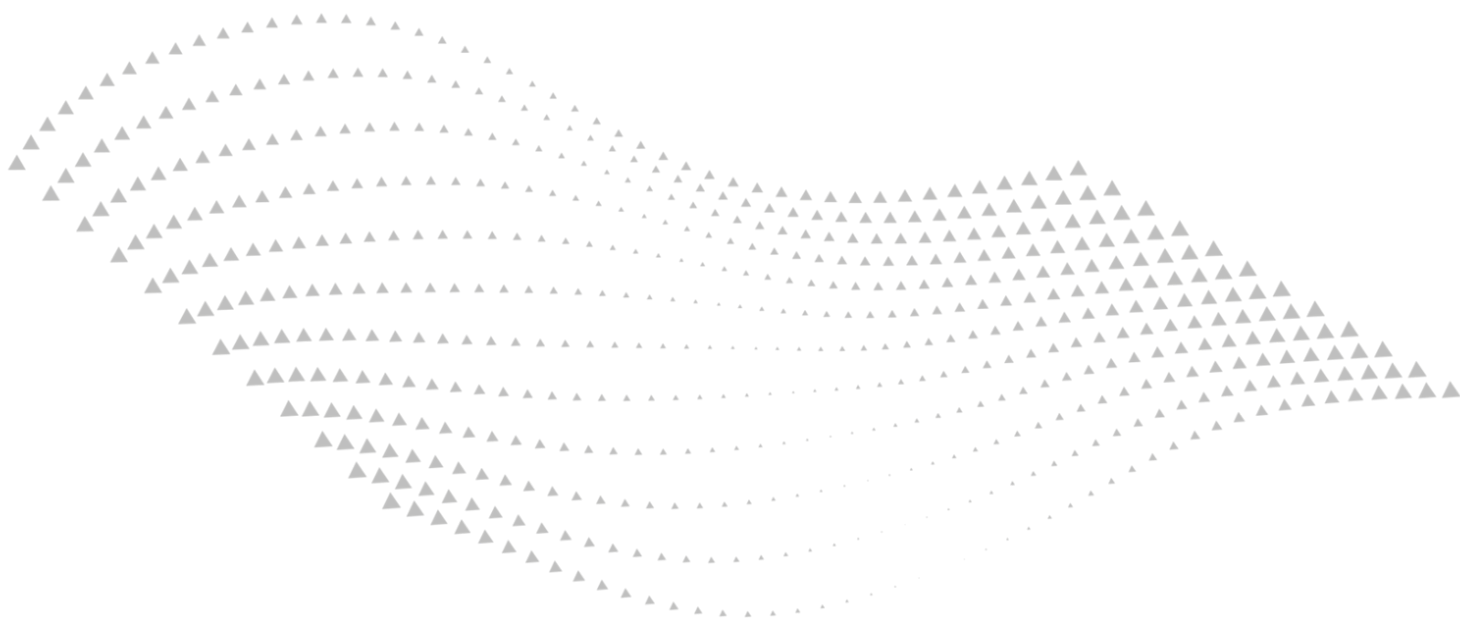


BIMM
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Higher Education Appeals Procedure



Last approved: September 2022

Approved by: Academic Board

Next review due: September 2026

1 Scope

- 1.1 This Higher Education Appeals Procedure applies to all students registered on a Higher Education course at BIMM University (“the University”).

2 Purpose

- 2.1 The Appeals procedure is intended to provide a formal means for reviewing a decision made on student assessment, progression or award, or to appeal the outcomes of other applicable procedures (see 2.2 below) and for resolving a student’s concerns in a fair and consistent manner. This is different from the Student Complaints Procedure, which provides a means for resolving other problems that may arise during the academic year, such as those relating to teaching provision or other services. If a student needs advice about whether the matter they wish to raise is categorised as a complaint or an appeal, they should consult either the College Principal or Head of Student Services.

- 2.2 Section 3 below of this appeals procedure covers:

- Mitigating Evidence Committee outcome.
- Refusal to allow an alternative mode of assessment.
- College-Initiated Student Withdrawal

Students also have a right of appeal against the following (see section 5):

- Academic Misconduct Panel outcome.
- Criminal Convictions & Charges Panel outcome.
- Fitness to Study Panel outcome
- Student Disciplinary Panel outcome

3 Principles of the Student Appeals Procedure

- 3.1 Students lodging an appeal will not be disadvantaged by doing so. Privacy and confidentiality will be respected, and disclosure of information provided by a student during an appeal will be restricted to those individual officers directly involved in consideration of that appeal, which may include (but is not limited to) Student Support staff Chairs of Mitigating Evidence Committees and Exam Boards.
- 3.2 Appeals must be submitted by the student and cannot be submitted by third parties. However, in submitting an appeal via the relevant form, the student may nominate a person who to deal with the University on their behalf. The University can only deal with the third party in this way once the student has submitted the appeal form via cap@bimm.co.uk.
- 3.3 The appeal will be considered in the first instance by the College Principal, who may appoint another member of staff as the Investigating Officer for the case. The appeal will be considered in accordance with the University’s [Student Equal Opportunities & Diversity Policy](#). The University aims to respond to appeals within 28 days of receiving them.
- 3.4 It should be noted that a student wishing to appeal must not only state the grounds for appeal but must also provide evidence to substantiate those grounds.

4 Academic Appeals

4.1 Students can appeal against:

- The recommended category of award.
- A decision that they are required to withdraw from a course because they have failed to satisfy the requirements for academic progress or exhausted opportunities to retrieve credit.
- A decision that a student cannot progress to the next level of a course (this can include a decision that a student is required to repeat a year).
- A particular assessment result (this can include a penalty for late submission, or failure to submit a piece of work, but not matters of academic judgement as listed below).

4.2 What Students Cannot Appeal Against

4.2.1 Students cannot appeal against matters of academic judgement and student work cannot be remarked (unless the claim satisfies at least one of the grounds for appeal as outlined in section 4.3 of this procedure). Academic judgement is any decision where only the judgement of an academic expert will suffice. The University considers academic judgement to include:

- The appropriateness of feedback in relation to a given mark.
- The appropriateness of a mark.
- The appropriateness of a research topic.
- The appropriateness of a research or essay question.
- Judgment regarding whether learning outcomes have been met.
- The decision of an exam board regarding whether or not condoned credit should be awarded.
- The decision of an exam board regarding whether or not an opportunity to retrieve credit should be offered and which retrieval opportunity should be offered.
- A judgement by the appropriate member of staff, in line with our procedures, as to whether plagiarism has occurred and the extent of that plagiarism.
- A judgement by the appropriate member of staff, in line with our procedures, as to whether academic misconduct has occurred and the extent of that misconduct.
- Whether the marker has appropriate academic expertise.

4.2.2 When assessing a piece of work, the marker is required to make an academic judgement about the quality of that work. Making such an academic judgement, by definition, requires the marker to use their academic expertise and subject knowledge combined with the grade descriptors contained within the University's Generic Marking Scheme to come to a decision about the quality of the work. The academic judgement of the marker and Exam Boards in higher education institutions such as the University is protected by UK law and, therefore, students are not entitled to appeal against matters of academic judgement.

4.2.3 Further scenarios / examples of what students cannot appeal against can be found in appendix 1 of this procedure.

4.3 Grounds for Academic Appeal

4.3.1 There is no right of appeal against matters of academic judgement (as outlined in 4.2.1), however students do have the right to appeal against certain academic decisions. These include:

- a. **That there existed circumstances affecting the student's performance of which the Exam Board was not aware when its decision was made, and which could not reasonably have been presented to the Exam Board.**

The University recognises that sometimes situations will arise which may prevent students from submitting a piece of work on time, or that might affect the standard of work submitted. The usual procedure for dealing with such circumstances would be to apply to the Mitigating Evidence Committee (MEC) as and when such a situation arises. Students intending to lodge an appeal on these grounds should note that, for an appeal to succeed, they will need to show that all three criteria listed below are met:

1. *Circumstances affecting the student's performance...*
Evidence of these circumstances should be submitted with a clear explanation of the period of time and specific pieces of assessed work that were affected.
2. *...of which the Exam Board was not aware when its decision was taken...*
An appeal will not have strong grounds for being upheld where the examiners were already aware of the circumstances described and made their decision in the knowledge of those circumstances.
3. *...which could not reasonably have been presented to the Exam Board.*
An appeal can usually only be considered where the student has been unable to follow the normal procedure for submitting evidence to the MEC and it would not be reasonable to have expected them to have done so. An example might be that the student was in hospital or was suffering from mental health difficulties which meant they were unable to make an application to MEC at the appropriate time. It is not sufficient for the student to say that they were unaware of the procedure for making an application to MEC or had chosen not to do so.

b. There was a procedural irregularity (including administrative error) or other inadequacy in the conduct of the examinations, or processing of marks or grades, or the categorisation of an award.

An appeal may be brought where the student believes that the award, outcome, or mark is incorrect because the University has made an error. It is not enough to show that an error has taken place - it will be necessary for the student to show that the error resulted in an incorrect decision being made. If the error is clearly demonstrable, it can often be corrected without having to go through the formal appeals process, so students are advised to seek urgent advice from their Course Leader or College Principal in the first instance.

c. There exists evidence of prejudice or bias in the marking, moderation or Exam Board proceedings.

Any appeal brought on these grounds should clearly identify the individual(s) considered to have shown prejudice or bias against the student and should be supported by evidence. Appeals for bias must be brought after an Exam Board has sat to ensure all internal checks and balances have been carried out.

5 Other Types of Appeal

5.1 Students have the right to appeal against the decision of a number of other procedures. These include:

- Academic Misconduct Procedure
- Applicant & Student Criminal Convictions & Charges Policy & Procedure
- Fitness to Study Procedure
- Student Disciplinary Procedure

As these are reviews of outcomes of a previous panel, the appeals process will effectively be the review of the appeal.

5.2 Appeals against the outcome of an Academic Misconduct Panel

5.2.1 Students shall have the right of appeal against decisions concerning academic misconduct, on the following grounds:

- a) That there existed circumstances, or new evidence has become available, which affects the students case; of which those who determined the judgement were not aware when their decision was taken, and which could not reasonably have been presented to them.
- b) That there is evidence of procedural irregularity, including administrative doubt as to whether the result might have been different had there not been such an irregularity; those who determined the penalty were not aware when they made their decision, and which could not reasonably have been presented to them.
- c) That there exists evidence of prejudice or of bias on the part of those making the decision.

Appeals must be submitted within 21 days of the decision being notified to the student.

5.3 Appeal against the outcome of Criminal Convictions & Charges Panel

5.3.1 If a student is dissatisfied with the outcome and considers the decision reached by the Criminal Convictions & Charges Panel to be unreasonable, they may appeal the decision within 14 days of notification of the outcome. Any Appeal not submitted within this timeframe will be rejected.

5.3.2 An appeal will only be considered on the following grounds:

- a) Irrationality: the findings of fact in support of the decision were manifestly perverse.
- b) Procedural Irregularity: the process was not conducted in accordance with the Procedures set out above.
- c) New evidence has become available that could not be presented at the time of the investigation or Panel meeting which could have materially affected the decision, and there is good reason why this new evidence could not have been presented previously.
- d) The sanctions imposed were disproportionate.

5.3.3 It should be noted that a student wishing to appeal must not only state the grounds for appeal but must also provide evidence to substantiate those grounds. If no evidence is provided the appeal will be rejected.

5.4 Appeals against the Fitness to Study Panel outcomes

5.4.1 Submit within 21 days

The student may appeal to the University against a suspension or requirement to withdraw. An appeals form should be submitted to cap@bimm.co.uk within 21 days of the date on which the order for suspension or the requirement to withdraw was made. Any student considering making an appeal is advised to talk to one of the individuals listed below. They can advise on how to deal with an appeal, help to resolve it informally and, if necessary, support the student in the process of making a formal appeal.

- Student Support Advisor
- Course Leader

- Head/Deputy Head of Student Services
- College Principal
- Student Representatives

5.5 Appeal against the decision of a Student Disciplinary Panel

- 5.5.1 An Appeal against a disciplinary decision taken under this Procedure must state in full the grounds for appeal and must be submitted within 14 days of notification of the outcome. Any Appeal not submitted within this timeframe will be rejected.
- 5.5.2 Receipt of an Appeal will be acknowledged in writing within 5 working days and the University aims to complete the Appeals process within 20 working days. Where this is not possible, the Responding Party will be advised in writing of the reasons why not and given a revised timeframe for the conclusion of the process.
- 5.5.3 An Appeal against disciplinary decisions taken under this Procedure will only be considered on the following grounds:
- a) Irrationality: the findings of fact in support of the decision were manifestly perverse.
 - b) Procedural Irregularity: the process was not conducted in accordance with the Procedures set out above.
 - c) New evidence has become available that could not be presented at the time of the investigation or Hearing which could have materially affected the decision, and there is good reason why this new evidence could not have been presented previously.
 - d) The sanctions imposed were disproportionate.
- 5.5.4 An Appeal against a disciplinary decision is a review of the outcome and will not re-hear or reinvestigate the case. Therefore, it will be a paper-based exercise, no interviews will take place and no witnesses will be called. If it is accepted that new evidence is to be considered, the case should be referred back to a new Disciplinary Panel in cases of Major Misconduct or an appropriately authorised staff member in cases of Minor Misconduct.
- 5.5.5 A member of the University's Executive Management Team will be appointed as Reviewing Officer and may reject any appeal that does not establish grounds that fall under one or more of those listed above. Following completion of the review, the Reviewing Officer may decide as follows:
- a) To reject the Appeal.
 - b) To refer the matter back for a rehearing or reconsideration in light of new evidence or procedural error.
 - c) To overrule the original disciplinary decision and remove any sanction.
 - d) To uphold the original decision but reduce the original sanction.
- 5.5.6 If the Appeal is rejected, the Responding Party will be informed that this decision is final and will be issued a Completion of Procedures Letter, summarising the reasons for the rejection of the Appeal and confirming their right of referral to the Office of the Independent Adjudicator (OIA), as set out below in Section 10.

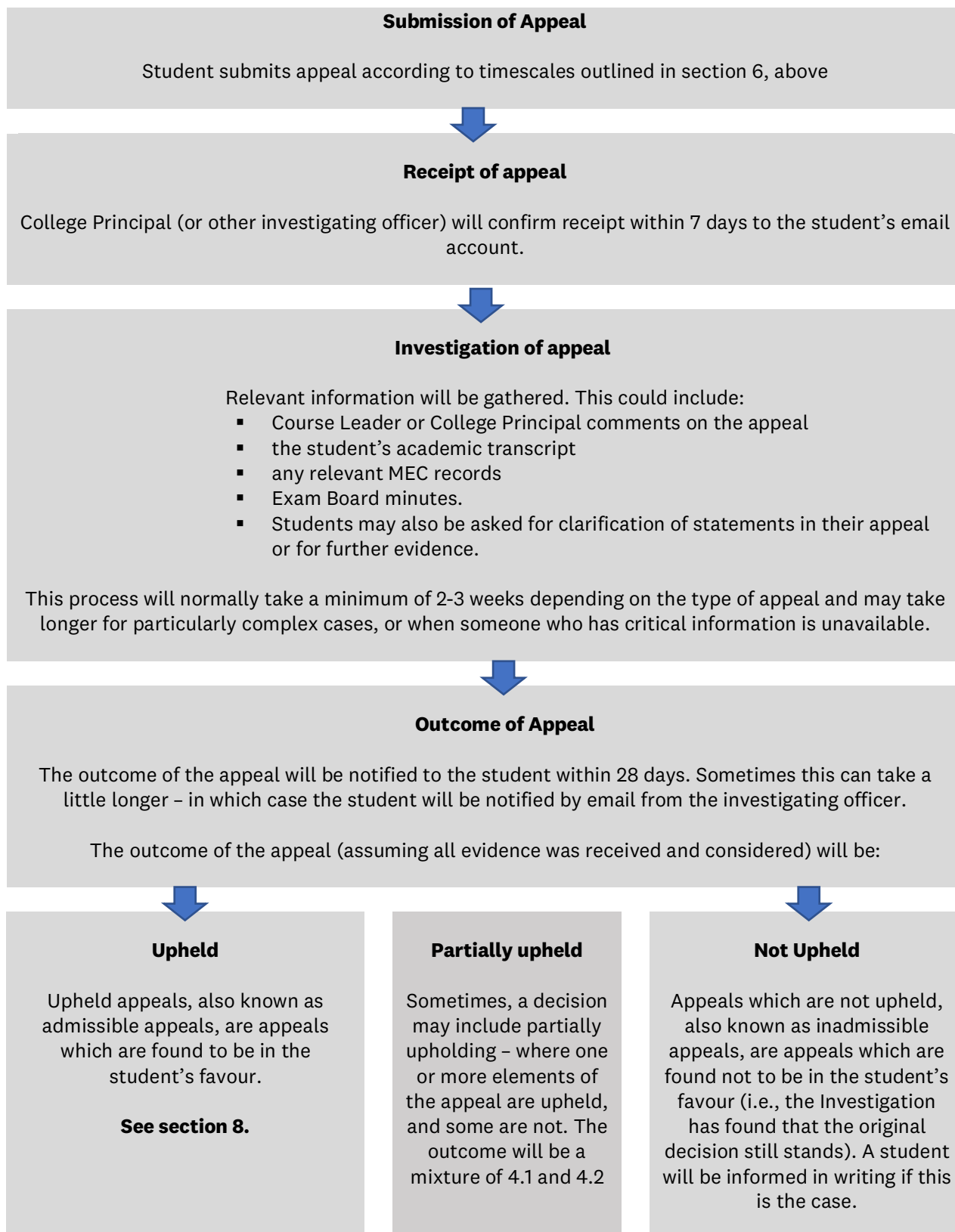
6 **Deadlines for Appeal**

All appeals should use the forms available [here](#) and be submitted to cap@bimm.co.uk within:

	Student to submit appeal by
Academic Appeals	21 calendar days of notification of the Exam Board's decision.
Academic Withdrawal	9 days of being notified of the decision in writing.
Fitness to Study Withdrawal	21 days of being notified of the decision in writing.
Student Disciplinary Appeals	14 days of being notified of the decision in writing.
Academic Misconduct Appeals	Appeals against any decision not listed above must be submitted within 21 days of the decision being notified to the student.
Criminal Convictions and Charges Panel	14 days of notification of the outcome.

7 **How the Appeal will be Considered**

7.1 Appeal Process flowchart



7.2 Important information:

7.2.1 It is the appellant's (e.g., the student submitting an appeal) responsibility to ensure they have provided enough information and supporting evidence to substantiate their grounds for appeal. Students must ensure that the University can contact them quickly about an appeal by keeping us informed of any changes to contact details.

7.2.2 An appeal may be rejected if:

- It is submitted late.
- The student fails to make factual allegations that meet the grounds for appeal.
- There is evidence that demonstrates the grounds for appeal have not been met, e.g., if there were circumstances that the Exam Board was unaware of but, on investigation, it is evident that those circumstances had been considered by the Board.
- There is no evidence that supports the grounds for appeal.

7.2.3 If a student is appealing against a failed assessment and is due to undertake a resit, they should prepare to undertake their resit as normal. A student cannot assume that their appeal will be successful, and in most cases an appeal will still require them to undertake a resit and the outcome of their appeal will only determine whether this can be marked as a first sit or capped as a second attempt.

8 Admissible Appeals

8.1 If an appeal has been deemed admissible the investigating officer and/or other members of staff independent to the processes under scrutiny will prepare a detailed report on the nature of the appeal, the evidence, and the outcomes available under the relevant regulations. In practice, most cases can be decided without the need for an Appeals Panel (see 8.2) and if it is clear that the appeal should be upheld (i.e., a decision should be made in the student's favour) because all parties consulted are in agreement, the student will be notified in writing and there will be no need for this to be considered by an Appeals Panel.

8.2 Appeals Panels

8.2.1 If appropriate, an Appeals Panel may be convened where there are disputed issues that would have a material effect on the outcome of a case. For example, if there is conflicting testimony regarding an issue, an Appeals Panel may be convened to establish the facts of the matter. A date for reviewing the appeal will be set, and a letter confirming that date will be sent to the appellant's student email account a minimum of 7 days in advance of the Panel meeting. A copy of the report and any other information being sent to members of the Appeals Panel will also be sent to the student's college email account.

8.2.2 The composition of the Appeals Panel will be as follows:

- A University Director or College Principal (or nominee)
- Two academic members of staff who have not been involved in teaching the student.
- A student – usually one of the Student Representatives for the course on which the appellant is studying.

8.2.3 The Appeals Panel will review the report provided (see 8.1), outlining the details of the appeal as well as any evidence, and will make a decision based on this information.

- 8.2.4 The Panel is expected to reach a decision on the day of the Appeals Panel Meeting. If, extraordinarily, this is not possible, the Meeting may have to be adjourned while additional information is sought and shared with the Panel and the student.
- 8.2.5 The outcome will subsequently be confirmed in writing within seven working days of the Appeals Meeting and will be summarised in an outcome letter.

9 Review of an Appeal Outcome (Academic Appeals only)

9.1 If the student is dissatisfied with the outcome of their appeal, they are entitled to request an internal review of the decision. A review of the original decision can only be made on the following grounds:

- There were circumstances, or new evidence has come to light, which affects the student's appeal which was not known to the investigators at the time the appeal was considered.
- There existed a procedural error in the Appeals process which could have led to a different outcome had the error not occurred.
- There is evidence of bias in the Academic Appeals procedure which could have led to a different outcome have been different had the bias not occurred.

9.2 There are two different types of review, depending on the awarding body of the course the student is enrolled on.

9.3 Internal Review

9.3.1 Internal review is available to all students studying on courses leading to a **BIMM award**.

9.3.2 Requests for internal review must be submitted to cap@bimm.co.uk within 21 days of receiving the outcome letter (using the correct form) and should be accompanied with supporting evidence. It is the student's responsibility to supply all supporting evidence with their internal review application. A receipt will be issued within 7 days and the University aims to complete the review within 28 days of receiving the request.

9.3.3 The Dean of Learning, Teaching & Research will investigate the case in the first instance. If they have had prior involvement with the case, it may be considered by a member of the Executive Management Team.

9.3.4 The Internal Reviewer can reach the following outcomes:

- To overturn the original decision and make a new decision on behalf of the University. This could include referring matters to different procedures where appropriate.
- To uphold the original decision made by the University.

9.3.5 In cases where there is doubt as to whether the case should be upheld or not, the Internal Reviewer may refer the case to an Appeals Panel for consideration.

9.4 Awarding Institution Review

9.4.1 Awarding institution reviews are available to students on courses leading to an award by the University of Sussex.

9.4.2 If an academic appeal is not upheld by the University and the student remains dissatisfied, they may invoke the awarding institution's appeal procedures. A student must write to the awarding institution within 21 days of the notification of the outcome of the appeal by the University. There

is no right of appeal against academic judgement. The awarding institution will ascertain if the correct process was observed. Once the process is finalised, the awarding institution will issue a Completion of Procedure letter to the student.

10 Final Redress – Option for Independent Review by the OIA

- 10.1 An independent review is available to students studying-at BIMM University.
- 10.2 The Office of the Independent Adjudicator (OIA) provides an independent scheme for the review of student Complaints or Appeals. When all procedures for investigating an Appeal have been exhausted, the University or the awarding university will issue a Completion of Procedures letter. Students wishing to avail themselves of the opportunity of an independent review must submit their application to the OIA within 1 year of the issue of the Completion of Procedures letter. The OIA will not normally consider an Appeal that has not previously been considered under all the procedures available at the University and its awarding institutions and will not normally consider Appeals where the Completion of Procedures Letter is issued more than three years after the subject of the Appeal.
- 10.3 The OIA form is available [online](#), or can be requested via email to enquiries@oiahe.org.uk.
- 10.4 Further advice about contacting the OIA is available from the Heads of Student Services. Students seeking an independent review through the OIA should note that any appeal at that stage would be in respect of the procedures of the institution that carried out the Review, whether that be the University or an awarding institution.

Appendix 1:

Further Guidance - examples of what students cannot appeal against (list not exhaustive)

- **Disagreement with feedback received on an assessment:**
If feedback is unclear or is written in a way that you do not understand, the University can arrange for additional feedback to be issued or arrange a tutorial with an appropriate member of staff to talk through the feedback. In such a situation, you should contact your Course Leader.
- **Receiving lower marks than you have previously received for similar types of assessment:**
Past performance does not indicate how well you may have met the learning outcomes for any subsequent assessments. The University has a rigorous system of moderation and external examination which ensures that judgments are consistent across students and markers.
- **Appeals based on issues with personal finances, housing situation, visa, employment, or other outside interests:**
You are expected to manage outside commitments with your study at the University. If you are experiencing issues, these must be brought to the attention of Student Services as soon as they occur, prior to undertaking an assessment. These may not be resolved by way of an appeal.
- **If your mark was in the borderline margin between two degree classifications, and you did not receive the higher classification:**
You can only appeal if the Borderline Award Rules, as outlined in the Academic Regulations, have not been correctly applied. If you believe this to be the case, you should contact your Head of Education, who will be able to advise you appropriately.
- **Situations where work was not uploaded correctly to the assessment portal and was not marked, or you lost marks for missing elements:**
It is your responsibility to ensure that files are uploaded correctly and work as they should; technical error and human error are not valid circumstances upon which an appeal can be based. For this reason, it is advisable to upload assessments in advance of deadlines so that any issues that may arise can be resolved. Internet connection issues can cause file corruption when uploading, so it is advised that you download the files after uploading to ensure they work correctly before the submission deadline. The IT department at the University tracks all system outages with University services so, if such factors affect your submission, the University will be proactive in fixing the problem and providing reasonable adjustments for assessments affected.

Regarding Mitigating Circumstances

A student **cannot** receive an adjusted grade or a re-mark for mitigating circumstances. If they successfully fulfil the criteria for appealing on grounds of mitigating circumstances, the only outcomes available are:

- A Re-sit (with marks capped).
- Resubmit coursework as 1st attempt (a Sit).
- Removal of lateness penalties.

The outcome received will depend on the individual circumstances. The University cannot take mitigating circumstances into account when making decisions based on academic elements. For example, progression decisions are based solely on the credit achieved at each level and we cannot take mitigation into account. As a result, students cannot appeal such decisions based on mitigating circumstances.