The Code of Procedure for Appeals by Students against Academic Decisions is governed by Resolution No. 570 of the University Court which came into effect on 1 September 2006.

26.1 Introduction

The University has a duty to maintain and enhance the quality of provision for students and to provide an effective system for handling appeals and complaints. This section states the procedure for regulating appeals against academic decisions affecting students other than decisions taken in respect of proceedings under the Code of Student Conduct (Regulation 32) or the Complaints Procedure (Regulation 29).

26.2 Principles

26.2.1 A student should have a full opportunity to raise an appeal against an academic decision without fear of disadvantage and in the knowledge that confidentiality shall be respected.

26.2.2 Students should be directed to the website containing the Code of Procedure for Appeals by Students against Academic Decisions and should be provided with advice concerning sources of support and advice including the Students' Representative Council.

26.2.3 Clear guidance should be provided on the University website to direct a student to sources of advice with regard to the University's compliance with the Data Protection Act and the Freedom of Information Act.

26.2.4 Members of College Appeals Committees and the Senate Appeals Committee should be appointed annually and should receive an annual briefing. A member should normally serve for a period of three years.

26.2.5 A representative of the student body who is present at an appeal as an observer should be given appropriate guidance.

26.2.6 The Senate Appeals Committee and each College Appeals Committee should provide an annual report to Senate containing a review of its activities in relation to academic appeals.

26.2.7 Where an appeal is upheld, the University should defray reasonable and proportionate incidental expenses necessarily incurred by the student in the process of pursuing the appeal. Incidental expenses do not include the cost of obtaining legal advice. This expense is not considered to be necessary as the processes of the University are provided as an alternative to the process of judicial review.

26.2.8 The University reserves the right to suspend procedures for appeal if the student behaves inappropriately. In such cases the Clerk of Senate or his/her nominee shall suspend procedures and advise the student accordingly. Misconduct may be deemed to be in breach of the Code of Student Conduct and disciplinary proceedings invoked.

26.3 Definition of an Appeal

26.3.1 An appeal is defined as a request for a review of a decision of an academic body charged with making judgements concerning student progression, assessment or awards.

26.3.2 A student may appeal (request a review of an academic decision) on the grounds of defective or unfair procedure by the academic body or a failure of the academic body to take account of medical or adverse personal circumstances submitted in accordance with the Code of Assessment (Regulation 16).

26.3.3 A student may appeal on the grounds of medical or adverse personal circumstances that were not previously presented to the relevant academic body, if good reason is provided for the failure to present these circumstances in accordance with the standard procedure.

26.3.4 The provision for medical evidence or evidence of adverse personal circumstances is not designed to compensate for underperformance due to these circumstances nor are Examiners expected to infer how a candidate might have performed if unaffected. Where a candidate's performance is borderline between grades or classifications of Honours, provision of such evidence shall not raise the candidate to the higher grade or classification.

26.3.5 The provision for taking account of adverse medical or personal circumstances in the Code of Assessment concerns the sudden onset of illness or adverse personal circumstances affecting the student. It is not intended to apply to chronic or persistent illness or to long-term adverse personal circumstances affecting a student's preparation for examinations and/or attendance at examinations or the submission of written work by the due date. Examiners will mark and classify the performance as it stands and will not judge undemonstrated capability. Where there is chronic illness, good cause shall only be established where the candidate's performance has been compromised by a sudden severe episode of the illness.
26.3.6 A student may not appeal to a College or to the Senate Appeals Committee against an academic decision in respect of marks awarded for academic work (other than the imposition of a penalty¹), decisions of examiners or other matters of academic judgement unless the grounds of the appeal are contained in §26.3.2 and §26.3.3.

26.3.7 A former student may not appeal once he/she has graduated from the University. By graduating, the former student is deemed to have accepted the recommendation of the Board of Examiners and the decision of the appropriate College. Exceptionally, if evidence emerges that the conduct of the Board of Examiners was defective or that the Board was deprived of essential information, an appeal may be allowed.

26.4 The Appeal Process

26.4.1 The Senate is charged by the Universities (Scotland) Acts with a duty to superintend the teaching of the University. This is understood to include examining. The Senate has authorised the establishment of College Committees to hear appeals in the first instance, as specified in the Code of Procedure for Appeals to a College Appeals Committee (Regulation 27).

26.4.2 A student may further appeal against the decision of the relevant College Appeals Committee to the Senate. The Code of Procedure for Appeals to the Senate (Regulation 28) is set out, after the College Appeals Code.

26.4.3 Where the appeal is made to the Senate on the grounds that the disposal at College level was manifestly unreasonable, the letter of appeal must clearly and fully specify in what respects the student believes the College Appeals Committee was mistaken in its decision.

26.4.4 Section 6(2) of the Universities (Scotland) Act, 1889, gives the University Court power to review any decision of the Senate. The University Court has devolved its responsibilities in this respect to an external adjudicator.² Although the decision of the external adjudicator is not legally binding on the University Court, the expectation is that the University Court shall accept the decision and any accompanying recommendations.

¹ For example, an appeal may be made against a reduction in grade or secondary band imposed under the University's Penalties for Late Submission of Coursework which are stated in the Code of Assessment (Regulation 16).

² External adjudication will be provided by the Scottish Public Services Ombudsman (www.spso.org.uk).