

## **Appeals – A Guide for Students**

### What is an appeal?

An appeal is a request for a reconsideration of a decision that has been taken in relation to –

- A mark for an assessment
- Degree Classification
- Progression
- Decisions under the Code of Student Conduct
- Exclusion
- Fitness to Practise
- Support for Study Stage 3

### Can I appeal?

You have the right of appeal against confirmed decisions regarding any of the above. A decision being 'confirmed' means that it has been ratified as final by a Board of Examiners (a mark or academic decision is no longer provisional), or you have received formal notification of the outcome of proceedings under the Code of Student Conduct, formal notification of exclusion, or formal notification of the outcome of Fitness to Practise proceedings.

Not every decision is open to appeal. The following examples or situations are not subject to appeal:

- Decisions about applying to study at the University (Admissions and Student Recruitment operate a Feedback and Appeals policy which is separate from the Student Appeal Regulations. More information is available here - [https://www.ed.ac.uk/files/atoms/files/2014\\_feedbackappealscomplaintspolicy\\_final\\_1.pdf](https://www.ed.ac.uk/files/atoms/files/2014_feedbackappealscomplaintspolicy_final_1.pdf))
- Decisions about whether you can transfer degree, or change courses
- Withdrawing from study
- Having something included on your academic transcript
- Decisions in relation to fees or funding
- Decisions relating to Concession requests
- Academic Judgement

### *What is Academic Judgement?*

Academic judgement is defined as a judgement made about a matter where only the opinion of an academic expert will suffice. Academic staff who mark students' assessed work make a judgement about the quality of the work against an agreed marking scheme. Their marking is subject to internal moderation, and then scrutinised by an External Examiner. Following this process, the final mark given is taken to be a reasonable judgement by an academic expert. As such, a student cannot submit an appeal which is simply in disagreement with this judgement. The student would need to demonstrate, for example, why the marking process had not taken place in line with relevant regulations or policies.

### Do I have grounds to make an appeal?

There are two grounds under which appeals can be submitted. These are

**Ground A:** Substantial information directly relevant to the quality of performance in the assessment which for good reason was not available to the examiners when their decision was taken.

**Ground B:** Evidence of irregular procedure, improper conduct, or lack of due diligence in the conduct of an assessment. For this purpose 'conduct of an assessment' includes the conduct of a meeting of the Board of Examiners

Before submitting an appeal, you should consider whether you meet one or both of these grounds. Appeals which do not meet the stated grounds for appeal will be rejected.

### Do I meet the grounds for appeal?

When considering whether you meet the grounds for appeal, you should bear in mind the following information, which might help you to arrive at a decision –

#### **GROUND A**

The University operates a Special Circumstances policy, which exists to allow students to report extenuating or mitigating factors which might have affected them in examinations or assessment. Students are reminded of this policy, and the procedures for submitting Special Circumstances, at regular intervals during each academic year.

If you were affected by circumstances during the year, the expectation of the University is that you would have reported your difficulties through a Special Circumstances application.

Ground A of the Appeal Regulations is not for retrospectively applying for Special Circumstances. In order for an appeal under Ground A to be successful, you have to establish that –

- The information is **substantial** (for example, the information is of sufficient severity that it would have had a substantial impact on you)
- The information is of **direct relevance** to the quality of your performance in the assessment (you have to be able to demonstrate that the circumstances directly impacted how you performed in assessment)
- That there is **good reason** as to why you could not have told the University about it at the appropriate time (you need to demonstrate that you could not have told the University about this earlier, normally through a Special Circumstances submission)

The following are unlikely to meet the requirements of 'good reason' for not having submitted Special Circumstances –

- Not having reported your circumstances because you were embarrassed
- Not having reported your circumstances because you did not feel that they would impact you as much as they did
- Not having reported your circumstances because you were unaware of the requirement to do so

The following list contains situations unlikely to meet the requirements of Ground A –

- General feelings of low mood, low level anxiety or nerves
- Mild illness, such as the common cold
- Self-diagnosis
- Having pre-existing health conditions or disabilities that the University has already accounted for in some other form (for example, a Learning Profile)
- Situations that are not of direct relevance to your performance in the assessment (for example an illness, accident, bereavement or injury from a number of years ago which could not realistically have affected your performance in the assessment, or situations which occurred prior to your study with the University)

## **GROUND B**

Ground B asks for evidence of irregularity, improper conduct or lack of due diligence in the conduct of an assessment. It is important to note that being unhappy with the outcome of a process does not necessarily indicate that the process has not been carried out fairly and properly.

It is important to remember that whilst Ground B examines irregularity, improper conduct or lack of due diligence, it does so only in relation to assessment. This means that Ground B does not cover the following scenarios –

- Application of University policies that do not deal with assessment
- Interactions with members of University staff outside of assessment processes
- Supervision

The Student Appeal Regulations make it clear that it is your responsibility to have read and be familiar with any relevant course or programme information, including how marking of work will operate, any deadlines for submission, and any progression criteria that you have to meet. They also make it clear that the ultimate responsibility for the academic quality of your work is your own. Following the advice and guidance of a supervisor, and any such approving comments, carry no guarantee of success in assessment, and cannot be relied on as grounds for appeal.

Examples of situations which could amount to grounds for appeal under Ground B –

- Evidence that assessed work has not been marked or moderated in line with agreed procedures
- Evidence that marks or average marks have been calculated incorrectly
- Evidence that a marker has exercised bias or prejudice (please remember that whilst you might disagree with feedback you receive on your work, fair and justified comment and criticism of your work does not automatically indicate bias, nor is it irregular or improper)
- Evidence that an examination was carried out improperly

The following list contains situations unlikely to meet the requirements of Ground B –

- Disagreeing with a piece of feedback that you have received
- Feeling that the mark or classification you were awarded does not reflect the amount of effort you put in to the work or programme

- A supervisor previously having indicated they had no issues with your work, or advice and guidance offered by supervisors
- A lack of awareness of the content of course or programme handbooks, including sections relating to progression criteria or classification decisions
- Your mark being close to, but not quite at, a classification borderline
- A complaint about the operation of a University policy that has been applied correctly

### *What is due diligence?*

In carrying out their core duties as members of staff within the University, staff who are involved in the marking and moderation of work are expected to take reasonable steps to perform these roles with appropriate care and attention. An appeal alleging a lack of due diligence by a member of staff in an assessment would need to provide evidence that the staff member had not taken sufficient care in their approach. An example of this might be an examiner clearly not having read a thesis in its entirety.

### What happens if I submit an appeal?

If you choose to submit an appeal, your submission will be received by Academic Services, a central administrative department of the University with responsibility for the appeal procedures.

Once we receive your appeal, we will check that it is eligible for consideration under the Student Appeal Regulations. That is, we will check that what you are appealing against can be appealed against, and whether that decision has been ratified (confirmed) by the appropriate authority prior to you submitting your appeal.

At this stage, if the decision which is the subject of your appeal has not been ratified, we will not accept your appeal. We will advise you that you can resubmit your appeal, if you wish to, once the decision has been ratified.

Once your appeal has been checked by Academic Services, it is prepared for consideration by a sub-committee of the relevant Appeal Committee. Preparing a case for consideration includes considering whether or not it is necessary to seek input from relevant members of staff in relation to your appeal submission, for example the Convener of the Board of Examiners, a Supervisor, or a Personal Tutor. If there is a need to obtain further information from relevant members of staff, they will be sent a copy of your appeal submission and asked to respond to it, as well as providing any relevant documentation that they might hold.

### The Appeal Committee and Sub-Committees

The Appeal Committee is a Committee which operates on delegated authority from the University's Senate. Its membership is drawn from appropriately experienced senior members of academic staff from across the University's three Colleges.

The Appeal Committee is split into an Undergraduate Appeal Committee, who consider cases submitted by Undergraduate students or recent graduates from Undergraduate study, and a Postgraduate Appeal Committee, who consider cases submitted by Postgraduate students, or recent graduates from Postgraduate study.

The Appeal Committee and its sub-committees exist to determine whether the grounds of appeal have been met. That means they are considering whether there was substantial information directly relevant to the quality of your performance in the assessment that for good reason wasn't available to the examiners (Ground A), or whether there is evidence of irregular procedure, improper conduct or lack of due diligence in the assessment (Ground B).

### **Operation of the Appeal Committee**

Cases are sent to a sub-committee of the Appeal Committee in the first instance. Sub-committees are made up of two academic members of staff from the relevant Appeal Committee. Your case will never be considered by a member of the Appeal Committee from within your School. Sub-committees take place through email correspondence. The sub-committee can come to one of three decisions. These are –

- You have established grounds for appeal, and your appeal is upheld. This means you have established grounds for the decision to be reviewed by the relevant body that took the decision.
- You have not established grounds for appeal, and your appeal is rejected. This means your case will not be considered further, and the University will consider the matter closed.
- Your case should be referred to a full hearing of the Student Appeal Committee. This means that the sub-committee who considered your case felt the issues contained within your submission raised significant concerns, but required consideration at a full hearing in order to reach a final decision.

### *What happens if my appeal is upheld?*

If your appeal is upheld by a sub-committee, it is referred back to the body that took the original decision that you appealed against for their reconsideration, in light of the evidence contained within your appeal submission.

An upheld appeal will not necessarily mean the outcome will change. A Board of Examiners, or other relevant decision making body, will only change a decision where there is appropriate academic or other evidence to do so.

In an appeal being upheld under Ground A, a Board of Examiners is required to take account of the new information contained in your appeal when reconsidering their decision in relation to you.

In an appeal being upheld under Ground B, a Board of Examiners is required to rectify any irregularity when reconsidering their decision in relation to you.

### What should I include in my appeal?

The Appeal Committee and its subcommittees make evidence based decisions. As such, you will want to include documents or other evidence in your appeal that supports what you are saying. For example, you might wish to include –

- Medical evidence from the time in question
- Evidence which shows the impact a situation had on you

- Evidence which proves something happened

You should include a factual statement, which outlines the ground or grounds you are appealing under, and explains why you feel that these grounds apply to you. Whilst there is no word limit on factual statements, you are encouraged to be concise, and to ensure your statement is as relevant and focused as possible.

Please remember that making unfounded or baseless allegations, speculating about the actions or intentions of others, or raising repeated disagreement with matters that have already been addressed elsewhere, are not grounds for appeal.

The Appeal Committee or its sub-committees do not perform the following functions –

- Re-marking or moderating work
- Reversing decisions or penalties
- Re-classifying degrees
- Allowing students to progress
- Overturning decisions

Since the Appeal Committee will not re-mark or moderate assessed work, it is not necessary to include copies of your assessed work in your submission. As such, please do not include the following items in appeal submissions –

- Essay submissions, presentations, or other academic work
- Copies of University regulations, policies and procedures
- The Student Appeal Regulations themselves
- Entire course or programme handbooks

You may wish to quote from or refer to University regulations and policies, or course and programme handbooks, in your submission. Making specific reference to (or providing relevant excerpts of) any of the above is fine.

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