

13

APPEAL BY A STUDENT AGAINST A DECISION OF A SUBJECT PANEL, A PROGRESSION & AWARDS BOARD OR A DECISION RELATING TO WITHDRAWAL ON ATTENDANCE GROUNDS

13 Appeal by a Student against a decision of a Subject Panel (SP), a Progression & Awards Board (PAB) or a decision relating to withdrawal on Attendance Grounds

Preamble

Information to Students

These regulations shall be made available to any student for examination or assessment upon request. It is the responsibility of students to familiarise themselves with these regulations. These regulations must be read in conjunction with the Academic Appeals Policy & Procedures available at www.uws.ac.uk/students/documents.

13.1 Definitions

13.1.1 *Appellant*

Any person, being an enrolled student of the University and eligible for examination or assessment, submitting an appeal in accordance with these regulations shall be referred to as the appellant.

13.1.2 *Publication Day*

The date on which the official list of examination results is published shall be termed the Publication Day for the purposes of these regulations.

13.1.3 *Date of Notification*

The decision of the Subject Panel (SP) will be made available electronically through Self Service Banner. The date on which the results are made available shall be termed the Notification Date for the purposes of these regulations with respect to SP appeals.

The decision of the Progression & Awards Board (PAB) will be sent to the latest address of the student as notified by the student to Student Administration Services. The date on which the letter is sent shall be termed the Notification Day for the purposes of these regulations with respect to PAB appeals. Students must ensure that their current addresses are correctly recorded on the University's database at all times. If an appellant has failed to notify the University of a change of address, and the results letter has been sent to a previous address, this shall not be grounds for extending the deadline for the submission of an appeal.

The decision of the Head of School with respect to withdrawal on attendance grounds will be sent to the latest address of the student as notified by the student to Student Administration Services. The date on which the letter is sent shall be termed the Notification Day for the purposes of these regulations with respect to appeals

against withdrawals on attendance grounds. Students must ensure that their current addresses are correctly recorded on the University's database at all times. If an appellant has failed to notify the University of a change of address, and the results letter has been sent to a previous address, this shall not be grounds for extending the deadline for the submission of an appeal.

13.1.4 *Day*

A day shall be defined as a normal working day.

13.2 **Scope**

13.2.1 These regulations shall relate to the examination, assessment and attendance of students and apply to:

- a) all forms of assessment, compliance with the academic requirements submission of work, progress, referral, re-examination, or exemption; and
- b) withdrawal of a student from a programme on the recommendation of a PAB or Head of School for non-attendance grounds only.
- c) Withdrawal from programme on grounds of non-attendance.

13.3 **Eligibility**

13.3.1 A student may only seek a review of a decision of Subject Panel, School Panel or PAB in the following instances:

- a) if they are able to proceed but wish to appeal against either an individual assessment result or the conditions set down for their progression, i.e. re-assessment of an examination or coursework.
- b) if they have been prevented from continuing with their studies part way through a level of study or part of a programme;
- c) if they have failed to qualify to proceed to the next stage of their programme at the end of a level or end of a year;
- d) if they have completed their programme but wish to appeal against the result or the award of an exit qualification from the University of the West of Scotland.
- e) if they have been withdrawn from a programme on non-attendance grounds.

13.4 **Advice and Confidentiality**

13.4.1 Any student for an examination or assessment, intending to lodge an appeal against the decision of Subject Panel, or PAB or School Panel in accordance with these regulations shall, without prejudice,

be able to obtain appropriate advice and counselling within the University. In particular, students should consult with staff in the funding and advice section of Student Services or the Campus Presidents and the Student Representation Co-ordinator at the Students' Association.

- 13.4.2 Personal or medical evidence submitted by a student appealing against the decision of an SP shall, at all times, be treated as confidential. Its circulation shall be restricted to staff directly involved in the appeal decision process.

13.5 Grounds for an Appeal

i) Appeals against decision of a Subject Panel or PAB

- 13.5.1 There is evidence that there has been a computational or administrative error, or that the examination or assessment was not conducted in accordance with the University's regulations, or that some other procedural irregularity relevant to the assessment has occurred.

- 13.5.2 Exceptionally, the presentation of new or additional mitigating circumstances which were not originally available to the Mitigation Panel. Where a student could have reported the exceptional circumstances to the Mitigation Panel prior to its meeting, those circumstances cannot then be cited as grounds for appeal unless there is a compelling reason why these were not disclosed in the first instance.

ii) Appeals against decision of a School Panel

- 13.5.3 There is evidence of a procedural irregularity in relation to the implementation of the University's Attendance & Engagement Policy;

- 13.5.4 Exceptionally, there are new or additional mitigating circumstances which were not originally available to the School Panel. Where a student could have reported the exceptional circumstances to the School Panel prior to its meeting, those circumstances cannot then be cited as grounds for appeal unless there is a compelling reason why these were not disclosed in the first instance.

13.6 Submission of an Appeal

i) Appeals against decision of a Subject Panel or PAB

- 13.6.1 The student must submit their academic appeal in writing on the relevant form within 10 working days from the publication date which informed them of the decision against which they are appealing. The form can be obtained on-line at

www.uws.ac.uk/students/documents or from the Student Administration Services offices on any campus.

The student must submit the form to the Assistant Registrar including any supporting documentation. The University advises that the student submit the appeal electronically to appeals@uws.ac.uk, scanning any supporting documentation. If the student is posting their appeal, it is advisable to get a Certificate of Posting at the Post Office.

13.6.2 If a student fails to submit an appeal on time, it may still be considered provided there are compelling reasons why it could not be submitted within the published timescales and these are explained in full at the time of submission.

13.6.3 Appeals may not be lodged subsequent to the conferment/receipt of a University award.

13.6.4 Appeals may not be lodged against a 'Deferred' decision of an SP or a 'Defer Chair' decision of a PAB since this is not a final decision on progress or status.

ii) Appeals against decision of a School Panel (Attendance)

13.6.5 The student must submit their academic appeal in writing on the relevant form within 5 working days following receipt of a formal withdrawal letter. The form can be obtained on-line at www.uws.ac.uk/students/documents or from the Student Administration Services offices on any campus.

The student must submit the form to the Faculty Manager, including any supporting documentation. The University advises that the student submit the appeal electronically to appeals@uws.ac.uk, scanning any supporting documentation. If the student is posting their appeal, it is advisable to get a Certificate of Posting at the Post Office.

13.6.6 If a student fails to submit an appeal on time, it may still be considered provided there are compelling reasons why it could not be submitted within the published timescales and these are explained in full at the time of submission.

13.6.7 Appeals may not be lodged subsequent to the conferment/receipt of a University award.

13.7 Initial Filtering of Appeals

i) Appeals against decision of a Subject Panel or PAB

13.7.1 All submissions shall be filtered initially by the Assistant Registrar in accordance with clear and published criteria in Regulations 13.3.1, 13.5 and 13.7.3. These initial decisions will be verified by a senior member of the Academic Office.

13.7.2 The Assistant Registrar is authorised to either forward appeals to the Appeals Sub-group of the Learning, Teaching & Assessment Board or to reject any appeals which are not based on the appropriate grounds or where there is no evidence to support the appeal.

13.7.3 The following shall not be considered grounds for appeal:

- the student questioning the academic or professional judgement of the examiners;
- the student is disappointed with a result where marks have been accurately recorded, assessment regulations correctly followed but where no evidence of material irregularity exists;
- the student's mitigating circumstances were made known to the Mitigation Panel, were fully considered and the outcome passed to the SP for implementation;
- the student has not provided the appropriate supporting evidence;
- the student has not provided any compelling reason to account for evidence of mitigating circumstances not being made known to the Mitigation Panel prior to the relevant meeting;

13.7.4 The Assistant Registrar will notify the student of the outcome of the initial filtering process within five working days of the date of the receipt of the appeal or receipt of any evidence in support of the appeal that may have been requested.

ii) Appeals against decision of a School Panel

13.7.5 All submissions shall be filtered initially by the Faculty Manager in accordance with clear and published criteria in Regulations 13.3.1, 13.5 and 13.7.3. These initial decisions will be verified by a senior member of the Academic Office.

13.7.6 The Faculty Manager is authorised to either forward appeals to the Appeals Sub-group of the Learning, Teaching & Assessment Board or to reject any appeals which are not based on the

appropriate grounds or where there is no evidence to support the appeal.

- 13.7.7 The following shall not be considered grounds for appeal:
- The student has not achieved the minimum level of attendance and engagement set out in the University's Attendance & Engagement Policy.
 - The student has not responded to any of the University's attempts to contact them regarding poor attendance, as set out in the University's Attendance & Engagement Policy.

13.7.8 The Faculty Manager will notify the student of the outcome of the initial filtering process within five working days of the date of the receipt of the appeal or receipt of any evidence in support of the appeal that may have been requested.

13.8 Appeals Sub-group of the Learning, Teaching & Assessment Board

13.8.1 The Appeals Sub-group of the Learning, Teaching & Assessment Board shall comprise the Vice Principal (Learning & Teaching) in the Chair and two staff members of the Learning, Teaching & Assessment Board who have had no involvement with the appellant or with the decision which is the subject of the appeal. Only those members of the Learning, Teaching & Assessment Board who have been trained in the appeals procedure are permitted to sit on the sub-group.

13.8.2 The Appeals Sub-group may be convened to consider more than one case, such cases may be against SP, PAB or attendance decisions.

13.8.3 A member of staff from Academic Office shall serve as Secretary to the Appeals Sub-group.

13.9 Procedures for the Consideration of Cases

i) Appeals against decision of a Subject Panel or PAB

13.9.1 All documentation relevant to the case, including the appeals form, supporting documentation and comments from the School(s) and/or Chair of the relevant SP(s) or PAB and a copy of the student's transcript will be copied to members of the Appeals Sub-group.

13.9.2 A copy of all relevant documentation shall also be provided to the student submitting the appeal for information prior to the meeting of the Appeals Sub-group.

13.9.3 The student has the option to attend the sub-group meeting to make a statement to the members. The student can be accompanied to the meeting by a member of University staff, a fellow student or someone from the Students' Association. If the student takes up this option, the School can also send a representative to make a statement.

There will be a schedule of Appeals Sub-group meetings and, if the student cannot attend the first available meeting, they may ask for their case to be deferred to the next scheduled date. However, if the student cannot attend on the second date, the sub-group meeting will go ahead and consider the case in their absence. Given the multi-campus nature of the University, meetings will be scheduled across campuses. The sub-group will also make use of video conferencing and conference call facilities.

13.9.4 If the student chooses not to exercise their option to attend, their views will be made known to the sub-group through the information supplied on the appeals form and any supporting documentation.

ii) Appeals against decision of a School Panel

13.9.5 All documentation relevant to the case, including the appeals form, supporting documentation, decision of School Panel, attendance record and a copy of the student's transcript will be copied to members of the Appeals Sub-group.

13.9.6 A copy of all relevant documentation shall also be provided to the student submitting the appeal for information prior to the meeting of the Appeals Sub-group.

13.9.7 The student has the option to attend the sub-group meeting to make a statement to the members. The student can be accompanied to the meeting by a member of University staff, a fellow student or someone from the Students' Association. If the student takes up this option, the School can also send a representative to make a statement.

There will be a schedule of Appeals Sub-group meetings and, if the student cannot attend the first available meeting, they may ask for their case to be deferred to the next scheduled date. However, if the student cannot attend on the second date, the sub-group meeting will go ahead and consider the case in their absence. Given the multi-campus nature of the University, meetings will be scheduled across campuses. The sub-group will also make use of video conferencing and conference call facilities.

13.9.8 If the student chooses not to exercise their option to attend, their views will be made known to the sub-group through the information supplied on the appeals form and any supporting documentation.

13.10 Powers of the Appeals Sub-group

13.10.1 The Appeals Sub-group shall consider:

i) Appeals against decision of a Subject Panel or PAB

whether all work submissible and properly submitted for assessment was taken into account by the SP or PAB;

whether there is evidence of an administrative or computational error of such a nature to cause reasonable doubt as to whether the SP or PAB would have reached the same conclusion if that error had not been made;

whether there is evidence of defects or irregularities in the conduct of the examination or in written or verbal instructions to cause reasonable doubt as to whether the SP would have reached the same conclusion if that defect or irregularity had not been made;

whether the decision of the Mitigation Panel regarding circumstances affecting the student's conduct or performance was available to the SP when it made its decision, or whether there is a satisfactory explanation for their unavailability;

whether the relevant mitigating circumstances have any bearing on the case;

13.10.2 The Appeals Sub-group shall consider:

ii) Appeals against decision of a School Panel

whether there is evidence of a procedural irregularity in relation to the implementation of the University's Attendance & Engagement Policy;

if, exceptionally, there are new or additional mitigating circumstances which were not originally available to the School Panel. Where a student could have reported the exceptional circumstances to the School Panel prior to its meeting, those circumstances cannot then be cited as grounds for appeal unless there is a compelling reason why these were not disclosed in the first instance.

- ii) Appeals against decision of a Subject Panel or PAB
- 13.10.3 If the appeal is upheld, the Chair of the Sub-group shall notify the Chair of the appropriate SP or PAB that the case has been upheld and request that the decision for the assessments in question be re-considered accordingly. Where an appeal against the decision of a SP is upheld and the decision of the SP is subsequently modified, the PAB will be required to reconsider any decision previously made on the basis of the original decision of the SP. Consultation with the External Examiner may be required at this stage.
- i) Appeals against decision of a School Panel
- 13.10.4 If the appeal is upheld, the Chair of the Sub-group shall notify the Head of School that the case has been upheld and request the decision be re-considered accordingly. (Copied to the Faculty Manager.)
- i) Appeals against decision of a Subject Panel or PAB
- 13.10.5 If the appeal is not upheld, the Chair of the Sub-group shall notify the Chair of the appropriate SP or PAB that the case has been rejected and the original decision of the SP or PAB is upheld.
- ii) Appeals against decision of a School Panel
- If the appeal is not upheld, the Chair of the Sub-group shall notify the Head of School that the case has been rejected and the original decision of the Head of School is upheld.
- 13.11 Notification of the Result of the Appeal**
- All Appeals
- 13.11.1 The student will be notified of the outcome in writing within five working days. The letter will include a form to send back indicating whether or not the student accepts the outcome. This form must be returned to the University within five working days. Thereafter it will be assumed that the outcome is acceptable to the student and the file will be closed.
- 13.12 Options Available to the Student Following the Decision of the Appeals Sub-group**
- All Appeals
- 13.12.1 The student will have the right to request a review of the handling of their case on procedural grounds only. This request must be made in writing to the Chair of Senate within 10 working days of receiving the student's outcome letter from the Appeals Sub-group.

- 13.12.2 The Chair of Senate will appoint an academic member of Senate to review the procedures and report back to the Chair of Senate within four weeks. This person will have had no previous involvement with the appellant or with the decision which is the subject of the appeal. The Chair of Senate shall then determine whether or not the decision of the Appeals Sub-group was procedurally correct.
- 13.12.3 The Chair of Senate will notify the student of the outcome in writing within five working days of receiving the review report from the senior member of staff.
- 13.12.4 The Chair of Senate's view on this shall be final.
- 13.12.5 The review process marks the end of the University's appeals procedures and, when the outcome is notified to the student, it will include information on the student's right to refer their case to the Scottish Public Service Ombudsman. Further information can be found at www.spsso.org.uk.
- 13.13 Status of a Student during an Appeal**
- i) Appeals against decision of a Subject Panel or PAB
- 13.13.1 If the student submits an appeal part way through the level or year, they may continue provisionally until such time as a decision has been reached. This is to ensure that the student is not academically disadvantaged if the appeal is subsequently upheld. Attendance on placements will be at the discretion of the School.
- 13.13.2 If the student submits an appeal at the end of a level or year of study they will be permitted to enrol on the next level but only on a conditional basis. If the appeal is subsequently upheld, the student's enrolment would be confirmed. If the appeal is not upheld the student's enrolment would be terminated immediately. These conditions will be clearly stated in the correspondence acknowledging the appeal.
- 13.13.3 The only exception to this would be progression from Level 9 to Level 10 (Honours) where progression with credit deficit is not normally permitted. In these cases, the assessment regulation specifying progression to Level 10 shall take precedence over the appeal regulation.
- 13.13.4 If the student continues with their studies they will be informed that, pending the outcome of any appeal, they may be required to withdraw from the programme or the University.
- 13.13.5 If the student is deemed to be eligible for an award and they subsequently submit an appeal they will be permitted to graduate and to receive the award agreed by the appropriate Progression

& Award Board. If the student's appeal is successful and results in achieving an Honours degree, they will be required to return any degree parchment before the new award is sent to them.

13.13.6 Once an award is conferred, either in person or in absentia, the student may not appeal against the award.

13.14 Records

13.14.1 All original documents will be kept centrally in Student Administration Services for five years after the date of the last action in the case and in accordance with the Data Protection Act.