day period (but within 6 month period), Dean considers if delay was for verifiable circumstances. If not, recommendation submitted to Vice-Principal for Academic Development and Student Experience. If Vice-Principal agrees, Appeal dismissed and student informed by Dean. If Vice-Principal disagrees with opinion, Appeal proceeds. If lodged outwith the 12 month period then the *Student Appeal Form: Academic Appeal* will not be considered and the Dean shall communicate this to the student.

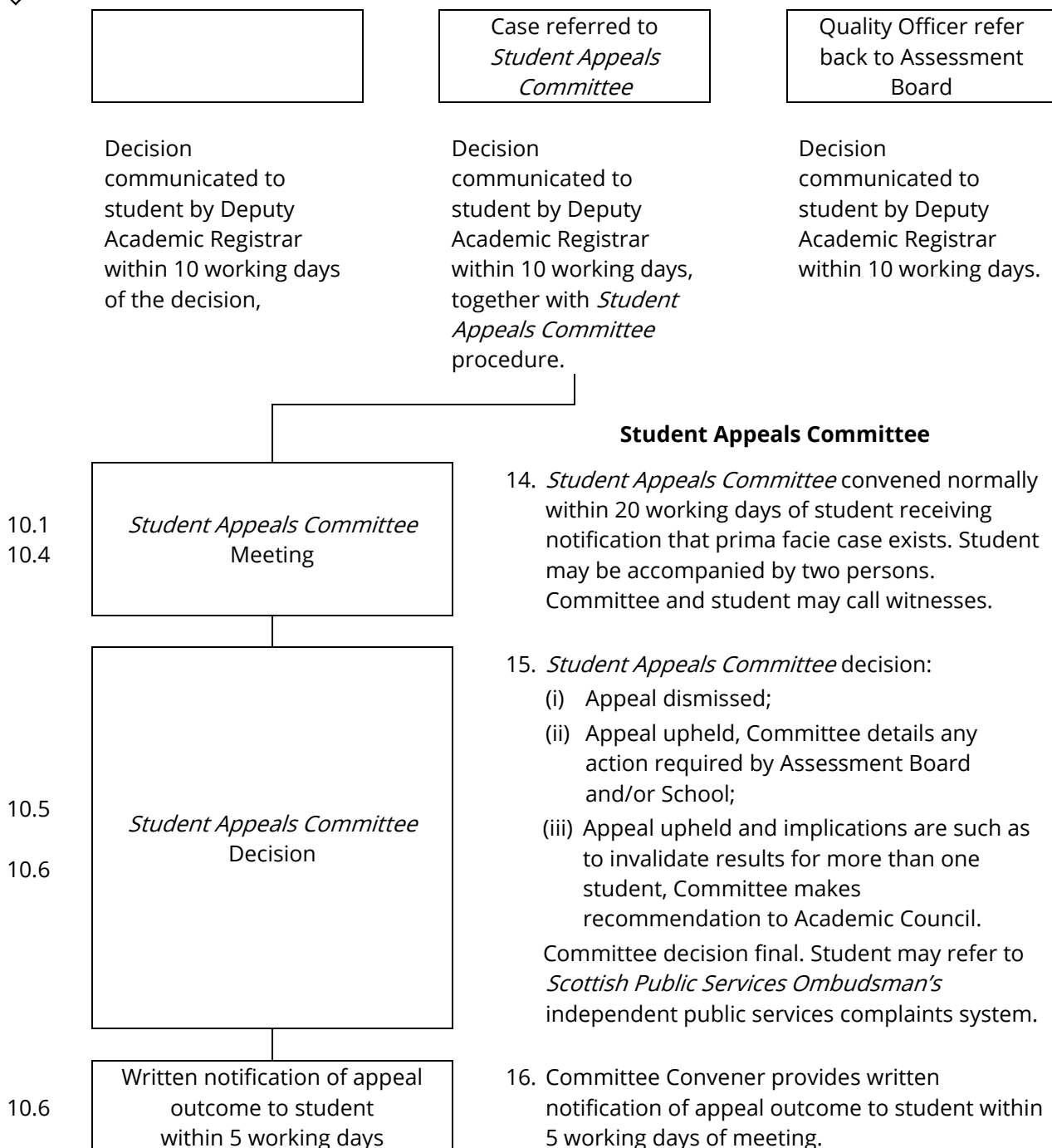
7.15

If submission outwith 10 working days (but within 6-12 month period) Dean and Vice-Principal for Academic Development and Student Experience confer

6. If outwith 10 working day period (but within 6-12 month period), Dean and Vice-Principal for Academic Development and Student Experience considers if delay was for verifiable circumstances. If not Appeal dismissed and student informed by Dean. If verifiable circumstances Appeal proceeds. If lodged outwith the 12 month period then the *Student Appeal Form: Academic Appeal* will not be

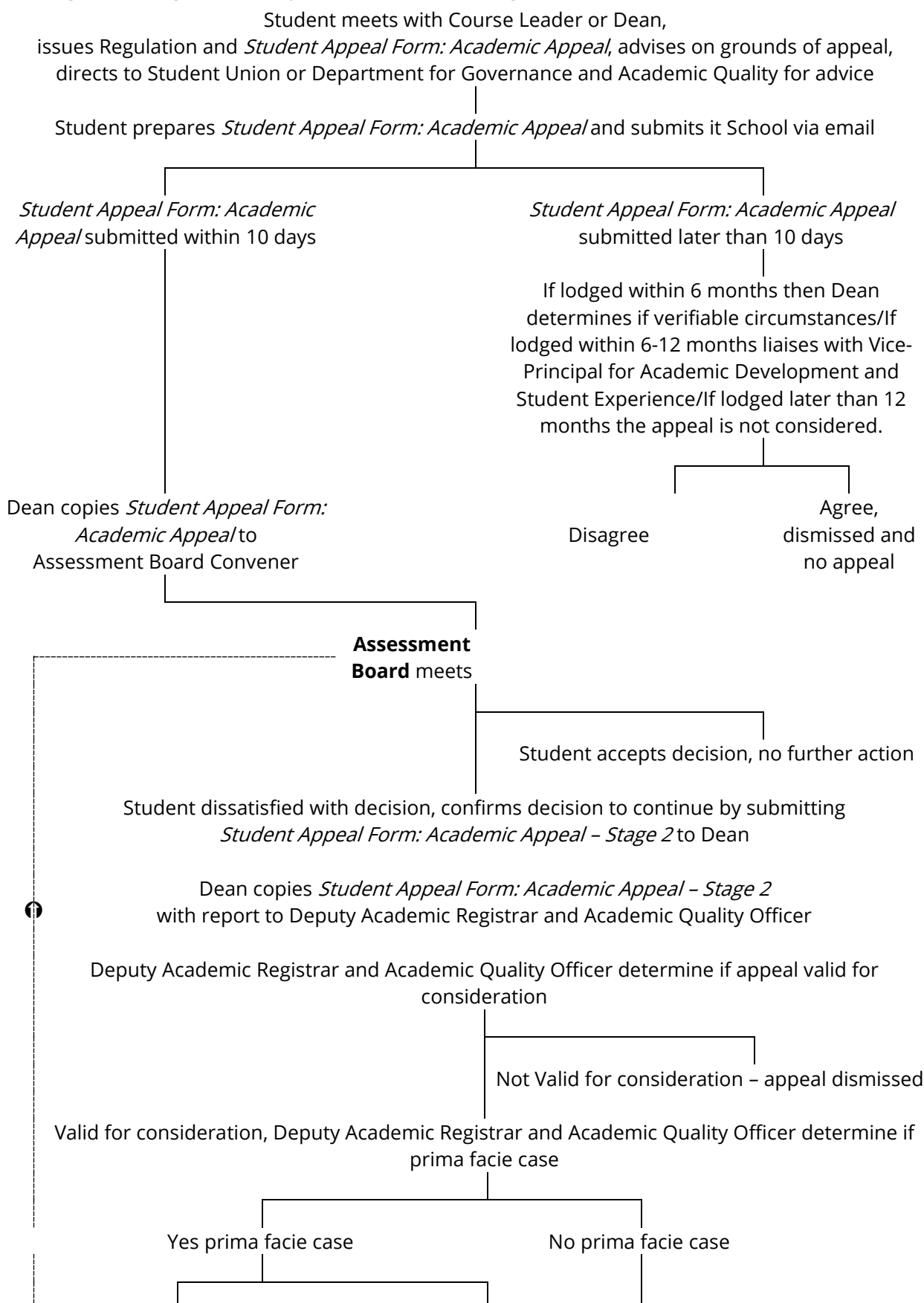
<sup>1</sup> And henceforth, "working days" are Monday to Friday and excludes days that the University is closed.

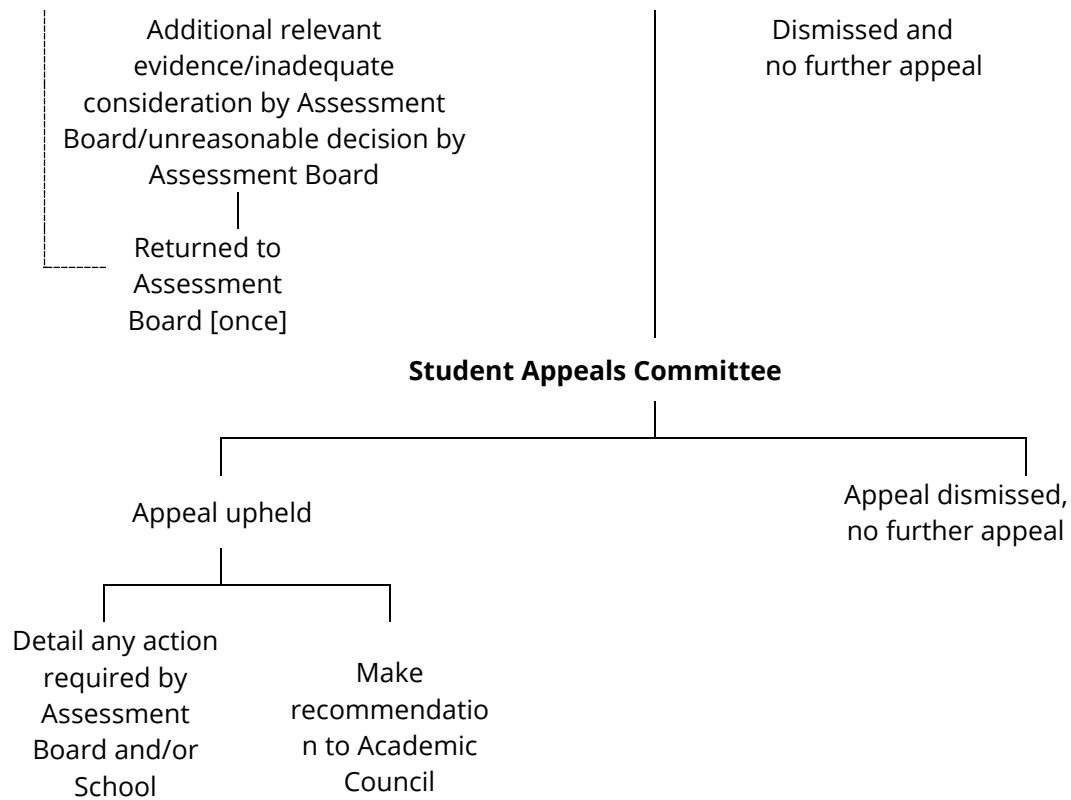
**Paragraph reference**

**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 they contribute 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 Conduct 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 Dean timeously of any special circumstances which may prevent them achieving this;
- (iii) to notify the tutor or Dean timeously of any special circumstances which may adversely affect their 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 Conduct 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 Conduct Procedure*.

## 5. IMPLICATIONS FOR ENROLMENT AND GRADUATION

- 5.1 Where a student has had their studies discontinued or progression curtailed and has initiated an academic appeal, the student's enrolment and progression shall be continued and, assuming all prerequisites 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 or that the student's desired outcome shall be approved.

- 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 themselves 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 notifying the School by submitting a *Coursework Extension Request* or a *Deferral Request*; and/or undertaking the assessment;
  - (ii) that there had been a material procedural or administrative 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 their 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 their academic progress or to the academic award for which they have been recommended, should discuss their concerns with the Course Leader or Dean. The Course Leader or Dean 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 appeal shall be competent only where it accords 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 10<sup>2</sup> 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 they receive 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 relating to the *Student Appeal Form: Academic Appeal* shall be sent by email.
- 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 10 working day period (but within six months of the publication of results from the Assessment Board)

- 7.6 Where the *Student Appeal Form: Academic Appeal* is lodged beyond the 10 working day period but **within six months** following the publication of results, the Dean shall decide whether failure to meet the deadline was due to verifiable, evidenced circumstances which were outwith the control of the student.
- 7.7 Where the Dean is 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 Dean shall communicate this decision to the student by email normally within 10 working days of the lodgement of the appeal.
- 7.8 Where the Dean, finds no verifiable circumstances and reaches the opinion that the appeal should not, therefore, be considered the Dean shall submit this recommendation to the Vice-Principal for Academic Development and Student Experience for approval.

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2 If a student is on a Temporary Suspension of Studies then the 10 working days shall commence from either the date of the publication of the results or from the date the student resumes their studies. If the *Student Appeal Form: Academic Appeal* is not received within 10 working days of the publication of results then it will be assumed that the ten working days will commence from the date the student resumes their studies.

- 7.9 Where the Vice-Principal for Academic Development and Student Experience agrees with the recommendation then the appeal shall not be accepted and the Dean shall confirm the outcome in writing to the student normally within 10 working days of the lodgement of the appeal. This is a final determination by the University and the student shall have no further right of appeal.
- 7.10 Where the Vice-Principal for Academic Development and Student Experience disagrees with the recommendation then the opinion of the Vice-Principal for Academic Development and Student Experience, acting with delegated authority on behalf of the Principal, shall prevail and the Dean shall confirm the outcome in writing to the student normally within 10 working days of the lodgement of the appeal and shall refer the appeal to the Assessment Board for consideration.

**Submission after the 10 working day period (and within six to twelve months of publication of results from the Assessment Board)**

- 7.11 Where the *Student Appeal Form: Academic Appeal* is lodged **six months after** the publication of results but not later than 12 months, the Dean shall confer with the Vice-Principal for Academic Development and Student Experience to decide whether failure to meet the deadline was due to verifiable, evidenced circumstances which were outwith the control of the student.
- 7.12 Where the Dean and the Vice-Principal for Academic Development and Student Experience 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 Dean shall communicate this decision to the student by email normally within 10 working days of the lodgement of the appeal.
- 7.13 Where the Dean and the Vice-Principal for Academic Development and Student Experience, acting with delegated authority on behalf of the Principal, find no verifiable circumstances and reach the opinion that the appeal should not, therefore, be considered the Dean shall confirm this outcome in writing to the student, normally within 10 working days of the lodgement of the appeal. This is a final determination by the University and the student shall have no further right of appeal.
- 7.14 Where the Dean and the Vice-Principal for Academic Development and Student Experience disagree then the opinion of the Vice-Principal for Academic Development and Student Experience, acting with delegated authority on behalf of the Principal, shall prevail and the Dean shall confirm the outcome in writing to the student normally within 10 working days of the lodgement of the appeal and shall refer the appeal to the Assessment Board for consideration.

**Submission after 12 months**

- 7.15 Where the *Student Appeal Form: Academic Appeal* is lodged later than 12 months following the publication of results then it shall not be considered and the Dean shall communicate this to the student by email, normally within 10 working days of the lodgement of the appeal. This is a final determination by the University and there shall be no further right of appeal.

## 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 10 working days after publication of the results. The only exception to this requirement would be where the Dean or the Dean in liaison with the Vice-Principal for Academic Development and Student Experience have previously concluded, in accordance with [paragraph 7](#) of this Regulation and taking account of [paragraph 7.15](#), that the appeal may be considered because the *Student Appeal Form: Academic Appeal* had been lodged beyond the 10 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 Dean shall notify the student accordingly.

- 8.2 If the appeal is deemed valid for consideration the Assessment Board Convener shall re-convene 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 Dean if appropriate).
- 8.6 Within 5 working days of being so notified, any student wishing to proceed with their appeal shall do so by completing and submitting the [Student Appeal Form: Academic Appeal - Stage 2](#) to the Dean. 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 their 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 they wish to proceed with the appeal, and normally within three working days of receipt, the Dean shall copy the [Student Appeal Form: Academic Appeal - Stage 2](#) and the Assessment Board outcome to the Deputy Academic Registrar and the Academic Quality Officer 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 the Deputy Academic Registrar and Academic Quality Officer 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 Deputy Academic Registrar and Academic Quality Officer 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) relates to the specified grounds for appeal as described in [paragraph 6.5](#), and 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.
  - (ii) and in instances where new evidence has been provided, there are valid reasons why the student was unable to provide this evidence when the *Student Appeal Form: Academic Appeal – Stage 1* was submitted.

### **Decisions**

- 9.1.5 The Deputy Academic Registrar and Academic Quality Officer shall have the following decisions available to them:
- (i) **Prima facie case:** where it is deemed a prima facie case exists the Deputy Academic Registrar and Academic Quality Officer 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 Deputy Academic Registrar and Academic Quality Officer that there is insufficient evidence of appropriate consideration of a case by the Assessment Board; and/or
  - it is deemed by the Deputy Academic Registrar and Academic Quality Officer that the Assessment Board's decision was unreasonable on the basis of the information available to it when reaching its decision.
- (b) refer a case 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 by the Deputy Academic Registrar, acting with delegated authority on behalf of the Principal, that no prima facie case exists, they shall confirm 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 Dean's report; the Deputy Academic Registrar shall also communicate the decision to the Dean concerned. In the event of any dispute between the Deputy Academic Registrar and the Academic Quality Officer then the opinion of the Deputy Academic Registrar, acting with delegated authority on behalf of the Principal as Chair of Academic Council, shall prevail.
- 9.2.2 Normally within 20 working days of the Deputy Academic Registrar and Academic Quality Officer 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 in accordance with the provisions of *Regulation A4: Assessment and Recommendations of Assessment Boards*. 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 Dean if appropriate). Normally within 5 working days of being so notified the student shall either:
- (i) accept the decision of the Board, and withdraw their appeal; or
  - (ii) confirm they wish 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 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 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 Deputy Academic Registrar receiving the student's *Student Appeal Form: Academic Appeal – Stage 2* and the Dean's report.

### 9.4 No Prima Facie Case: Dismissal of the Appeal

- 9.4.1 Where it is deemed by the Deputy Academic Registrar, acting with delegated authority on behalf of the Principal, that no prima facie case exists, the appeal shall be dismissed. There shall be no appeal against such a decision of the Deputy Academic Registrar.
- 9.4.2 The Deputy Academic Registrar shall communicate the decision to dismiss to the student in writing within 10 working days of receiving the student's *Student Appeal Form: Academic Appeal – Stage 2* and the Dean's report; the Deputy Academic Registrar shall also communicate the decision to dismiss to the Dean 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 normally at least 10 working days prior to the meeting, issuing the correspondence by email. The student shall be notified that if they fail to attend, without good reason, the meeting may proceed in their 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 their absence if necessary, without this constituting grounds for appeal. If the student fails to attend without providing a good reason for non-attendance, then the meeting will proceed in their absence, 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 them 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<sup>3</sup>.

10.6 The Secretary 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.

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3 For the purposes of Regulation A3-1, paragraph 10.5(iii), the Vice-Principal for Academic Development and Student Experience shall act with delegated authority on behalf of Academic Council.

- (ii) The Secretary of the *Student Appeals Committee* shall distribute a copy of the Committee's report to the Dean 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 Secretary 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 Deputy 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 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. Further details of the Scottish Public Services Ombudsman can be obtained at: [www.spsso.org.uk](http://www.spsso.org.uk).