



13

STUDENT APPEALS

Regulation 13 – Student Appeals

13.1 Principles of Academic Appeals	143
13.2 Advice	143
13.3 Grounds for an Appeal	144
13.4 Submission of an Appeal	146
13.5 Senate Appeals Committee	147
13.6 Status of a Student during an Academic Appeal	147
13.7 Records and Publication	147
13.8 The Scottish Public Services Ombudsman	147
Appendix A Procedures for each stage of the Appeal Process	148

13 Student Appeals

13.1 Principles of academic appeals

13.1.1 An academic appeal is defined as a request to review a decision of an academic body charged with decisions on student engagement, assessment, progression, awards and student disciplinary cases.

13.1.2 Regulation 13 covers the regulations related to an academic appeal made by a student against a decision of:

- The Senate Disciplinary Committee
- A Fitness to Practice Committee
- Research examiners
- A Subject Panel (SP)
- A Progression & Awards Board (PAB)
- A School Panel (for engagement/attendance)
- A Plagiarism Panel

13.1.3 An academic appeal may be made only by the individual directly affected; they may NOT be lodged by a third party such as a parent or other representative. The only exception to this would be a student with disabilities which prevents them from submitting the appeal independently.

13.1.4 The privacy and confidentiality of a student will be respected at all stages of the appeals process. The circulation of personal or medical evidence provided by a student submitting an appeal will be restricted to staff directly involved in the appeal decision process.

13.1.5 Where an academic appeal also contains within it a complaint and vice versa, it is possible for the appeal or complaint to be reclassified either by the student or the University (at whatever stage they may have reached) and processed under the most relevant regulation or procedure if this is likely to lead to a more appropriate outcome for the person(s) appealing or complaining.

13.2 Advice

Any student intending to lodge an appeal against a decision of one of the committees or panels noted in 13.1.2 in accordance with these regulations will, without prejudice, be able to obtain appropriate advice and counselling within the University. In particular, a student can seek information from Student Link / Hub or the Students' Association.

13.3 Grounds for an Appeal

13.3.1 A student can appeal a decision and/or penalty from:

- The Senate Disciplinary Committee
- A Fitness to Practice Committee
- A Plagiarism Panel

on the following grounds:

Grounds for an appeal	Details
New evidence	<ul style="list-style-type: none"> • There is new substantial information directly relevant to the case, which was for good reason not available when the original decision was made.
Excess of jurisdiction	<ul style="list-style-type: none"> • The decision was made in excess of the jurisdiction conferred on one of the committees/panel noted in Reg. 13.3.1
Defect in procedures	<ul style="list-style-type: none"> • There was a defect in the procedures employed by one of the committees/panel noted in Reg. 13.3.1 such as to render the decision unfair.
Unreasonable decision	<ul style="list-style-type: none"> • The decision made by one of the committees/panel noted in Reg. 13.3.1 was unreasonable, in that the committee/panel in reaching a decision took into consideration something which they ought to have disregarded or disregarded something which they ought to have considered.
Excessive or unreasonable penalty	<ul style="list-style-type: none"> • The penalty levied by one of the committees/panel noted in Reg. 13.3.1 was excessive or unreasonable.

13.3.2 A student can appeal a decision of a Subject Panel (SP) or Progression & Awards Board (PAB) on the following grounds:

Grounds for an appeal	Details
Defect in procedures	<ul style="list-style-type: none"> • There is evidence that there has been a computational or administrative error in the recording or processing of their marks. • An examination or assessment related to the decision was not conducted in accordance with the University's recognised procedures.
New evidence	<ul style="list-style-type: none"> • In line with Regulation 7.7.4, a student can, exceptionally, submit a 'late Extenuating Circumstances Statement (ECS) claim' through the appeals route. However, the student must cite legitimate reason for not having submitted an ECS on time and provide new evidence to support the appeal.

The following will NOT be considered grounds for an appeal against a decision of an SP or PAB:

- A student questions the academic or professional judgement of the examiners.

- A student is disappointed with a result where marks have been accurately recorded, assessment regulations correctly followed and there is no evidence of material irregularity

An academic appeal may NOT be lodged against a 'Defer' decision of an SP or a 'Defer Chair' decision of a PAB since this is not a final decision on progress or status.

13.3.3 A student can appeal a decision from Research Degree Examiners on the following grounds:

Grounds for an appeal	Details
New evidence	<ul style="list-style-type: none"> • There were circumstances, such as illness or other factors, adversely affecting the candidate's performance of which the examiners were unaware at the oral examination and which the candidate was unable, or for valid reasons unwilling, to divulge before the examiners reached their decision. The candidate's appeal must be supported by relevant documentary evidence.
Defect in procedures	<ul style="list-style-type: none"> • There is evidence of administrative, procedural or other irregularity in the conduct of the examination of such a nature as to cause doubt as to whether the result might have been different had there not been such irregularity.

The following will NOT be considered grounds for an appeal against a decision of research examiners:

- Any complaint or grievance made by the candidate for alleged inadequacy in the supervision or other arrangements during the period of registration shall not constitute grounds for appeal, since procedures exist for such complaints and grievances which should be instigated during the period of registration and before submission.
- Any disagreement with the academic judgement of the examiners in assessing the merits of the thesis and the programme of supervised research, or in reaching any assessment decision based on the candidate's performance in the oral or approved alternative form of examination.

13.3.4 A student can appeal a decision of a School Panel to remove them from a module or programme for non-engagement on the following grounds:

Grounds for an appeal	Details
New evidence	<ul style="list-style-type: none"> • They can provide additional extenuating circumstance information which was not originally available to the School Panel. <p>Where a student could have reported this additional information to the School Panel prior to its meeting, the mitigating circumstances cannot then be cited as grounds for appeal unless there is a compelling reason why these were not disclosed in the first instance.</p>
Defect in procedures	<ul style="list-style-type: none"> • There is evidence of a procedural irregularity in relation to the implementation of the University's Student Engagement Policy.

The following will NOT be considered grounds for appeal against a decision of a School Panel:

- A student has not achieved the minimum level of attendance and engagement set out in the University's Student Engagement Policy and the student cannot provide extenuating circumstances evidence.
- A student has not responded to any of the University's attempts to contact them regarding poor attendance, as set out in the University's Student Engagement Policy.

13.4 Submission of an Appeal

13.4.1 A student must submit their academic appeal in writing on the relevant form within 10 working days from the notification date which informed them of the decision against which they are appealing. The form can be obtained on-line at <http://www.uws.ac.uk/current-students/rights-and-regulations/academic-appeals/> or from the Student Link / Hub on any campus.

The student should complete the Appeal Form. They should indicate on the form:

- If they will be attending the Appeal meeting.
- If they are attending the Appeal meeting they should also give details of the name and status of any representative, or witnesses who will also attend.

The student should then submit the form to the Appeals and Academic Conduct Office including any evidence or documents supporting their appeal. Only documents submitted at this point can be referred to the Senate Appeals Committee, unless the Chair agrees to allow additional documentation in exceptional circumstances.

If the student is posting their appeal, it is advisable to get a Certificate of Posting at the Post Office.

A student can submit their appeal electronically to appeals@uws.ac.uk, scanning any supporting documentation.

13.4.2 The operation of any penalty decided by one of the committees/panel noted in Reg. 13.1.2 may be suspended pending the determination of the appeal. The student will be notified in writing if the penalty is to be suspended.

13.4.3 An academic appeal submitted in one trimester must relate to a decision from one of the committees/panel noted in Reg. 13.1.2 from the same or the previous trimester.

13.4.4 If a student fails to submit an academic appeal within the timescales noted in 13.4.1 and 13.4.3, the appeal may exceptionally be considered at a later date provided there are compelling reasons why it could not be submitted on time and these are detailed in full with supporting evidence at the time of submission.

13.4.5 An academic appeal may not be lodged after the conferment/receipt of a University award.

13.5 The Senate Appeals Committee

The Senate Appeals Committee will have the constitution, terms of reference and standing orders set out in University Regulation 14.

Where an appeal has been referred to the Senate Appeals Committee the procedures noted in Appendix A will be followed:

13.6 Status of a Student during an Academic Appeal

13.6.1 If a student submits an academic appeal part way through the level or year, they may be permitted to 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. Continued attendance on placements will be at the discretion of the relevant School.

13.6.2 If a student submits an academic appeal at the end of a level or year of study:

a) The student may be permitted to enrol on the next level but only on a conditional basis. If their appeal is subsequently upheld, the student's enrolment would be confirmed. If their academic appeal is not upheld the student's enrolment may be terminated immediately.

b) The only exception to (a) is where a student is progressing 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 will take precedence over the appeal regulation.

If under these circumstances a student continues with their studies they will be informed that, pending the outcome of any appeal, they may be required to withdraw from their programme or from the University.

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

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

13.7 Records and Publication

The Secretary to the Senate Appeals Committee will keep a record of all appeals.

13.8 The Scottish Public Services Ombudsman

All students of The University of the West of Scotland are entitled to pursue a complaint through the Scottish Public Services Ombudsman where the complainant has exhausted the University's internal appeals procedures.

Appendix A - Procedures for each stage of the Appeal process

Procedure	Senate Appeals Committee
Informing the student(s)	<ul style="list-style-type: none"> A student will be given at least 10 Working Days' notice by e-mail (normally UWS student email account) to the address held on UWS's records, of the date and time at which their appeal will be dealt with by the Senate Appeals Committee.
Location of the meeting	<ul style="list-style-type: none"> The meeting of the Senate Appeals Committee will usually be held at one of the University's Scottish campuses. Where a student is unable to attend a particular campus, a video link may be established to enable the student to discuss the appeal with the Committee.
Additional support requirements	<ul style="list-style-type: none"> If a student is attending the Appeal meeting and they have any additional support requirements, they should arrange additional suitable representation at the meeting, e.g. arranging a Signer if they have hearing problems.
Notes of the meeting	<ul style="list-style-type: none"> The Secretary to the Senate Appeals Committee will produce a summary of the proceedings but not otherwise take part in the meeting.
Staff attending the meeting	<ul style="list-style-type: none"> The University will be represented by the Chair (or nominee) from the committee/panel which made the original decision which the student is appealing – this person will hereafter be referred to as the University's representative. The Senate Appeals Committee has the right to invite any relevant member of staff to attend the meeting if it is believed their input could aid deliberations.
Student attending the meeting	<ul style="list-style-type: none"> A student will be entitled to be accompanied by one person: <ul style="list-style-type: none"> a friend, a relative, a student representative or advice worker from the Students' Association. <p>The person should not be a legal representative unless this is approved by the Chair in advance of the meeting. This approval will be at the Chair's discretion based on the circumstances of the appeal and will take into account matters such as the seriousness of the alleged offence and potential penalty, the ability of the student to present his or her case and the procedural complexity of the case.</p> Failure by a student to attend at the time and place specified by the Senate Appeals Committee will not prevent the committee from considering the appeal and reaching a decision
Hearing the case	<ul style="list-style-type: none"> The Senate Appeals Committee will consider the appeal together with any submitted evidence, provided by the student or the University. The student may present such written or oral evidence in support of their case as he or she wishes. Written evidence must be supplied in advance along with the Appeal form- see 13.4.1. The University's representative may question the student or any witness called by the student. The student and student representative may question the University's

	<p>representative or any witness called by the University's representative.</p> <ul style="list-style-type: none"> • Any member of the Senate Appeals Committee will have the right to question the student, the student representative, any witness called by the student or the University representative in order to seek clarification. • In its sole discretion and in the interests of justice and fairness, the Senate Appeals Committee may hear evidence on the part of the student not given at a previous panel or committee.
Reaching a decision	<ul style="list-style-type: none"> • The Senate Appeals Committee will consider the matter and reach its decision in private. • The Senate Appeals Committee will decide whether to reject or uphold the appeal.
Conclusion	<ul style="list-style-type: none"> • The Senate Appeals Committee may decide as follows: Appeal is rejected If an appeal is rejected then the existing decision and any penalty will be confirmed by the committee Appeal is upheld (or partly upheld) If an appeal is upheld or partially upheld then depending on what decision is being appealed, the Senate Appeals Committee can decide to do one of the following: <ol style="list-style-type: none"> 1. Reverse the original decision and rescind any penalty previously imposed. 2. If the appeal on the decision is rejected but the appeal on any penalty is upheld, review the level of penalty imposed and choose to reduce or rescind it. 3. Refer the case back to the original committee/panel with a judgement that the original committee/panel should review their decision and/or penalty. The Senate Appeals Committee can provide a recommended decision/penalty. 4. In the case of an appeal against a decision from examiners related to a research qualification, require that the examiners reconsider their decisions or that new examiners be appointed to re-assess the thesis and re-examine the candidate. <p>It should be noted that the Senate Appeals Committee is not an examination board and does not have the authority to alter the decision of a Subject Panel or Progression and Awards Board, nor to recommend an academic award.</p>
Communicate the decision	<ul style="list-style-type: none"> • The decision of the Senate Appeals Committee and any effect on an existing decision and penalty: <ul style="list-style-type: none"> ○ May be communicated to the student by the Chair of the committee at the meeting, giving reasons for the committee's decision. ○ Will be communicated to the student by the Secretary to the Senate Appeals Committee by e-mail within 5 Working Days of the meeting. • The notice communicating the decision and any effect on an existing penalty will give reasons for the decision. • The decision of the Senate Appeals Committee will be final and will

	<p>indicate the end of UWS processes.</p> <ul style="list-style-type: none">• The student will be advised of the right of appeal to the Scottish Public Services Ombudsman.• The decision and any effect on an existing penalty or award will also be reported to the Chair of the committee/panel which the appeal was against.• Depending on the decision and any change to a penalty or award, Student Administration may be required to alter the student's record.• All correspondence should be copied to the Appeals and Academic Conduct Office.
--	---