

This Policy is effective for submissions from 30th September 2024

Academic Appeals Policy



BATH SPA
UNIVERSITY

1. Scope and Purpose

This policy sets out for all registered Bath Spa students the basis upon which you can appeal a decision about your assessment results. The University operates the Academic Appeals Policy under the following principles to provide students with:

- An explanation of the criteria upon which an appeal can be requested
- Information about sources of support and guidance available to you if you make an appeal. This includes support from [the SU Advice Centre](#)
- The procedure that will be used to consider appeal requests and the way in which the University will engage with a student in this process
- Information about how the University will decide the outcome of an appeal, and the basis upon which you can request a review of that decision
- The approach that the University will take to review the outcomes from this policy on a regular basis and implement improvements where required

You can also request a review of the outcomes of panel decisions that have been made about your exceptional circumstances or instances of academic misconduct. The criteria and process for requesting a review of those appeals are published in the Exceptional Circumstances and Academic Integrity Policies.

You will not be disadvantaged in any way by the University by submitting an appeal. The only exception to this position is if an appeal is purposely frivolous or vexatious (see Section 2.9).

This policy applies to all students studying at Bath Spa. The policy also applies to students at partner institutions where Bath Spa regulations apply.

This policy will operate in accordance with the Equality Act 2010.

2. Policy

2.1 Bath Spa approach to marking and assessment

The [University's Assessment and Feedback Policy](#) and our [marking and moderation flow chart](#) shows how we ensure a fair and reliable approach to the assessment of your work, including more than one member of staff being involved in the marking and moderation process. After marking, module marking is also moderated by another member of staff. There is also at least one External Examiner for every programme, part of whose role is to ensure marks are awarded fairly. Chief External Examiner/s are also present at Central Assessment Boards.

Your assessment marks are recorded on the University student record system and when you have completed a semester or programme level, your overall assessment profile is provided to the University Central Assessment Board. This Board uses the

rules in the relevant Academic Framework to your course to decide if you can progress to the next level of study or be given an award. The Virtual Learning Environment, Ultra, provides information about the relevant Academic Framework that relates to your programme. The Board will see your mark profile, your student ID number and name and note exceptional circumstances and academic misconduct outcomes; any other personal details are not disclosed.

2.2 Criteria for an academic appeal

The University recognises that, on occasion, a student may wish to appeal a decision that the University Central Assessment Board has made about their assessment marks, progression or final award classification. You can make an appeal on one or more of the following criteria:

- **Criterion 1: There is evidence to show that you may have been disadvantaged because there has been an administrative error in the way in which the University's Central Assessment Board has made its decision. Had this error not occurred, you consider that your assessment outcome would have been different.**

Relevant evidence could include, for example, incorrect or missing marks on your transcript or the weightings of your assessments being wrong.

- **Criterion 2: There is evidence to show that you may have been disadvantaged because one or more of your assessments was not carried out in accordance with the regulations or published material for your programme, or with the University's Assessment and Feedback Policy or your agreed reasonable adjustments. Had the assessment been carried out appropriately, you consider that the University Central Assessment Board's decision about your assessment outcome would be different.**

Relevant evidence could include, for example, the assessment task not aligning with the learning materials taught on your programme or evidence that second marking or module moderation has not been carried out, or reasonable adjustments have not been properly considered or implemented following dialogue between you, your module tutor and Student Wellbeing Services. Your general disagreement with a mark that has been awarded for a piece of work (i.e. the academic judgement that has been made in the assessment process) is not a criterion on which you can appeal.

2.3 What will not be accepted as grounds for appeal

The University will only accept appeals that meet the criteria set out in Section 2.2. Unless one or more of those criteria are met, the University will not accept appeal requests, including on the following grounds:

- You are disappointed or disagree with the academic judgement about the mark/s you have been awarded for your assessment/s and/or the University Central Assessment Board decision about your overall results

- A third party, such as a friend or family member is disappointed or disagrees with the academic judgement about the mark/s you have been awarded for your assessment/s and/or the University Central Assessment Board decision about your overall results
- Your award classification falls just below the boundary of the next highest classification: the regulations for how the University's awards are calculated are set out in the Academic Framework relevant to your course. Your Academic Advisor will also be able to talk you through how your degree classification is calculated.

If you are disappointed about your assessment results, including if it is affecting your wellbeing, please talk to your Academic Advisor, Student Wellbeing Services, the [SU Advice Centre](#) or relevant service in your place of study.

The University operates a Fit to Sit / Submit principle. When you submit an assessment or sit an examination, you are declaring that you are fit to do so. Retrospective or late claims for Exceptional Circumstances following the relevant University Central Assessment Board will only be considered in certain circumstances and where you have not submitted for an assessment item and you should fully explain why you were unable to submit a claim before the assessment board. Please see the [University's Exceptional Circumstances Policy](#), Section 3.4 for further details.

2.4 Support

The University recognises the importance of supporting students who wish to make an appeal and does this by:

- Providing every student with access to this policy
- Offering advice and guidance in Student and Registry Services
- Offering advice and guidance from your Academic Advisor or appropriate supervisor
- Signposting you to the independent support and guidance available from the [Students' Union Advice Centre](#)

You are encouraged to seek advice and guidance both prior to and during the appeal process and to seek clarification or discuss any concerns about Central Assessment Board / Examiner decisions with your tutor, programme leader or staff within Student and Registry Services or the Graduate Officer for Research Degrees and / or the [Students' Union Advice Centre](#) before considering whether to submit a formal appeal.

2.5 Submitting an appeal while another process is underway

The University recognises that, on occasion, you may submit an appeal while another process is ongoing. Other processes may include, for example, a complaint that you have made to the University, consideration that the University is giving to your fitness to practice, or exceptional circumstances that you have submitted. Where more than

one process is underway, the University will advise you about the approach it plans to take to each of the processes, and if they can run at the same time or need to be addressed in sequence. If you would find it helpful to discuss you are able to request a meeting and you may bring a friend or representative of the Students' Union to these discussions.

2.6 Group appeals

Where more than one student is affected by the same grounds for appeal, students may decide to submit a group appeal. The University will require the group to nominate a representative with whom the University will communicate. A student should ensure that they are seeking the same appeal outcome as other students before joining the group. Where they are seeking a different outcome, they should submit an individual appeal. The [Students' Union Advice Centre](#) can provide further guidance on group and individual appeals.

2.7 Third party appeals

Where a student wishes to submit an appeal, the University would expect them to submit their request directly and not through a third party (meaning another person). Third parties include members of a student's family. The only exception to this position is where a student is unable to engage with the University for good reason, for example, due to significant poor health. In such circumstances, the University is not allowed, under UK Data Protection Law, to consider appeals from a third party unless the student has provided their permission in writing to the University. Where this authorisation is provided, the University will correspond with the third party, and will copy correspondence to the student unless the student has specifically asked for this not to happen. The University does not normally allow a legal representative to act as the third party.

Where a student has authorised a third party to act on their behalf, they will still be expected to engage with the appeals procedure, when required, to allow for full and thorough consideration of the matters that have been raised. The University will consider extension of the timescale in which the appeal process would normally take place where a student is unable to engage due to poor health, for example. Such extension would normally only take place where there is evidence to show that the student is also receiving relevant support for their circumstances.

2.8 Anonymous appeals

The University is unable to consider appeals that are submitted anonymously because it would not be able to complete a robust investigation. Any anonymous appeals that are submitted will be notified to relevant staff and recorded, however no further action will be taken.

2.9 Frivolous or vexatious appeals

Examples of frivolous or vexatious appeals include, but are not limited to:

- Appeals which are submitted repetitively or in a harassing form

- Insistence on pursuing an appeal (beyond the request for review) where the student has been informed that it does not meet the criteria, or where an unrealistic outcome is being sought.
- Liaising with the University in an unreasonable manner
- Appeals which are designed solely to cause disruption
- Submitting an appeal where the student knows the information to be false

The University will not normally consider appeal submissions which are frivolous or vexatious. Disciplinary action under the [Student Disciplinary Procedure](#) may also be taken where such appeals are submitted.

2.10 Confidentiality, record keeping and data protection

The University will manage your appeal confidentially. It will be necessary for a limited number of people to know the details of your appeal in order for it to be addressed. Depending on the stage of the appeal, this will include staff who respond to the appeal, who undertake the investigation, are named in the appeal, are part of a panel that considers the appeal or who are asked to review an outcome.

The University will manage appeals records in line with its [Privacy Notices](#) and [Data Protection Policy](#). A record will be kept of appeal outcomes so that reports can be made to University committees on themes and actions arising. No individual will be identified in such reports.

3. Academic Appeals Procedure

3.1 Informal resolution

If you have received your provisional results from your tutor, prior to your results being taken to a Central Assessment Board, and you have concerns regarding these results or feedback, we strongly recommend that you set up a meeting with your module tutor to discuss these concerns. This discussion will help resolve matters or inform your decision about whether to submit a formal appeal. Please note that you may only submit a Stage One: Formal Appeal Claim once you have received your official results email from the University, after your marks and grades have been taken to a Central Assessment Board. The [SU Advice Centre](#) can provide you with guidance about meeting with your module tutor or if you plan to submit a formal appeal.

3.2 Submitting a formal appeal (Stage One)

You should submit your Stage One: Formal Appeal and any supporting evidence within 15 working days of receiving your official results email for the relevant assessment via the Appeal Form to appeals@bathspa.ac.uk

3.3 Initial review of an academic appeal form

Your appeal form will be acknowledged by email, normally within 10 working days. Your appeal will then be reviewed to consider if it meets the grounds for appeal in Section 2.2.

The University will let you know by email within 15 working days of your submission if your appeal meets the criteria to be considered. On occasion, this timescale may be slightly longer, for example, if a case is particularly complex. We will let you know of any delay, why this has occurred and the date on which you will hear back from us.

3.4 Outcome from the initial review

The possible outcomes from the initial review are:

- (i) Your appeal meets the criteria set out in Section 2.2 or;
- (ii) Your appeal is rejected, either because it does not meet the criteria in Section 2.2 and/or because it was submitted beyond the timescale allowed in Section 3.2 without good reason (e.g. you were unable to access your University emails or misadvised by a member of staff). If you are unhappy with this decision, you may request a review based on the criteria in Section 3.7.

3.5 Considering an appeal that meets the criteria

If your appeal meets the criteria, your case will be considered by the Assistant Registrar – Assessments and Progression or nominee. Where appropriate, eligible appeals will be sent to the relevant academic member of staff or nominee to complete formal responses to the issues identified in your appeal. Where there is clear evidence that your appeal should be upheld, the case will be referred to the University Central Assessment Board for the matter to be resolved. An example of clear evidence is where there was an obvious administrative error in the way in which the University Central Assessment Board made its original decision. In such cases, appeals will normally be resolved within 15 working days from when the University notified you that your appeal meets the criteria.

In more complex cases, your case will be considered by the University Appeals Panel. A Panel meeting will normally be held within 25 working days from when the University notified you that your appeal meets the criteria.

3.6 University Appeals Panel

The purpose of the University Appeals Panel is to consider possible actions that should be taken in response to your appeal. You will be invited to attend the Panel meeting and you may be accompanied by a friend or Students' Union representative. The University does not normally allow a student to be accompanied by a legal representative. You will normally be given 5 working days' notice of the meeting and we strongly encourage you to attend. In circumstances where you wish to attend, but you have a valid reason (e.g. illness, classes) as to why you cannot attend the meeting on the date and time given, you will be given the opportunity for the meeting to be rescheduled. In all other circumstances, we will go ahead with the meeting date and time that has been scheduled, including if you decide not to attend. If you do not attend, this will not have a negative impact on your appeal claim and it will still be considered fully by the Panel.

The University Appeals Panel will comprise:

- A senior member of staff who will chair the meeting, appointed by the Vice-Chancellor
- Three members of academic staff
- Students' Union Vice-President Education or their nominee
- In attendance: Assistant Registrar - Assessments and Progression or their nominee
- Secretary to the Panel

No staff member of the Appeals Panel will have a close academic connection with you, and the Chair of the Panel will be from a different School.

Before the meeting, the University will ensure that you have the same documentation as the Panel. We will also provide you with an agenda for the meeting and guidance on anything that you will need to prepare; the [SU Advice Centre](#) will also provide you with guidance. At the meeting, the Panel will ask you questions about your appeal. After the Panel has met with you, it will decide that either:

- (i) Your appeal is upheld, the reasons why, the actions that will be taken to address the situation (see 3.7) and the timescale in which they will be completed; or
- (ii) Your appeal is rejected and the reasons why

You will receive the decision of the Panel, including the reasons for the decision by email, normally within 5 working days of the meeting.

3.7 Scope of change that can arise from an upheld decision

Where your appeal is upheld by the Appeals Panel, the possible outcomes may include:

- (i) The result of 'fail' may be changed to 'referred' (this is a result that allows you to resubmit and where your reassessment is capped at the pass mark)
- (ii) A 'referred' outcome may be changed to 'deferred' (this is a result that allows you to resubmit and where your reassessment is uncapped)
- (iii) If you were excluded from your course because of academic failure, you may be reinstated on your course

Marks and award classifications will not be raised as part of an Appeals outcome (unless the outcome of the Appeal confirms that there was an administrative error relating to a recorded mark and grade).

3.8 Requesting a Review (Stage Two)

You may request a review of:

- 1) an Academic Appeal decision where your Academic Appeal was rejected at the initial review stage (see Section 3.4); or Where an Appeals Panel rejects your appeal (see Section 3.7)

2) an outcome from the Academic Misconduct Panel where a finding of Academic Misconduct was upheld

3) an outcome from the Exceptional Circumstances Procedure where your request was not approved

A request for a Stage Two (Review) must be received within 10 working days of you being notified that your appeal has been rejected or the date of your receipt of the outcome of the Academic Misconduct Panel or Exceptional Circumstances decision, and must meet one or more of the following criteria:

- There is new evidence that, for good reason, could not have been provided at the time at which your Stage One decision was made
- There is a significant procedural error in which the decision was considered at Stage One

You should complete the Review Form and send this to reviews@bathspa.ac.uk.

The University will only accept review requests that meet the criteria set out above. Unless one or more of those criteria are met, we will not accept review requests, including where you or a third party are disappointed or disagree with the Stage One decision.

If you are disappointed about your appeal outcome, including if it is affecting your wellbeing, please talk to your Academic Advisor, Student Wellbeing Services or the [Students' Union Advice Centre](#).

Where your review request meets the criteria set out above, you will need to complete a Review form and provide supporting evidence. Your submission will be acknowledged by email, normally within 15 working days. Your case will then be reviewed by the Academic Registrar or nominee to consider if it meets the grounds for review set out above.

The Academic Registrar will decide if:

- (i) Your request for review meets the criteria set out in Section 3.7, or;
- (ii) Your request for review is rejected, either because it does not meet the criteria in Section 3.7 and/or because it was submitted beyond the timescale in Section 3.7 without good reason (e.g. you were unable to access your University emails or misadvised by a member of staff). If you are unhappy with this decision, you may contact the Office of the Independent Adjudicator for Higher Education. Further details are provided in Section 3.10.

The University will let you know by email within 15 working days of your submission if your review request meets the criteria. On occasion, this timescale may be slightly longer, for example, if there is a high number of cases. We will let you know of any delay, why this has occurred and the date on which you will hear back from us.

3.9 Review Panel (Stage Two)

If the Academic Registrar determines that your review request meets the criteria, they will appoint a Review Panel within 25 working days from when the University notified you that your request meets the criteria. The purpose of the Review Panel is to consider actions that should be taken in response to your appeal. You will be invited to attend the Panel meeting and you may be accompanied by a friend or Students' Union representative. The University does not normally allow a student to be accompanied by a legal representative. You will normally be given 5 working days' notice of the meeting, and we strongly encourage you to attend. If you wish to attend, but you have a valid reason (e.g. illness, classes) as to why you cannot attend the meeting on the date and time given, you will be given the opportunity for the meeting to be rescheduled. The University is committed to offering meetings and communications in an accessible format upon request.

The Review Panel will comprise people who have not previously been involved with your case as well as ensuring that no staff member will have a close academic connection with you. It will include:

- A senior member of staff who will chair the meeting, appointed by the Vice-Chancellor
- Another senior member of academic staff
- The Students' Union President or their nominee
- In attendance: a Secretary to the Panel nominated by the Academic Registrar

Before the meeting, the University will ensure that you have the same documentation as the Review Panel. We will also provide you with an agenda for the meeting and guidance on anything that you will need to prepare; the [SU Advice Centre](#) will also provide you with guidance. You will meet the Panel who will ask you questions about your review request. After the Panel has met with you, it will decide that either:

- (i) Your review request is upheld, the reasons why and the actions that will be taken to address the situation and the timescale in which they will be completed; or
- (ii) Your review request is rejected and the reasons why. If you are unhappy with this decision, you may contact the Office of the Independent Adjudicator for Higher Education. Further details are provided in Section 3.9.

You will be informed of the outcome by email within 5 working days of the meeting. You will also be given a Completion of Procedures letter to confirm that the internal appeals procedure of the University has been completed. This letter will be needed should you wish to approach the Office of the Independent Adjudicator for Higher Education (see Section 3.9).

3.10 Office of the Independent Adjudicator for Higher Education (OIA)

If you are dissatisfied with decisions that have been made by the University on the outcome of your appeal or review request, you may contact the Office of the Independent Adjudicator for Higher Education (OIA). The OIA is the body responsible for considering students' complaints once the internal procedures of the University

have been exhausted. The OIA has specific criteria against which a student can make a complaint; more information is published on the OIA website at www.oiahe.org.uk

The [Students' Union Advice Centre](#) and Student and Registry Services can provide you with further information and support should you wish to approach the OIA.

Document Details

Responsible Office: Student and Registry Services

Responsible Officer: Academic Registrar

Approving Authority: Academic Board

Date of latest approval: April 2024

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Related Policies and Procedures: Academic and Student Policies
<https://www.bathspa.ac.uk/about-us/governance/policies>

Exceptional Circumstances Policy
Academic Integrity Policy

Supersedes: Appeals Policy and Procedure V1.0 June 2019

Next review due: April 2027