
The University's Academic Regulations: 2024-25

Regulations For Academic Appeals 2024-25

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AA1 Academic Appeals

This section of the regulations applies to students who wish to challenge the decision of the Programme Assessment Board or the Academic Committee of the Doctoral College, regarding progression, assessment or award under the grounds AA1.2.

AA1.1 Definition of an Academic Appeal

An appeal is a request from a registered student that the decision of a Programme Assessment Board or the Academic Committee of the Doctoral College, should be reviewed because it is alleged that there has been an injustice or an instance of administrative error.

AA1.2 Grounds for an Academic Appeal

Students wishing to submit an academic appeal must ensure that it is supported by evidence and is lodged on at least one of the following two grounds:

- i) There is evidence to indicate that the Programme Assessment Board or the Academic Committee of the Doctoral College, has made a decision which is not consistent with the University regulations and/or procedures;
- ii) There is evidence to indicate that there was an apparent error in the recording, transcription or reporting of assessment results, the delivery of their programme or the assessment process.

The following should be noted with regards to grounds for an appeal:

Appeals cannot be submitted against individual modules/assessments and will not result in an increase to an individual module mark. Appeals cannot result in a failed assessment being enhanced to a pass; however it can offer an additional uncapped first attempt or an additional reassessment attempt to make good in a failed module.

Only issues relating to the most recent trimester will be considered as part of any current appeals process.

AA1.3 Invalid grounds for an Academic Appeal

Examples of grounds on which academic appeals will not be considered include:

- i) The student did not understand or was not aware of the published assessment regulations and procedures for a module, subject or programme.
- ii) The student was not aware of, did not understand or use by the required deadlines, the processes in place with respect to requests for:
 - assessment deadline extensions
 - deferral of assessments
 - Fit to Sit and extenuating circumstances.

This means any attempt by a student to have a request considered via an academic appeal that should have been considered via any of the procedures referenced above – e.g., any medical or personal matter that impacted them at the time of assessment – will not be accepted.

- iii) The student disputes the academic or professional judgement of the examiners in relation to marks, grades, progression or award (eg. a student's belief that they should have received a better mark, based entirely on an opinion that their work was worth more).
- iv) Complaints or grievances, including the provision of services and/or facilities for which the University has specific and established procedures.
- v) Disruption to performance and/or progression brought about by restrictions to, or withdrawal of, services and/or facilities due to non-payment of any fees or other matter which leaves the student not in good financial standing with the University.

- vi) The impact of widespread disruption caused by weather, pandemics, social/political unrest, acts of terrorism or other events out with the University's control where the University has already taken or will be taking action to mitigate for the impact.

AA2 Submission of Appeals

All academic appeals must be submitted to appeals@napier.ac.uk by the Academic Appeals Deadline which is set five working days after the publication of the Programme Assessment Board results on [myNapier](#) or, for research students, five working days after the date on which the final decision of the Academic Committee of the Doctoral College was issued.

If a student believes they have grounds for appeal they should email appeals@napier.ac.uk, stating the grounds upon which they wish to base their appeal (see sections AA1.2 and AA1.3) before submitting their academic appeal form.

After email consultation, the Officer responsible for administering appeals will provide an assessment and overview of the case to the student. Any students subsequently eligible to appeal should submit an Academic Appeal form (AP1 form) downloadable from - [myNapier](#).

Students can seek advice regarding the completion of their academic appeal form via appeals@napier.ac.uk, the [Edinburgh Napier Student Association's \(ENSA\) Advice Service Advisors](#), their Personal Development Tutor, their Programme Leader, or the Pastoral Support Advisor (for those students studying in the School of Health and Social Care). Research students may also seek advice from their School Research Degrees Lead.

The AP1 form must clearly set out the grounds for appeal and should be accompanied by relevant evidence (e.g. letter from member of academic staff, letter from an ENSA Advice Service Advisor) in exceptional cases students may add information/documentary evidence to their application for a further five working days after the Academic Appeals deadline. Any evidence submitted will be considered at the discretion of the Officer responsible for administering appeals and the Academic Appeals Panel Convenor.

All submissions will be considered in strict confidence and in accordance with current legislation relating to data protection.

The Officer responsible for administering appeals will issue a receipt email within five working days of the appeals deadline which must be retained by the student as evidence that the appeal was submitted. Email receipts will be issued to research students within five working days of submission of the appeal.

Academic Appeals submitted outside the relevant timescales will not normally be considered.

The Officer responsible for administering appeals, provided the submission is accompanied by detailed and supported reasons for the late submission, will consult with the Convenor of the Academic Appeals Panel who may decide to convene an extraordinary meeting of the Panel to consider the appeal.

Only in exceptional circumstances will an Academic Appeal be considered before a Programme Assessment Board or the Academic Committee of the Doctoral College has had the opportunity to consider a student's academic performance for all modules in their current stage of study.

AA3 Academic Appeal Process

The Academic Appeal process has three stages:

- i) Stage One: Initial consideration.
- ii) Stage Two: Academic Appeals Panel consideration.
- iii) Stage Three: Formal review of appeal decision.

AA4 Stage One: Initial consideration

Following the published deadline or submission of an academic appeal form, the Officer responsible for administering appeals shall consider each submission and make an initial determination on whether sufficient information has been provided to allow a judgement to be made on whether it meets the grounds for an academic appeal as set out in Regulation AA1.2.

The Officer responsible for administering appeals will inform the student:

- i) there are valid grounds for an appeal and the case is moved to Stage Two.
- ii) the grounds for appeal are not met as set out in Regulation AA1.2 and dismiss the appeal.
- iii) refer the appeal to the appropriate School for review.

AA5 Stage Two: Consideration by the Academic Appeals Panel

All eligible appeals will be referred to an Academic Appeals Panel for consideration. The Appeals Panel will normally convene once per trimester, and within fifteen working days of the published closing date for submission of academic appeals.

AA5.1 Constitution of a University Academic Appeals Panel

The Academic Appeals Panel shall normally comprise:

- i) A member of the Senior Leadership Team who will act as Academic Appeals Panel Convenor.
- ii) At least two members of academic staff from a pool of academics nominated by Senior Leadership Team. Each of the academics present at the meeting should be from a different School.
- iii) The Officer responsible for administering appeals (who will act in an advisory capacity and as clerk to the Panel).
- iv) A nominee of the Academic Committee of the Doctoral College may sit on any Academic Appeals Panel considering an appeal submitted by a research student.

At least three members of staff, not including the Officer responsible for administering appeals, must be in attendance to constitute a quorate Academic Appeals Panel.

AA5.2 Decisions of a University Academic Appeals Panel

The University Academic Appeals Panel, in its initial consideration, will have recourse to specific decisions. These decisions are set out in Regulations AA5.3 to AA5.9.

AA5.3 Dismissal of an Academic Appeal by University Academic Appeals Panel

An academic appeal will be dismissed if

- i) the grounds for appeal are not met as set out in Regulation AA1.2.
- ii) the academic appeal is judged to be vexatious or frivolous in nature.
- iii) the accompanying evidence cannot be reconciled to the grounds of the appeal.

In these cases the decision will be classed as **Appeal Dismissed**. The Officer responsible for administering appeals will notify the student via an email to their Edinburgh Napier email address and give reasons for the decision which has been made. A senior member of administration staff, as nominated by the appropriate Head of School Support, is sent a copy of this communication by the Officer responsible for administering appeals. This individual shall be referred to as the School Appeal Contact during the remainder of these regulations.

If the student is dissatisfied with the outcome of the academic appeals process, they have recourse to the Formal Review process if they meet the eligible grounds for a review. The Formal Review of an appeal decision is detailed in section AA6.

AA5.4 Request for further information and evidence

Where it is considered that an academic appeal has grounds, but it is determined that a sound decision cannot be made without further evidence, the Academic Appeals Panel shall request additional evidence to be provided within an agreed timescale. In which case, the appeal will be classified as **Appeal Deferred**.

The Academic Appeals Panel shall be entitled to request additional evidence or information from the student, the respective School Appeal Contact and/or other relevant party.

In all cases, except those involving research students, it is the responsibility of the student and/School Appeal Contact to provide any requested documentation within the deadline notified to them by the Officer responsible for

administering appeals. Once sufficient evidence has been provided, the appeal will proceed in accordance with Regulation **AA5.7**. If the student does not provide the requested documentation in the required timescale the appeal will be classified as **Appeal Dismissed**.

Where the appeal has been submitted by a research student, it is the responsibility of the student and/or the Convenor of the Academic Committee of the Doctoral College to provide any requested documentation within the deadline notified to them by the Officer responsible for administering appeals. Once sufficient evidence has been provided, the appeal will proceed in accordance with Regulation AA5.7. If the student does not provide the requested documentation in the required timescale the appeal will be classified as **Appeal Dismissed**.

AA5.5 Referral to other University procedures

Where the subject matter of an academic appeal could be more appropriately considered through a different process, such as the Complaints Handling Procedure, the submission will be referred to the relevant procedure. In these cases, the outcome will be classed as **Appeal Referred** and the Officer responsible for administering appeals will notify the student and School that the appeal has been referred to another procedure for consideration.

AA5.6 Appeal Upheld

If the appeal is upheld by the Appeals Panel the recommendation is referred back to the convenor of the Programme Assessment Board, via the School Appeal Contact.

The recommendation will be considered by the Convenor or their nominee, who has the options under AA5.7 (i) & (ii).

AA5.7 Recommendation to a Programme Assessment Board or the Academic Committee of the Doctoral College

The Convenor considers the recommendation made by the Appeals Panel and:

- i) if in agreement, they should sign the pro-forma and return it to the Officer responsible for administering appeals who will communicate the decision to the student as **Appeal Upheld** and the matter will be classed as resolved.
- ii) if they dispute the recommendation made by the Appeals Panel, they should provide the Officer responsible for administering appeals with a concise report that includes a comment on the recommendation, evidence to support this and/or an alternative resolution to the matter. The procedure in such cases is prescribed in AA5.8 below.

AA5.8 Alternative Resolution

Where Regulation AA5.7 ii) applies, the Academic Appeals Panel will consider the additional evidence provided by the Convenor of the Programme Assessment Board / the Academic Committee of the Doctoral College (or their nominee). The Academic Appeals Panel will have the option:

- i) To agree with the Programme Assessment Board or the Academic Committee of the Doctoral College where the report and evidence provided shows, incontrovertibly, that the grounds for appeal were unfounded. In such a case, the academic appeal will be classed as **Appeal Not Upheld**. The decision, the reasons for the decision and the options available to the student should they be dissatisfied with the decision will be communicated to the student and where relevant to the School Appeal Contact, Convenor of the Programme Assessment Board / the Academic Committee of the Doctoral College (or their nominee) by the Officer responsible for administering appeals.
- ii) To agree with the alternative recommendation which has been provided as a means of resolution by the Programme Assessment Board or the Academic Committee of the Doctoral College and which the Academic Appeals Panel considers reasonable. In such a case the academic appeal will be classed as **Appeal Upheld** and the procedure in Regulation AA5.6 will apply.
- iii) Where the Programme Assessment Board or and the Academic Appeals Panel cannot agree on the appropriate resolution, the decision of the Academic Appeals Panel is final. The Officer responsible for administering appeals will communicate the Appeals Panel decision to the student, the

School Appeal Contact and the Convenor of the Programme Board of Examiners/Research Committee (or their nominee).

AA5.9 Appeal Panel Final Decision

All decisions and actions taken by the Appeals Panel will normally be communicated to the student by the Officer responsible for administering appeals within 25 working days of the appeal deadline and forwarded to the School Appeal Contact to update the student's record.

AA6 Stage Three: Formal review of appeal decision

AA6.1 Process of a Formal review

A formal review process may be convened in **exceptional** cases where the student is dissatisfied with the decision of the academic appeals process.

A request for a formal review must be made based on one of the following grounds:

- i) The student can evidence procedural irregularity, in relation to the process of hearing their appeal under the terms of the Academic Appeal Regulations, which could have had a material impact on the final decision taken in respect of their appeal.
- ii) New evidence is now available which might have caused the Appeal Panel to reach a different conclusion but could not have been made available at the time the appeal was considered.

AA6.2 Notice and evidence for formal review

The student should inform the Officer responsible for administering appeals of a request for formal review in writing within five working days of the date on the communication of the final decision of the Academic Appeals Panel. The student should detail the grounds on which the request is based, provide written evidence to support the request and indicate the resolution being sought.

If it is deemed by the Officer responsible for administering appeals that the student has demonstrated and evidenced circumstances that would have prevented them engaging with other processes at the time, a formal review will be arranged by the Officer responsible for administering appeals and be undertaken by a member of the Senior Leadership Team or an individual nominated by this group.

If a request for a formal review is accepted by the Officer responsible for administering appeals, then they will forward all the related documentation to the designated reviewer for consideration. The Officer responsible for administering appeals will inform the School Appeal Contact that a review of the appeal is taking place so that they can update colleagues within the School.

AA6.3 Outcome of formal review

The designated reviewer will consider the evidence submitted and provide a written response outlining the outcome of the formal review of the individual case. The possible outcomes of the formal review are:

- i) **Appeal upheld on review**
- ii) **Appeal not upheld on review**

Where the decision is to uphold the appeal on review the designated reviewer will also outline the consequential action to be taken.

The decision of the designated reviewer will be communicated in writing to the student, the School Appeal Contact and the relevant Convenor of the Programme Assessment Board / the Academic Committee of the Doctoral College (or their nominee), within twenty working days of receipt of the request for formal review.

AA7 Student status

These regulations should not affect the progression of students whilst an academic appeal is submitted, except where external requirements and/or legislation must be taken into consideration.

During the period when the academic appeal is being processed (i.e. from the date of submission until the decision) the student will be permitted to progress with their studies pending the outcome of the appeal, except where professional body requirements dictate otherwise. If academic appeals are not upheld, students will be eligible for funding from Student Awards Agency for Scotland for the duration of their original attendance dates.

International students subject to UK Visa and Immigration legislation will be permitted to progress with their studies pending the outcome of the appeal within their current visa. The University will seek to resolve any academic appeal from an international student before the end of the student's current visa expiry date. Students should seek advice from the Visa and International Support Team.

Research students should normally continue with their studies and will not normally be given additional registration time as the result of submitting an appeal.

AA8 Consequences for student status in cases of Academic Appeals not upheld

In cases where the outcome of the academic appeal impacts on progression, the following will apply: -

- If the academic appeal is not upheld then all original dates relating to the period of study before the student was temporarily permitted to progress, will remain unchanged.
- For immigration purposes, the last date of formal attendance reported to UK Visa and Immigration will be the date that was recorded before the academic appeal commenced.
- In terms of student funding, the last date of formal attendance will be the date that was recorded before the academic appeal commenced.

- If students have continued to accept bursary or other funding during the period when the academic appeal was under consideration and the appeal was subsequently not upheld, then the student is liable for repayment of any funds obtained during this period. Funding bodies such as the Student Awards Agency for Scotland will be advised of formal last dates of attendance in accordance with these regulations.
- No academic credit will be awarded to students for any study undertaken during the period when the academic appeal was under consideration if the appeal was not subsequently upheld, as the student was proven to be ineligible to progress to this level of study.

AA9 Extent of decisions

Where it is believed that the outcome of an individual appeal may have had an adverse effect on a number of students in the same cohort the matter will be referred back to the Convenor of the Programme Assessment Board / the Academic Committee of the Doctoral College (or their nominee) for immediate action to be taken in relation to the remaining students.

AA10 Reporting requirements

An annual report outlining the number and nature of the Academic Appeals considered at all stages of the procedure will be submitted by the Officer administering appeals to the Quality & Standards Committee and the Director of Student Services & Academic Registrar (or their nominee) to the first meeting of Academic Board each calendar year.

AA11 Recording

Audio/video recording of meetings/hearings associated with academic appeals will generally not be permitted. Requests of this nature will be considered where required as a reasonable adjustment pending consideration of an appropriate disability assessment. With regard to requests related to recording, any decision

taken will involve input from the Disability Inclusion team and/or the Information Governance team where appropriate.

Covert recording will be considered a misconduct matter in its own right and any student found to have undertaken this will be subject to action in line with the [Student Conduct Regulations](#).

AA12 Independent External review

AA12.1 The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes any dissatisfaction following the completion of a university's internal procedures. If you remain dissatisfied with a university or co-operative after fully engaging with an internal procedure, you can ask the SPSO to look into the matter.

The SPSO cannot normally look at matters:

- that have not fully exhausted the university's specific procedure to deal with the matter, or
- that have been or are being considered in criminal courts.

AA12.2 The SPSOs contact details are:

Office Address:	SPSO
<i>Bridgeside House</i>	
	99 McDonald Road
	Edinburgh
	EH7 4NS
	<i>(please make an appointment in advance)</i>
Freepost:	Freepost SPSO
Freephone:	0800 377 7330
Online contact:	www.spsso.org.uk/contact-us
Website:	www.spsso.org.uk

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