
Appeals Policy and Procedure



Responsible Office	<i>Academic Governance and Policy</i>
Responsible Officer	<i>Head of Academic Governance and Quality</i>
Approval authority	Academic Quality and Standards Committee
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Related Procedures	Academic Misconduct Mitigating Circumstances
Related University Policies	N/A
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1. Introduction

- 1.1 Bath Spa University is committed to providing a mechanism for students to appeal decisions which impact on their progression, assessment and degree outcomes in order to protect the academic integrity of awards made by the University and ensure fair and consistent outcomes for students.
- 1.2 The purpose of this procedure is to provide a formal means through which students can request a review of assessment, mitigating circumstances or academic misconduct penalty decisions. Appeals of assessment decisions follow Stage One and Two of the procedure. Appeals of Academic Misconduct and Mitigating Circumstances are referred to Stage Two of the procedure (as students will have submitted their cases to the relevant Panel which forms Stage One of these aligned procedures). The procedure is designed to be fair, efficient and transparent, and comprises two stages:

	Assessment decisions	Mitigating Circumstances decisions	Academic Misconduct penalties
Stage One: Formal Appeal	Appeals Procedure Stage One ¹ (section 10 below)	Mitigating Circumstances Panel	Academic Misconduct Panel
Stage Two: Review	Appeals Procedure Stage Two (section 11 below)		

2. Advice and guidance

- 2.1 Students are encouraged to seek advice both prior to and during the use of this procedure from any of the following sources:
- Personal tutor or appropriate supervisor
 - Students' Union
 - Student Support Services

Students are encouraged to seek clarification or discuss any concerns about Final Award Board/ Examiner decisions with their academic tutor, course leader or staff within Student and Registry Services or the Graduate Office for Research Degrees before considering whether to submit a formal appeal.

3. Scope of the Appeals Procedure

- 3.1 This procedure can be used by students on Taught and Research programmes for appeals against the decisions of:

¹ Eligible appeals may either be expedited or considered by the Appeals Panel as outlined in the procedure below

- University Final Award Boards for Taught Programmes or Examiners for Research Programmes relating to results, outcomes, progression and classification (Stage One and Stage Two)
- the Mitigating Circumstances Panel regarding claims for mitigating circumstances for Taught Programmes and the Postgraduate Research Management Group for Research Programmes (Stage Two only)
- the Academic Misconduct Panel (Stage Two only)

3.2 For students studying at partner providers:

- these procedures should be used by students where the Bath Spa Academic Regulations apply
- partner appeals procedures should be used by students where the Partner Academic Regulations apply

Partner providers will confirm which procedures apply.

3.3 If an Academic Appeal is submitted whilst a different procedure or process is ongoing regarding associated matters (such as a student complaint or mitigating circumstances), the University will advise the student on whether such processes will take place simultaneously or whether one procedure may be temporarily suspended if dependent on the outcomes of the other procedure. ²

3.4 Similarly, should a submitted appeal be more appropriately dealt with via an alternative procedure this may be referred to the relevant policy or procedure.

4. Group Appeals, Third Party Appeals, and Anonymous Appeals

4.1 This procedure is not intended to be used by a third party making an appeal on behalf of a student. Where the issues raised in an appeal affect a number of students, those students can submit an appeal as a group appeal. In such circumstances, in order to manage the progression of the appeal, the group should nominate one student to act as group representative. In such cases, the University will normally communicate through the nominated student representative only and they will be expected to liaise with the other students throughout this procedure.

4.2 The University's relationship is with the student, irrespective of who pays the student's fees, as such where it is appropriate to make an appeal, students should raise the matter themselves unless the University is satisfied that there are exceptional reasons why they may be unable to do so. Under data protection legislation, the University cannot deal with third party appeals without the written permission of the student (this includes appeals made by a student's parent(s) or spouse). In such cases, evidence will be required that a third party has been formally authorised or instructed to act on a student's behalf. Whilst

² For example, successful consideration of submission of late mitigating circumstances may impact on the Assessment Board decision and therefore negate the need for an appeal and accordingly the mitigating circumstances process may need to be followed first. By contrast, an associated complaint may need to consider the impact of the issue raised by the student and accordingly an appeal outcome may be required before considering a complaint.

correspondence will normally then be copied to the student (unless specifically directed to the contrary by the student), the University will only deal with the single individual authorised to act on the student's behalf in respect of an appeal. Where a student has nominated a third party to act on their behalf, they will still be expected to engage with the procedure when required to allow for full and thorough consideration of the appeal.

- 4.3 The University is unable to consider anonymous appeals under this procedure as we are unable to complete an appropriately robust investigation. Any anonymous appeals that are submitted will be recorded and may be notified to relevant staff.

5. Frivolous and vexatious appeals

- 5.1 The University expects that students will not engage in making frivolous or vexatious appeals. Examples of frivolous or vexatious appeals include but are not limited to:
- appeals which are obsessive, harassing or repetitive
 - insistence on pursuing non-meritorious appeals and/or unrealistic outcomes
 - insistence on pursuing what may be a meritorious appeal in an unreasonable manner
 - appeals which are designed to cause disruption or annoyance
- 5.2 The University may decline to consider an appeal if it considers it to be frivolous or vexatious and in these circumstances the student will receive a written explanation of the reasons. Where a student has made an appeal of this nature, or used false information, the University may consider taking action under the Disciplinary Procedure.

6. Victimisation: declaration of intent

- 6.1 Subject to the above, any student who submits an appeal or seeks to use this procedure will not be treated less favourably in University life as a result of action taken to pursue an appeal. Without prejudice to the outcome of an appeal, a student may continue as a student and make use of University facilities whilst their appeal is being heard. Therefore any student making an appeal should normally continue with their studies as normal, including studying for any retakes.

7. Confidentiality, Record Keeping, and Data Protection

- 7.1 The University will do all within its power to limit the disclosure of information to those who need to consider or respond to the case as is consistent with conducting a fair process and the implementation of any recommendations following consideration of an appeal. However, if a student names another member of the University, then the person(s) named will normally have the right to be able to reply to the appeal.
- 7.2 During the course of the procedure, students will be informed of all evidence considered and the rationale for decisions. For cases considered by the Appeals Panel a report summarising the discussion and the rationale for the decision will be provided.
- 7.3 The University will process appeals records associated with the procedure with the University's relevant [privacy notices](#) and [data protection policy](#) aligned with its obligations under Data Protection legislation.
- 7.4 The University will record the outcomes of appeals to enable analysis and to address any systemic issues identified.

8. Timescales

- 8.1 This procedure outlines timescales which apply to both the University and the student. Only in circumstances that the University considers to be exceptional will appeals be accepted outside these timescales.
- 8.2 The University endeavours to respond within the timeframes that are outlined. Where this is not possible, any delay should be communicated to the student.

9. Appeal outcomes

- 9.1 Where an appeal is upheld, the appeal may change a Final Award Board or Examiner decision by one step, that is to change the status of 'failed' to 'referred' or from 'referred' to 'deferred' for Taught Programmes and by one outcome as outlined in the Research Degree Handbook for Research Programmes. Marks will not be raised as part of the appeals process (unless an administrative error confirms an error in the recorded mark) and will reflect the student's attainment.
- 9.2 Where an appeal is upheld in whole or in part, the Appeals Panel will require the Chair of the appropriate Final Award Board or Postgraduate Research Management Group to review its original decision in light of the findings of the procedure. For Taught Programmes, in reviewing its decision, the Chair of the Final Award Board may consult other members of the Final Award Board and the External Examiner as appropriate. The Appeals Panel may choose to make a recommendation to the Final Award Board or Postgraduate Research Management Group which may include the annulment of the original decision. The Final Award Board or Postgraduate Research Management Group may choose to reject this recommendation on the grounds of maintaining Academic Standards but will be required to provide a written statement to justify this decision and in these circumstances the student would be entitled to proceed to Stage Two of the procedure.
- 9.3 At each stage of the procedure, students will receive the reasons for the outcome.

10. Stage One: Formal Appeal

- 10.1 Appeals against Final Award Board or Examiners decisions can only be made at Stage One on the following grounds (or categories) and students must frame any appeal by outlining how the appeal relates to one or more of the following grounds:
- a) That there is evidence of an administrative error in the assessment process, to the extent that the assessment outcome would likely have been different had the error not occurred.³
 - b) That there is evidence that the assessment of the programme of study was not carried out in accordance with the relevant regulations or published programme material.
 - c) That there is evidence of demonstrable prejudice or bias against the student by one or more examiners.⁴

³ This may include but is not restricted to errors on the examination paper, missing marks or significantly different marks to those received in feedback (noting that marks are provisional until confirmed by the Assessment Board)

⁴ An appeal on the grounds of prejudice or bias must be based on evidence, not opinion.

10.2 No other grounds will be accepted including:

- academic judgement - this refers to judgement that is made about a matter where only the opinion of an academic expert will suffice. For example, a judgment about assessment, assessment criteria, a degree classification, fitness to practise, research methodology or course content/outcomes. (This means that a mark or outcome cannot be challenged on the grounds that, in the opinion of the student, it is not what the work deserved). The decision as to whether an accusation of academic misconduct is established is also deemed academic judgement but students may appeal against the penalty of an academic misconduct on the grounds listed in section 11.
- marginal failure to attain a higher class of degree unrelated to the grounds specified in 10.1 above.
- admissions decisions - please refer to the Admissions Appeals Policy
- the delivery of teaching or other services provided by the University - please refer to the Complaints Procedure
- a failure on the student's part to submit work or mitigating circumstances- please refer to the Fit to Sit principle and Mitigating Circumstances Policy for Taught Programmes and the Research Degrees Handbook for Research Programmes.

10.3 The University must receive the Stage One appeal via the Appeals Form (available on the University website or by contacting Student and Registry Services directly) and provide corroborative supporting evidence within 15 working days of the date of being notified of the decision against which the student wishes to appeal.⁵

10.4 Submissions should be as detailed and precise as possible, clearly explain the nature of the appeal and include references to any evidence provided.

10.5 Students will normally receive a written acknowledgement within 5 working days and an initial response within 10 working days. Whilst it is anticipated that the Appeals Panel will normally be held within 25 working days and a written response issued within 30 working days, this period may need to be extended in certain circumstances such as where staff necessary for the consideration of the appeal are unavailable. In such instances, students will be informed.

10.6 Appeals will initially be considered by the Head of Student and Registry Services or nominee who will consider whether grounds for appeal have been established.

10.7 Should an appeal not be eligible for consideration under this procedure the student will normally receive written confirmation within 10 working days outlining why the appeal is not eligible and what further action the student can take. The Head of Student and Registry Services or nominee may summarily dismiss an appeal if:

- It does not conform to the permitted grounds of appeal
- It was submitted out of time (without an exceptional reason as per 8.1)
- There is on the face of it no evidence to support the grounds for appeal.

⁵ Resit students in particular are encouraged where possible to submit appeals within 10 working days due to the timescales of progression to the next stage of study.

Students may use the review stage of the appeals process to challenge the decision to summarily dismiss an appeal if the grounds for review have been met.

10.8 All eligible appeals will be sent to the relevant Head of School or nominee and Student and Registry Services to complete formal responses to the issues identified in the student appeal. The Head of School or nominee and Student and Registry Services have the option to recommend that the appeal is upheld at this stage if their findings demonstrate clear evidence to corroborate the student's case in order to expedite the appeal decision for the student. In such cases, students will be informed that their appeal has been successful and the matter will be referred to the Final Award Board or Postgraduate Research Management Group for review, in all other cases, students will be informed that their appeal will be taken for consideration by the Appeals Panel and will be invited to attend. The responses from the School and Student and Registry Services will be provided to the student.

10.9 The terms of reference of the Appeals Panel shall be:

- to make a judgment on the appeal and if appropriate proposals or recommendations for further actions.

10.10 The membership of the Appeals Panel shall be:

- A Chair appointed by the Vice-Chancellor from the senior staff;
- Three members of academic staff (nominated from each School of the University and the Graduate College);
- Student Union Vice-President Education or nominee

The Secretary of the Appeals Panel will be present as may the Head of Student and Registry Services or nominee in an advisory capacity only.

10.11 No Chair will be a member of staff from the student's School. Academic Staff of the University who have a close academic connection with a student or an appeal will not form part of that particular Appeals Panel.

10.12 The possible decisions of the Panel are as follows:

- The appeal is upheld
- The appeal is not upheld

The Panel may also make a recommendation as outlined in section 9.

10.13 The Appeals Panel will make its deliberations in private and an outcome may be provided to the student on the day or communicated within 5 working days.

10.14 Students will be offered the opportunity to attend the Appeals Panel. Students are encouraged to be accompanied (but not represented) to meetings relevant to the process by a friend (normally another enrolled student of the University) or Students' Union representative. The friend may support the student, but may not act as the student's representative. We do not normally permit legal representatives at any meetings though this may be allowed in exceptional circumstances at the discretion of the Chair where fitness to practise a profession is at stake and must be requested in writing in advance. If the student does not wish to or is unable to attend the meeting of the Appeals Panel, the Panel will consider the appeal on the basis of the information submitted by the student. The outcome of the appeal will be based on evidence and will not be influenced by a students' decision to attend or otherwise.

10.15 The Appeals Panel will give initial consideration to the appeal on the basis of the appeal submitted by the student and the responses provided by the Head of School or nominee and Student and Registry Services. The student will be invited into the panel to provide a supporting statement and panel members may ask the student questions arising from the appeal or their statement. The student will be present throughout the appeal except for the final Panel deliberations once all evidence has been considered.

10.16 Following the meeting of the Appeals Panel, the student will receive an Outcome Letter including the reasons for the decision normally within 5 working days of the Panel. The student will be informed of the outcome of any subsequent review by a Final Award Board Chair for Taught Programmes and the examiners or Postgraduate Research Management Group for Research Programmes and the reasons for that outcome within 5 working days. Where a Final Award Board or Postgraduate Research Management Group does not implement a recommendation from the Appeals Panel, the student shall have the right to proceed under Stage Two.

11. Stage Two: Review

11.1 A review of the findings of the processes below may be allowed:

- Stage One appeals outcomes
- Mitigating Circumstances Panel decisions
- Penalty of an Academic Misconduct Panel decision

11.2 A request for review must be submitted in writing (together with a copy of the original appeal or documentation and the Stage One or Panel outcome letter) and received by the University Secretary's Office within 10 working days from the date of written notification of the Stage One or Panel outcome. The grounds for review must be clearly stated as part of the application. After this deadline Student and Registry Services will notify the student that the appeal has been closed.

11.3 The University Secretary or their nominee may allow a review to proceed at their discretion if they are satisfied that either or both of the following criteria apply:

- a) that there is new evidence that could not have been, or for good reason was not, made available at the time of the Appeals Panel/ Academic Misconduct Panel/ Mitigating Circumstances Panel and that sufficient evidence remains that the case warrants further consideration;
- b) that evidence can be produced of significant procedural error on the part of the University in considering the appeal/ academic misconduct/ mitigating circumstances and that sufficient evidence remains that the case warrants further consideration.

11.4 The University Secretary will take into account the overall reasonableness of the Stage One or Panel outcome and has discretion to take into account grounds (including grounds of compassion) other than those stated above in deciding whether to allow a review.

11.5 If the University Secretary decides to allow a review they will appoint a Review Panel. They will normally advise the student, in writing, of their decision on the review application within 10 working days of its receipt. If a review application is rejected reasons will be given. Should a review be granted, the Review Panel will normally complete their review within 20 working days.

11.6 The terms of reference of the Review Panel shall be:

- to consider review cases referred to it by the University Secretary and to determine whether the evidence is of sufficient significance to cast doubt upon the reliability of the decision arrived at during Stage One of the relevant procedure;
- if the conditions of (a) are met, to make a judgment on the case and if appropriate proposals or recommendations for further actions.

11.7 The membership of the Review Panel shall be:

- two members appointed by the Vice-Chancellor from the senior staff, one of whom shall act as Chair;
- Student Union President or nominee

A Secretary to the Review Panel may be present

11.8 No member of the Review Panel will be a member of staff from a department of the University previously involved in the case, or someone who has been directly involved in the case.

11.9 The possible decisions of the Panel are as follows:

- the Panel has upheld the decision of the Appeals Panel/ Academic Misconduct Panel/ Mitigating Circumstances Panel; or
- the Panel has upheld the decision of the Appeals Panel/ Academic Misconduct Panel/ Mitigating Circumstances Panel but has made recommendations for further action or agreed a substitution of the proposed resolution; or
- the Panel has not upheld the decision of the Appeals Panel/ Academic Misconduct Panel/ Mitigating Circumstances Panel and has made recommendations for further action.

11.10 Once the Panel's review has been concluded, a Stage Two Outcome Letter will be sent to the student informing them of the Panel's decision and any recommendations for further actions relating to the appeal. The student will also receive a Completion of Procedures letter to state that they have completed the internal appeals procedures of Bath Spa University.

12. Office of the Independent Adjudicator for Higher Education (OIA)

12.1 If, after the University's internal procedures have been exhausted, the student is dissatisfied with the outcome they may make a complaint to the Office of the Independent Adjudicator (OIA), subject to the rules of the OIA's independent complaints scheme.

12.2 Once the University's procedures have been exhausted, the University will issue a "Completion of Procedures" letter, as outlined above. Completion of procedures letters will automatically be issued at the end of Stage Two but can be requested at other stages although the letter will outline that the student has not completed the internal processes. Students must apply to the OIA within twelve (12) months of the issue of this letter if they wish to make a complaint. For information on how to submit a complaint to the OIA, please refer to the OIA's website: www.oiahe.org.uk

