



# Student Appeal Regulations

## Purpose of Policy

These are the University's Student Appeal Regulations and govern the University's student appeal procedures. The Regulations set the framework within which student appeals are handled.

## Overview

The Student Appeal Regulations apply to student appeals against academic decisions; appeals against exclusion; appeals against decision of Fitness to Practise Panels; and appeals against decisions under the Code of Student Conduct. The Student Appeal Regulations set out the specific grounds under which an appeal may be submitted. Students may not use an appeal to challenge academic judgment. The fact that a student believes that they deserve a different outcome cannot constitute a ground for appeal.

## Scope: Mandatory Regulations

These regulations apply to all students or recent students of the University who wish to submit an appeal as outlined in the overview above, and to all staff who deal with or respond to student appeals.

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## Document control

Dates	Approved: 2.6.16	Starts: 1.8.16	Equality impact assessment: 22.4.15	Amendments: 2/6/16	Next Review: 2019/2020
Approving authority	Curriculum and Student Progression Committee (CSPC) on behalf of Senatus Academicus				
Consultation undertaken	CSPC, Edinburgh University Students' Association, Colleges				
Section responsible for policy maintenance & review	Academic Services				
Related policies, procedures, guidelines & regulations	Special Circumstances Policy, Boards of Examiners Guidance, Fitness to Practise Guidance, Code of Student Conduct <a href="http://www.ed.ac.uk/schools-departments/academic-services/staff/assessment/boards-examiners">www.ed.ac.uk/schools-departments/academic-services/staff/assessment/boards-examiners</a> <a href="http://www.ed.ac.uk/schools-departments/academic-services/staff/discipline/code-discipline">www.ed.ac.uk/schools-departments/academic-services/staff/discipline/code-discipline</a> College Fitness to Practise guidance: <a href="http://www.ed.ac.uk/arts-humanities-soc-sci/taught-students/student-conduct/fitness-to-practise">http://www.ed.ac.uk/arts-humanities-soc-sci/taught-students/student-conduct/fitness-to-practise</a> <a href="http://www.ed.ac.uk/schools-departments/medicine-vet-medicine/staffstudents/students/overview">www.ed.ac.uk/schools-departments/medicine-vet-medicine/staffstudents/students/overview</a>				
UK Quality Code	UK Quality Code Chapter B9 <a href="http://www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code/quality-code-part-b">www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code/quality-code-part-b</a>				
Policies superseded by this policy	The 2015 version of the University Student Appeal Regulations				
Alternative format	If you require this document in an alternative format please email <a href="mailto:Academic.Services@ed.ac.uk">Academic.Services@ed.ac.uk</a> or telephone 0131 650 2138.				
Keywords	Academic Appeal, Appeal, Discipline, Conduct, Marks, Degree Classification, Fitness to Practise				



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## Introduction

1. The Student Appeal Regulations apply to student appeals against academic decisions; appeals against exclusion; appeals against decision of Fitness to Practise Panels; and appeals against decisions under the Code of Student Conduct.
2. Students may not use an appeal to challenge academic judgment. The fact that a student believes that they deserve a different outcome cannot constitute a ground for appeal.
3. An academic appeal cannot be lodged until the mark or result in question has been ratified by the relevant Board of Examiners.
4. Academic appeals are appeals against the decision of a Board of Examiners, Progression Board or Special Circumstances Committee.  
[www.ed.ac.uk/schools-departments/academic-services/staff/assessment/boards-examiners](http://www.ed.ac.uk/schools-departments/academic-services/staff/assessment/boards-examiners)  
[www.ed.ac.uk/files/atoms/files/special\\_circumstances.pdf](http://www.ed.ac.uk/files/atoms/files/special_circumstances.pdf)
5. Appeals against exclusion are appeals against the decisions of the Head of College, or his or her delegate, or other authorised officer acting under the Procedure for Withdrawal and Exclusion from Studies.  
[www.ed.ac.uk/files/atoms/files/withdrawal\\_exclusion\\_from\\_study.pdf](http://www.ed.ac.uk/files/atoms/files/withdrawal_exclusion_from_study.pdf)
6. Fitness to Practise Appeals are appeals against the decision of a College Fitness to Practise Committee. Fitness to practice is relevant for the following University of Edinburgh provision:
  - Clinical Psychology
  - Law (Diploma in Legal Studies)
  - Medicine
  - Nursing
  - Social Work
  - Teaching
  - Veterinary Medicine
7. Conduct appeals are appeals against the decision of a Student Discipline Officer or the Student Discipline Committee.  
[www.docs.sasg.ed.ac.uk/AcademicServices/Discipline/StudentCodeofConduct.pdf](http://www.docs.sasg.ed.ac.uk/AcademicServices/Discipline/StudentCodeofConduct.pdf)
8. For the purposes of these regulations the term 'examination' will be taken to include any written, practical or oral examination, continuously assessed coursework or dissertation which counts towards the final assessment.
9. For academic decisions relating to postgraduate research students the relevant Board of Examiners will be deemed to be the College committee which is responsible for overseeing postgraduate research studies within the relevant college.

## The Student Appeal Committee and Sub-committees

10. Appeals are considered by the Student Appeal Committee and its sub-committees. Membership of the Student Appeal Committee is approved annually by the Senate Curriculum and Student Progression Committee on behalf of University Senate and includes members with undergraduate and postgraduate expertise. Conveners of Student Appeal



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Committees may serve for a term of five academic years. Membership of the Student Appeal Committee itself does not carry a maximum term of service.

11. A Sub-committee will be quorate with two members of the relevant Student Appeal Committee and an administrative caseworker, appointed by Academic Services, acting as the University Secretary's Representative.
12. A full hearing of the Student Appeal Committee will be quorate with the Convener, three members of the relevant Student Appeal Committee (who will not be from the same discipline as the appellant), a representative of the University Secretary, and the Secretary to the Student Appeal Committee.

## The Student Fitness to Practise Appeal Committee and sub-committees

13. Fitness to Practise Appeals are considered by staff who are members of the relevant professional discipline. These staff form the Student Fitness to Practise Appeal Committee, the membership of which is approved annually by the Curriculum and Student Progression Committee on behalf of University Senate. Conveners of Student Fitness to Practise Appeal Committees may serve for a term of five academic years. Membership of the Student Appeal Committee itself does not carry a maximum term of service. Members of Fitness to Practise sub-committees for specific cases will never be the same individuals as those involved in the Fitness to Practise proceedings at the College stage.
14. A sub-committee of the Student Fitness to Practise Appeal Committee will be quorate with two academic members of staff from the same professional discipline as the appellant, and the Secretary to the Student Fitness to Practise Appeal Committee, appointed by Academic Services, acting as the representative of the University Secretary. There is no Convener at sub-committee stage.
15. A full hearing of the Student Fitness to Practise Appeal Committee will have an academic Vice Principal, or Head of College as Convener. It will be quorate with a Convener, two members of the Student Fitness to Practise Appeal Committee, the Secretary to the Student Fitness to Practise Appeal Committee, the University Secretary or his/her nominated representative, and three eligible staff drawn from professional disciplines taught in the University. A full hearing of the Student Fitness to Practise Appeal Committee will ensure that the committee contains a professional majority and at least one member of staff from the same discipline as the appellant.

## Grounds for Appeal

### *Academic Appeals*

16. There are three grounds under which an academic appeal can be lodged. These are:
  - Ground A: Substantial information directly relevant to the quality of performance in the examination which for good reason was not available to the examiners when their decision was taken.
  - Ground B: Alleged irregular procedure or improper conduct of an examination. For this purpose 'conduct of an examination' includes the conduct of a meeting of the Board of Examiners, Progression Board or Special Circumstances Committee.



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- Ground C (open to Postgraduate Research students only): Evidence of prejudice or lack of due diligence in the examination on the part of any of the examiners.

17. Ignorance of the requirement set out in the Special Circumstances Policy to report timeously any special circumstances adversely affecting performance, or failure to report special circumstances because the student did not anticipate an unsatisfactory result in the examination, can never by themselves constitute the good reason to fulfil the requirement described in Ground A.

## ***Appeals against Exclusion***

18. For appeals against exclusion, there are two grounds of appeal:

- Ground A: Substantial information directly relevant to the decision to exclude the student which for good reason was not available to the Head of College, or his or her delegate, or other authorised officer when their decision was taken.
- Ground B: Alleged irregular procedure or improper conduct of the Procedure for Withdrawal and Exclusion from Studies.

## ***Fitness to Practise Appeals***

19. For Fitness to Practise Appeals, there are two grounds of appeal:

- Ground A: Substantial information directly relevant to the students case which for good reason was not available to the College Fitness to Practise Committee when its decision was taken.
- Ground B: Alleged incorrect procedure or conduct of the College procedure for assessing Fitness to Practise. This involves review of the way the student case was handled, not re-investigation of the case itself.

## ***Conduct Appeals***

20. For conduct appeals, there are two grounds of appeal:

- Ground A: Substantial information directly relevant to the investigation of a student discipline case which for good reason was not available to the Student Discipline Officer or Student Discipline Committee when their decision was taken.
- Ground B: Alleged irregular procedure or improper conduct of an investigation and disciplinary action. This includes conduct of a meeting of the Student Discipline Committee.

21. Failure to attend any meeting with or hearing of the Conduct Investigator, Student Discipline Officer or Student Discipline Committee, or to provide written representations when invited to do so, or to make available a statement in explanation or extenuation of misconduct, or in mitigation of any possible penalty at the appropriate stage in the process, either during



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interview or before the Student Discipline Committee, will not constitute the good reason to fulfil the requirement described in Ground A.

## Student Responsibility

22. It is the student's responsibility to have read and be familiar with the content of any relevant University policies, procedures, regulations, codes of practice, and course and programme handbooks, including all sections relating to marking schemes, assessment and moderation of work. For Postgraduate students, this includes the University's *Code of Practice for Supervisors and Research Students*, which students are directed to upon acceptance or registration. Ignorance of the content of this information cannot constitute a ground for appeal.
23. It is the student's responsibility to submit a piece of work which is capable of satisfying the relevant Examiners. Students should be aware that they are ultimately solely responsible for the academic quality of their dissertation or thesis. Students should be aware that approval by a Dissertation, Project or PhD supervisor, and following the supervisor's advice and guidance, carries no guarantee of success at examination. Any such approving or guiding comments cannot constitute a ground for appeal.

## Deadlines

24. There are strict deadlines governing the submission of academic appeals. These are as follows:

For undergraduate students:

Final Year: within 30 working days of being informed of the decision.

All others: within 10 working days of being informed of the decision.

For postgraduate students:

All: within 30 working days of being informed of the decision.

25. Appeals against exclusion must be submitted within 10 working days of the decision being issued.
26. Appeals against Fitness to Practise Panel decisions must be submitted within 10 working days of the decision being issued.
27. Student conduct appeals must be submitted within 10 working days of the decision being issued.
28. Appeals which are received outside of the timescales stated above are regarded as late and will only be accepted for consideration in exceptional circumstances. The decision as to whether or not exceptional circumstances exist will be taken by a sub-committee of either the Appeal Committee or the Student Fitness to Practise Appeal Committee. Appeals which are two or more years late will not be accepted under any circumstances.



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## Submission of an Appeal

29. Appeals must be written and submitted electronically to the Secretary of the University's Appeal Committee and Fitness to Practise Appeal Committee using [academic.appeals@ed.ac.uk](mailto:academic.appeals@ed.ac.uk). Students must ensure that in submitting an appeal, they have completed and attached the relevant appeal forms; and will be deemed to have read and understood all accompanying guidance. Appeal forms and relevant guidance are available from the Academic Services website.  
[www.ed.ac.uk/schools-departments/academic-services/students/undergraduate/academic-appeals](http://www.ed.ac.uk/schools-departments/academic-services/students/undergraduate/academic-appeals)
30. Appellants must specify the ground or grounds under which they wish to have their appeal considered. They must also specify the reasons as to why they believe the ground or grounds apply.
31. The written submission must contain all relevant arguments on the basis of which the appeal is being made, together with all supporting documentation the appellant wishes to be taken into account. It will not be possible to introduce new circumstances, evidence or documentation into the appeal at a later date.
32. Academic Services, Sub-committees, the Student Appeal Committee and the Student Fitness to Practise Appeal Committee may request further information, if this is required. This can be in the form of further information from the student, or further information from members of University staff.
33. Any recent student appealing against exclusion remains excluded until the outcome of any decision on appeal. In relation to Fitness to Practise appeals, any decision of the College Fitness to Practise Committee remains in force until the outcome of any decision on appeal. In relation to conduct appeals, any penalties imposed by the Student Discipline Officer or the Student Discipline Committee will remain in force until the outcome of any decision on appeal.

## Consideration of an Appeal

### *Preliminary Screening*

34. When an appeal is received, it is screened by staff in Academic Services to establish whether or not the documentation has been submitted correctly, and whether the appeal is eligible for consideration under these regulations. If Academic Services staff decide that the appeal passes this preliminary screening, then the appeal is submitted to a sub-committee of the Appeal Committee or the Student Fitness to Practise Appeal Committee for consideration.

### *Sub-Committee Consideration*

35. A member of staff from Academic Services, acting as the University Secretary's nominee, and two members of the Student Appeal Committee (who must not be from the same School as the appellant, or a member of his or her supervisory team) are empowered as a sub-committee of the Student Appeal Committee to decide whether sufficient grounds have been established for there to be further consideration of the case. In cases of fitness to practise appeals, a member of staff from Academic Services, acting in the same capacity as



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described above, and two members of the Student Fitness to Practise Appeal Committee, are empowered as a sub-committee to decide whether sufficient grounds have been established for there to be further consideration of the case. A sub-committee of the Student Appeal Committee may make one of three decisions [(i), (ii) or (iii)]. A sub-committee of the Student Fitness to Practise Appeal Committee are limited to options (i) and (iii):

- (i) No grounds have been established for further consideration of the appeal, in which case, appeal proceedings are concluded; or
- (ii) Clear grounds have been established and the sub-committee concludes the appeal by upholding it; and instructing the relevant decision making body to reconvene and re-consider the original decision; or
- (iii) Refer the case to the Student Appeal Committee or the Student Fitness to Practise Appeal Committee.

## ***Student Appeal Committee or Student Fitness to Practise Appeal Committee Consideration***

36. If an appeal is to be heard by the Student Appeal Committee, the Secretary of the Student Appeal Committee or Fitness to Practise Appeal Committee will write to the appellant, providing at least five working days' notice of the date of the hearing. This written communication will also contain all documentation from which the relevant sub-committee judged that the appeal should be referred to a full hearing of the Student Appeal Committee or Fitness to Practise Appeal Committee. At this stage, the appellant will be asked to provide any additional comments they might wish to make on the documentation in advance of the hearing. These comments will be incorporated into the documentation that the Committee will consider. The appellant will be entitled to attend and to be accompanied by one other member of the University community (for example, an Edinburgh University Students' Association advisor). The appellant may present their case in person, or may nominate the member of the University community to do so on their behalf.
37. A hearing of the Student Appeal Committee Student or the Fitness to Practise Appeal Committee will operate in the following way:
  - The Convener will welcome all parties in attendance, and invite the appellant to make an opening statement;
  - Following this statement, the Committee will question the appellant;
  - Following questioning of the appellant, the Committee will question any other relevant individuals it has called to appear before the committee. For fitness to practise appeals, this will include the Convener of the College Fitness to Practise Committee;
  - After questioning has concluded, the Convener will invite any relevant individuals who have been called to appear before the committee to make any closing statements they might wish to make, each in turn;
  - Following hearing closing statements from relevant individuals, the Convener will invite the appellant to make a closing statement, should the appellant wish to do so;



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- At this point, the hearing will conclude and the Committee will begin its deliberations. The outcome of the deliberations will be one of the options described in paragraph 37;
  - Following the end of the hearing, the appellant will be informed electronically via email of the outcome of their appeal within 1 working day of the close of proceedings. A detailed report of proceedings which outlines the Committee's reasoning behind its decision will be provided to the appellant no later than five working days following the conclusion of the hearing.
38. The Student Appeal Committee or Student Fitness to Practise Appeal Committee may hold physical hearings or, in exceptional circumstances, virtual hearings. Whilst it is in appellants' interests to ensure that they are available to attend a hearing in person, this will not always be possible. Decisions about the nature of the hearings will be made by the relevant Convener and Secretary of the Committee with due consideration of fairness, accessibility and the ability of all involved to participate fully. The Committee may adjourn, continue, or postpone a hearing at its discretion. If the appellant does not appear on the date appointed and the Convener of the Committee is satisfied that the appellant has been given due notice to appear, the Committee may hear the appeal in the appellant's absence. However, the Committee may not draw any adverse inference from the appellant's failure to appear.
39. On hearing an appeal, there are three options available to the Student Appeal Committee [(i), (ii) or (iii)]. The options available to the Student Fitness to Practise Appeal Committee are limited to options (i) and (ii). has the authority to:
- (i) Instruct the relevant decision making body to re-convene in order to reconsider the appellants result(s) or outcome or fitness to practise decision, adopting any requirements or conditions specified by the Committee; or
  - (ii) confirm the original decision of the decision making body. In which case, no further action is taken in respect of the appeal and the case is concluded; or
  - (iii) vary the original decision of the decision making body. This is not an option in the case of joint academic and professional qualifications or for courses where a professional qualification is awarded as an outcome of the examination process. Where an appeal hearing relates to the professional (as opposed to the academic) aspect of a qualification, or to a conduct appeal, the authority of the Student Appeal Committee is limited to those options set out at (i) and (ii) above.
40. The decisions of the Student Appeal Committee, the Student Fitness to Practise Appeal Committee and any decisions of their sub-committees, are final. There will be no further opportunity for appeal against the decision within the University.

## Scottish Public Services Ombudsman (SPSO)

41. Students who are dissatisfied with the way their appeal has been handled have the right to complain to the Scottish Public Services Ombudsman (SPSO). The SPSO will consider the case and make a decision on whether to investigate. It is important to note that the SPSO can only investigate whether an appeal has been handled appropriately by the University; it does not look again at the substance of the original appeal case. The SPSO can only consider cases when consideration is complete at University level. Information on how to complain to the SPSO will be provided to the student on completion of the appeal. Full





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information on the SPSO and on how it handles complaints can be found at the SPSO website: [Scottish Public Services Ombudsman](#).

## Reporting

42. The Student Appeal Committee reports annually to the Senate Quality Assurance Committee, detailing the volume and nature of the appeals dealt with in the previous academic session, and highlighting any issues of concern or significance.

**2 June 2016**