

## **18 ASSESSMENT APPEALS PROCEDURE**

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### **Introduction and scope**

- 18.1 These procedures aim to provide a fair, accessible and timely process for students to request a review of an assessment decision made by the university, where there are grounds to do so.
- 18.2 These procedures are applicable to all higher education students, including those enrolled on programmes leading to qualifications of SQA and other awarding bodies, and postgraduate research students. All students will be provided with information about the appeals procedure at induction.
- 18.3 Students have the right to appeal against an assessment decision made by an academic assessment body authorised to make decisions on student progression, assessment and awards, i.e. a progression board, a board of examiners or Research Degrees Committee. A student must have reasonable grounds on which to base an appeal (Section 18.10 below).
- 18.4 All assessment decisions on SQA provision (or other awarding bodies) are subject to internal verification procedures and may be selected for external verification. Final ratification of assessment outcomes is by the relevant awarding body.
- 18.5 Without prejudice to the outcome of the appeal, a student may continue with their programme of study without disadvantage, and access the facilities and services of the university and their HAP while their appeal is in progress. However, students who have submitted an appeal will be unable to graduate until the appeal process has been fully completed.
- 18.6 Applicants may appeal an assessment decision relating to admission to a programme or Recognition of Prior Learning through the appeals procedure, although only on the grounds for appeal below.
- 18.7 Students who believe they may have grounds for appeal can seek advice and guidance from their students' association at the earliest opportunity.
- 18.8 These procedures are not applicable to decisions made through other university processes, such as non-academic disciplinary or academic misconduct procedures, nor to procedures undertaken by or with relevant professional, statutory or regulatory bodies, such as fitness to practise processes.
- 18.9 These procedures do not cover student complaints. The complaints handling procedure can be found at <https://www.uhi.ac.uk/complaints>.

### **Grounds for appeal**

- 18.10 Appeals against the decision of an academic assessment body will normally only be considered on one or more of the following grounds:

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- a. that a student's performance was adversely affected by illness or other factors which they were unable or, with valid reason, unwilling to divulge, prior to the meeting of the academic assessment body. The appeal must be accompanied by documentary evidence acceptable to the senior manager who considers the appeal in the first instance (see Section 18.13 below)
- b. evidence of material administrative error or that an assessment was not conducted in accordance with the university's procedures and regulations
- c. evidence of prejudice or bias or improper/inadequate assessment on the part of any of the examiners (PGR students only).

18.11 Appeals that question the academic judgement of a member of staff or an academic assessment body will not be considered.

18.12 Appeals will not normally be accepted from third parties.

### Appeals procedure

#### Stage 1 – Informal Procedure

18.13 A student who believes that they have grounds for appealing against the decision of an academic assessment body should, in the first instance, discuss the matter with the appropriate staff in their HAP. This is likely to be the lecturer, Personal Academic Tutor or programme leader, or Director of Studies (for PGR students). This should normally be done within ten working days of the assessment decision being notified to the student.

#### Stage 2 – Formal Procedure

18.14 If the matter is not resolved through the informal procedure, a student who wishes to appeal should do so in writing, setting out the reasons for the appeal and including documentary evidence, using the appeals proforma. This should be sent to the appropriate senior manager in the student's HAP (students will be provided with this person's name and contact details at induction), normally within 15 working days of the assessment decision being notified to the student.

18.15 The senior manager will acknowledge receipt of the appeal immediately to the student. The senior manager will then, normally within ten working days, consider the grounds for appeal and the evidence presented and determine whether there is a *prima facie* case to be referred to the chair of the academic assessment body which made the original assessment decision. The senior manager who handles the appeal must be an individual who had no involvement in the original assessment decision. This decision will normally be communicated to the student within five working days of being made.

18.16 If the senior manager decides that there is no *prima facie* case, and the student is dissatisfied with this decision, then the student may appeal directly to the chair of Academic Council (Stage 3), normally within ten working days. If the senior manager decides that there is a *prima facie* case, they will refer the matter to the chair of the academic assessment body for review.

18.17 The chair has delegated authority from the academic assessment body to reconsider the validity of the original assessment decision in the light of new evidence, submitted as the grounds for the appeal, and decide whether or not to uphold the appeal, normally within ten

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working days. The chair may consult with relevant members including external examiners (but is not obliged to) or may decide to convene a meeting of the full academic assessment body.

- 18.18 The chair of the academic assessment body will communicate the decision on the case to the senior manager who originally received the appeal. The senior manager will communicate this decision to the student, together with information on how the appeal has been investigated. The decision, and any accompanying information, will be formally reported to the next meeting of the academic assessment body, and copied to the Dean of Learning, Teaching and Students for the purposes of institutional monitoring and enhancement.
- 18.19 If the student is dissatisfied with the decision communicated at Section 18.18, they may appeal directly to the chair of Academic Council (Stage 3), normally within ten working days. The appeal must be in writing, and stating the reason(s) why the student believes the decision should be revisited.

**Stage 3 – Appeal to chair of Academic Council**

- 18.20 On receipt of an appeal referred from Stage 2, the chair of Academic Council (or nominee) will refer the case to the Dean of Learning, Teaching and Students, who will review the student's request, the evidence in the case file compiled at Stage 2 and any additional evidence submitted.
- 18.21 A student would normally be expected to provide new information, or evidence of procedural irregularity or bias as a rationale for seeking a review of the Stage 2 outcome.
- 18.22 If the Dean of Learning, Teaching and Students accepts that the student has reasonable grounds for seeking a review of the Stage 2 outcome, they will either:
- (i) refer the appeal to the chair of the assessment body if it has not previously been considered, or
  - (ii) convene an appeals panel if the appeal has been previously heard at Stage 2, but not upheld. The appeals panel will normally be convened within thirty working days. The Dean of Learning, Teaching and Students is responsible for all communications with students, panel members and any other persons involved in the appeal, both before and after an appeals panel hearing. The Dean of Learning, Teaching and Students does not sit on the panel themselves, nor review the evidence submitted to the panel.
- 18.23 If the Dean of Learning, Teaching and Students does not accept that the student has reasonable grounds for seeking a review of the Stage 2 outcome, they will notify the student in writing of this decision, and the reasons for it.

**Membership and remit of the appeals panel**

- 18.24 The appeals panel, acting on behalf of Academic Council, is authorised to consider and decide on appeals against assessment decisions which have not been resolved through Stage 2 of the appeal process.
- 18.25 The appeals panel has the power to confirm the decision of an academic assessment body, or to overturn or revoke that decision if it upholds the appeal. This power includes decisions

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on module marks, the outcome of a PGR progression decision or viva examination, conferral of an award or the classification of an award, eligibility to progress on a programme, failure or exclusion/withdrawal on academic grounds.

- 18.26 Where an appeal is upheld, the appeals panel may determine, *inter alia*, that the student is entitled to proceed on the programme of study and/or to be reassessed in accordance with any specified conditions, as deemed to be in the best interest of the student while ensuring academic standards are maintained. These provisions are subject to the continued availability of the programme in a suitable form.
- 18.27 The appeals panel will consist of individuals who have had no prior involvement in the case:
- a. the chair of Academic Council (or a nominee appointed from the membership of Academic Council, which will normally be a Dean of Faculty not involved in Stage 2 or the Deputy Principal (Academic and Research))
  - b. two senior members of staff
  - c. president of students' association, or nominee
  - d. officer and clerk to the panel, nominated by the Dean of Learning, Teaching and Students.
- 18.28 If the appeals panel does not reach unanimous agreement on whether to uphold an appeal or not, its decision will be made by majority vote. If the appeals panel is evenly split, the chair has a casting vote. The decision of the appeals panel is final.
- 18.29 The Dean of Learning, Teaching and Students will inform the student in writing of the outcome of the hearing no later than five working days after the hearing has taken place.
- 18.30 The Dean of Learning, Teaching and Students is responsible for ensuring that the outcome of the appeals panel is satisfactorily implemented through communicating with all relevant staff.

**Appeals panel hearing procedures**

- 18.31 Members of the appeals panel will receive the following documentation at least five working days before the date of the hearing:
- a. the student's appeal proforma and supporting evidence
  - b. the results of the initial investigation carried out by the senior manager, the outcome from Stage 2 of the appeals procedure, and any other documents pertinent to the case, as appropriate
  - c. any statement received from the chair of the relevant academic assessment body
  - d. the results of all students taking the particular assessment (where relevant)
  - e. the programme assessment regulations (if these differ from the standard academic regulations).
- 18.32 Documentary evidence submitted on the day of the hearing will not normally be considered.
- 18.33 The appeals panel has the power to require the attendance of any member of staff, providing a reasonable period of notice is given for such attendance, and to access any records and documents which it regards as necessary to its conduct.

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- 18.34 The chair of the appeals panel, in consultation with other members of the appeals panel, is responsible for managing the proceedings at the hearing. According to the circumstances, the parties to the appeal may be seen separately (in whatever order is deemed appropriate) or together. The appeals panel will normally ask the student, the relevant staff member(s) involved and any witnesses to leave the hearing before considering the evidence and reaching a decision.

**Rights of students**

- 18.35 The student has the right to attend the hearing, and will be informed in writing of its date and place, and their rights under the appeals procedure, at least ten working days prior to the hearing.
- 18.36 It is not mandatory for the student to attend the hearing. However, the student should be aware that if they do not attend (without good reason), they will forgo the opportunity to present their case directly to the panel.
- 18.37 The student will receive in advance of the hearing all papers circulated to members of the appeals panel, except any documents deemed by the chair to be confidential to the appeals panel.
- 18.38 The student and any other person(s) cited in the appeal, each accompanied if they wish by a friend or students' association representative, has the right to appear before, and be heard by, the appeals panel. Under this procedure the definition of 'friend' excludes members of the legal profession engaged to act in their professional capacity.
- 18.39 Students' privacy and confidentiality will be respected, wherever possible. However, unless specifically stated otherwise, it will be assumed that students have given permission to disclose to the appeals panel as necessary any information provided. If a student wishes any matter to remain confidential they must state this when submitting their appeal. In such cases, it may not be possible to consider the appeal fully.

**Rights of staff**

- 18.40 The member of staff or the chair of the academic assessment body whose decision is being reviewed has the right to submit a statement prior to the appeals panel hearing.
- 18.41 The member of staff or the relevant academic assessment body has the right to be represented at the appeals panel. It is the responsibility of the chair of the academic assessment body to determine who will represent the academic assessment body at the hearing.

**Outcome of the appeals panel**

- 18.42 The Dean of Learning, Teaching and Students is responsible for providing the student, and any other relevant parties, with a 'completion of procedures' letter within five working days of the hearing. The letter will include a clear statement confirming that internal appeal procedures have been completed, the decision that has been reached and the reasons for the decision. Information on next steps, such as how and when any reassessment will take

place, will also be included.

- 18.43 The 'completion of procedures' letter will also advise the student of their external right of appeal in the event that they remain dissatisfied with the final outcome or response to their appeal.
- 18.44 A report of the hearing will be made available to the members of the appeals panel, the student concerned, and to all relevant parties involved, including the chair of the relevant academic assessment body.
- 18.45 The proceedings of appeals panel hearings and the report are confidential to the parties involved.

### **External right of appeal**

- 18.46 Students enrolled on programmes leading to a non-regulated qualification (see also 17a.3) awarded by SQA (including HNC, HND and PDA awards) do not have a further right of appeal to SQA.
- 18.47 Students enrolled on programmes leading to a regulated qualification (including SVQs) (see also 17a.3) awarded by SQA or other awarding body have further access to their appeals procedure, normally only when the university's internal appeals procedure has been exhausted.
- 18.48 Students undertaking a regulated qualification, have a further right of appeal to SQA Accreditation, or Ofqual as appropriate, once they have exhausted the university's and the awarding body's appeals procedures. SQA Accreditation does not have the power to overturn a decision based on academic judgement or assessment, only to consider whether or not the university has failed to follow an appropriate administrative process.
- 18.49 Students have further recourse to the [Scottish Public Services Ombudsman](#) (SPSO) if they remain dissatisfied with how the appeal was processed, and only once the university's complaints handling procedure has been exhausted. SPSO will consider complaints made about service failure and maladministration which may include issues surrounding programme delivery. SPSO does not have the power to overturn a decision based on academic judgement or assessment, only to consider whether or not the university has failed to follow an appropriate administrative process.

### **Reporting and monitoring**

- 18.50 The Dean of Learning, Teaching and Students will collate an annual overview report to Academic Council on the appeals process, including all appeals submitted, regardless of the stage in the procedure at which they are resolved. The report may make recommendations and observations concerning any matters of detail or principle arising from consideration of appeals cases.
- 18.51 Academic Council is responsible for monitoring and reviewing the effectiveness of the appeals procedure regularly, and identifying any opportunities for enhancement and sharing good practice.

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**Timescale of assessment appeals procedure**

Stage	Timescale	Appeals procedure	Outcome
<b>1</b>	Within ten working days of notification of assessment result	<b>Informal procedure</b> Student tries to resolve matter through discussion with appropriate staff  Appeal still unresolved	Possible resolution
<b>2</b>	Within 15 working days of notification of assessment result	<b>Formal procedure</b> At this stage, the student must supply an appeal proforma to the senior manager, with evidence where appropriate, who will immediately acknowledge receipt	
	Within ten working days of receipt of an appeal	The senior manager will consider the grounds for appeal and determine if there is a <i>prima facie</i> case to be submitted to the chair of the relevant academic assessment body	
	Within five working days of senior manager's decision	The decision of the senior manager will be confirmed in writing to the student within five working days of the decision having been made	Possible resolution
		If the senior manager decides that there is no <i>prima facie</i> case and the student is dissatisfied with this decision, then they may submit an appeal to the chair of Academic Council within ten working days	
	Within ten working days of receipt of appeal from senior manager	If there is a <i>prima facie</i> case, the senior manager will refer the matter to the chair of the academic assessment body, who will decide whether or not to uphold the appeal, consulting with others as appropriate  The chair will advise their decision to the senior manager, who will then inform the student and provide information on how the appeal has been investigated	Possible resolution
		If the student is dissatisfied with this decision, then they may submit an appeal to the chair of Academic Council within ten working days	

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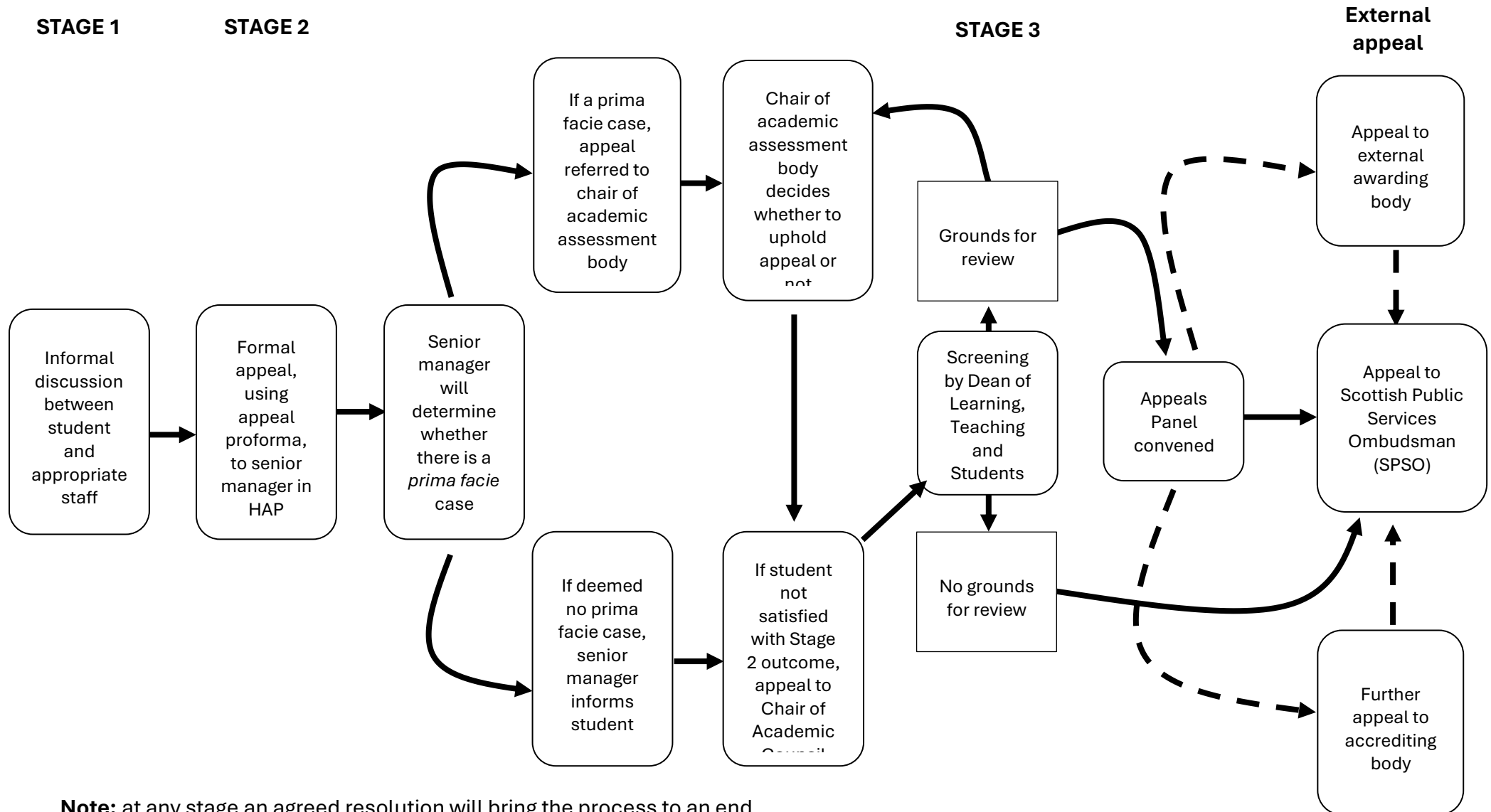
Stage	Timescale	Appeals procedure	Outcome
<b>3</b>	Within 30 working days of request  Prior notice given of ten working days	<b>Appeals Panel</b> The chair of Academic Council will request the Dean of Learning, Teaching and Students to review the case if an Appeals Panel is to be convened The student will be given written notice of the date and place of the hearing and their rights at least ten working days prior to hearing	
	Within five working days of the hearing	The Dean of Learning, Teaching and Students will inform the student in writing of the outcome of the hearing no later than five working days after the hearing has taken place	Possible resolution
		Student has a further right of appeal to awarding body (where this is not UHI) for some awards (see 18.46-47)	
		Student undertaking regulated qualification has a further right of appeal to SQA Accreditation or Ofqual, if appropriate (see 18.48)	
		Student has further recourse to the Scottish Public Services Ombudsman, once internal complaints handling procedure has been exhausted (18.49)	

*Table 1: Timescale of assessment appeals procedure*



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Assessment appeals procedure flowchart



**Note:** at any stage an agreed resolution will bring the process to an end.