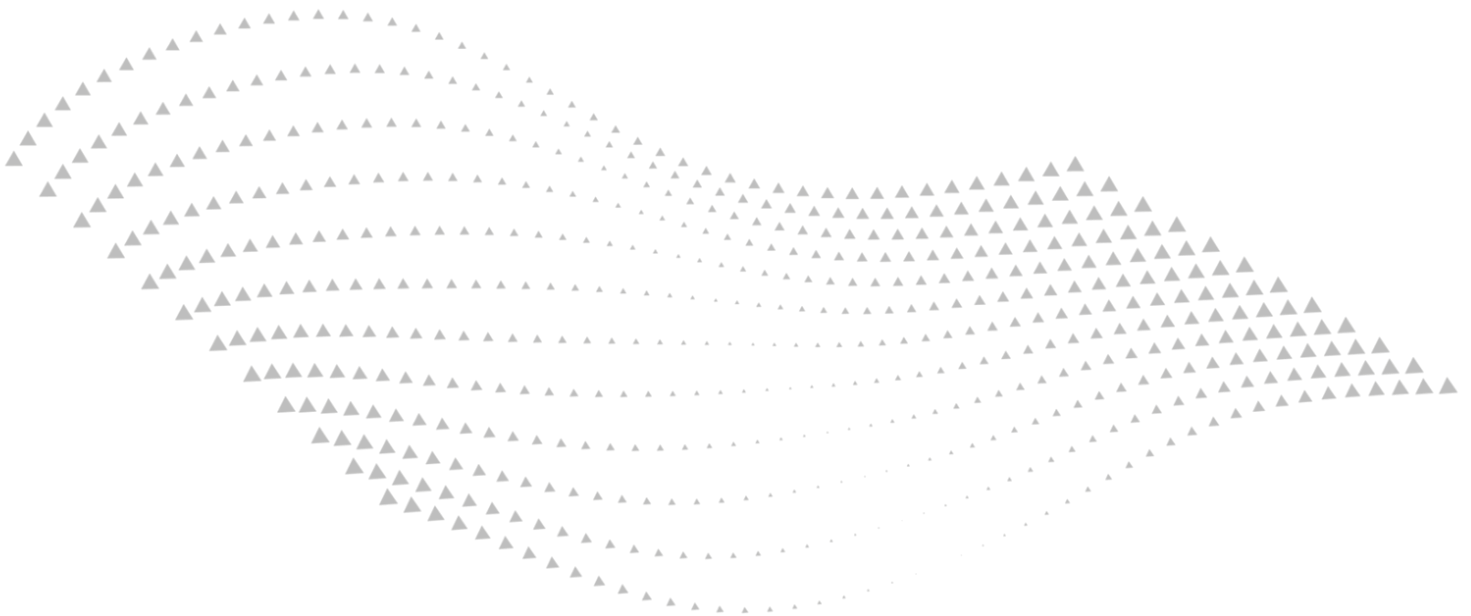


Student Appeals Procedure



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Academic Appeals Procedure

Purpose

This Appeals Procedure covers Academic Appeals and give you the opportunity to appeal against your results, as published by Assessment Boards, or circumstances relating to them. [See section 4.](#)

The Academic Procedure operates in accordance with the Good Practice Framework for Handling Complaints and Academic Appeals issued by the [Office of the Independent Adjudicator \(OIA\)](#).

Scope

You can follow this Appeals Procedure if you're a current registered student studying at BIMM University. You can also use it if you're a recent graduate or have recently been withdrawn, provided you meet the timescales outlined in this procedure.¹

Third parties (including Parents) cannot directly raise an appeal on your behalf, but you can nominate a third party to correspond with the University once a complaint has been raised. This option will be available on the [appeals form](#).

Concerns about other matters should be raised via the [Student Complaints Procedure](#) (which includes complaints about academic matters that do not concern an academic result). Appeals against admissions decisions by applicants to the institution will be dealt with under the [Applicant Appeals and Complaints Procedure](#).

Part A – Academic Appeals

1 Definition

An academic appeal is a request for a review of a decision of an academic body around a mark, outcome or decision. You may appeal the decision of an assessment board or procedure, but not on the basis of disagreement with academic judgement. In short, you cannot appeal just because you don't like your mark.

Any academic appeal should relate to one or more of the following categories:

- a module result;
- the requirement to withdraw from a course (if you are unable to achieve the credits to progress);
- a verdict of, or penalty applied in respect of, academic misconduct.
- a refusal to permit an extension or deferral in accordance with the Exceptional Circumstances Policy.

2 Commitments and principles

- 2.1 BIMM University takes appeals seriously and the procedure is designed to enable your appeal to be investigated and considered fully without risk of disadvantage. As such, if you submit a case under this procedure you will be treated fairly and with dignity and respect.

¹ FE students can use this procedure to appeal against other procedural outcomes, see section B

- 2.2 **We expect** that you will not engage in frivolous, vexatious or malicious appeals. This could include:
- appeals which are harassing, repetitive or pursued in an unreasonable manner.
 - insistence on pursuing unrealistic or unreasonable outcomes.
 - appeals which are designed to cause disruption or annoyance.
 - demands for redress which lack any purpose or value.
- 2.3 If this happens, we may terminate consideration of your appeal. You will be given an explanation, in writing, from the Head of Quality Assurance and Enhancement (QAE), (also the Chair of the Quality Assurance and Compliance Committee (QACC)) explaining why your appeal has been terminated and details of any further right to appeal. Where no further right of appeal is permitted, you will be issued with a Completion of Procedures letter. Furthermore, doing so may prove grounds for disciplinary action against you under the [Student Disciplinary Procedure](#).
- 2.4 In considering any appeals, appropriate attention will be paid to the requirements of the [Student Equal Opportunities & Diversity Policy](#).
- 2.5 You will not be disadvantaged by raising an appeal.
- 2.6 All those involved in the appeal (staff and students) will observe the requirements for confidentiality. Whilst confidential information may need to be disclosed in order to consider the appeal, this will only be to those involved in the of the appeal.
- 2.7 Each case is considered on its individual merits. All members of the Academic Appeals Panel considering the appeal will be properly trained and have no conflict of interest or prior involvement in the case.
- 2.8 Until the appeal is resolved, the original decision will stand, and any re-assessment will proceed in line with the original timescales specified by the Assessment Board. For the avoidance of doubt:
- Where the academic decision being appealed is withdrawal from the course, you will not be permitted to attend any further part of the course unless or until this decision is changed by the Assessment Board as an outcome of the academic appeal.
 - Where the academic decision being appealed is the requirement that your work and/or practice be reassessed, you will be expected to resubmit the work or participate in the examination or other reassessment activity on the date(s) specified by the Assessment Board. The reassessment will not be delayed or deferred because of the appeal.
- 2.9 The Assessment Board will not increase or estimate a mark as a result of a successful academic appeal, and work will not be re-marked unless there has been a procedural irregularity in the marking or moderation process. You will normally be expected to resubmit at the next opportunity.
- 2.10 You may withdraw an appeal at any point and can do so by contacting cap@bimm.ac.uk – however you may not later re-launch the same appeal.
- 2.11 All personal information will be processed in accordance with the General Data Protection Regulation (GDPR).
- 2.12 If you are a Student Route Visa (SRV) student the Immigration and Compliance team will be made aware of your appeal to ensure that you can be supported with guidance if required.

3 Timelines

Timeline for Academic Appeals (relating to an assessment board) are as follows:

Board	Date	Deadline to appeal	We will reply within:
Semester 1	Following S1 Assessments	21 days after receiving your board outcome.	28 days of submission of your appeal
Semester 2	Following S2 Assessments		
Summer resit Board	Normally August annually	7 days after receiving outcome. ²	14 days of submission of your appeal

The timeline for procedural appeals is outlined in [Section B](#).

Appeals submitted after this deadline may still be considered – however there must be a good reason supported by evidence. The Chair of QACC will determine whether a late appeal can be accepted. If a late appeal is rejected, you will be sent a Completion of Procedures letter explaining why.

We may sometimes take a little longer to consider appeals. If this happens, we'll always let you know.

4 The Academic Appeals Process

[See also the Academic Appeals Flowchart in Appendix 1](#)

4.1 Stage 1 - Early Resolution (Informal Stage)

You should seek feedback whenever possible and to try to resolve the matter you are concerned about informally before submitting a formal appeal. You could seek further information, clarification or explanation. An informal approach could be made to a lecturer, course leader, academic administrator or the Student Wellbeing team.

You should do this as soon as possible to ensure that you can meet the deadline for applying for a formal appeal, if required. Should this not resolve the matter, you may submit a formal academic appeal.

4.2 Stage 2- Formal Stage (Level 2)

4.2.1 If you decide to formally appeal, you must provide a [completed form](#) and any supporting documents to cap@bimm.ac.uk.

4.3 Grounds for Formal Stage Academic Appeals

4.3.1 The grounds on which a formal stage appeal can be considered are:

- Mitigating circumstances which, for good reason, the Assessment Board was not made aware of relating to your assessment when it made its decision (e.g., health reasons).
- Procedural irregularity where the procedures and regulations of the University have not been complied with and where the validity of the academic result or decision has therefore been undermined.

² This ensures we can review any appeals with plenty of time for you to resubmit work if required.

- c) There is prejudice of bias in the marking, moderation or Assessment Board proceedings.

4.3.2 All appeals shall be considered on their merit. However, the following will not normally be considered as valid grounds for appeal and any appeal submitted on one or more of these is likely to be rejected:

- retrospective reporting of extenuating circumstances which you could reasonably have submitted in advance via the [Exceptional Circumstances Policy](#).
- appeals against the academic judgement of internal or external markers on the quality of the work itself or the criteria being applied to mark the work. *Work will not be remarked, except in cases of procedural irregularity.*
- appeals based on the informal assessment of your work by academic staff (marks have to be ratified by the Assessment Board first).
- appeals to obtain a higher award classification due to marginally missing the required mark.
- Appeals due to submission errors, or for the failure of electronic devices when uploading assessments – you are responsible for ensuring that your coursework is uploaded correctly onto the VLE. Any appeals of this nature will be rejected, and you will be sent a Completion of Procedures letter. If you have submission issues, please speak to your Course Leader as soon as possible as they may be able to resolve the problem.
- See also [Appendix 2](#) for further guidance.

4.4 Supporting Evidence for Formal Stage Academic Appeals

4.4.1 You should submit all evidence and supporting documentation relevant to your appeal with your completed [Academic Appeals form](#). You should include evidence to show any attempts at early resolution of your concerns and appropriate evidence to support the stated grounds for your appeal. Appropriate evidence may include (but is not limited to):

- fit note (with relevant date to the assessment).
- medical appointment letters or patient summaries.
- death certificate, order of service, or obituary.
- police report (of relevant incident).
- explanation from the Student Wellbeing Team at your campus.
- letter of support/explanation from a third party (e.g., medical practitioner, or healthcare professional).

4.4.2 Where an appeal is submitted that meets the timeline and grounds for appeal, your course team will be informed and asked to provide a statement and/or any other written evidence relevant to the appeal and the grounds on which the appeal is made.

4.4.3 If you are on a Student Route Visa (SRV), we may also request input from the Immigration and Compliance team to ensure that the Panel are advised on the consequences of the range of options for deciding the case so that implications are clear for colleagues in the University and the SRV student.

4.4.4 The QAE Team request request additional written evidence from you and/or staff and include any relevant additional to the Panel.

4.4.5 The Chair of QACC has the right to terminate the consideration of academic appeals which do not include appropriate evidence relating to the grounds selected, or which include no supporting evidence. You will be given an explanation, in writing, of why your

appeal has been closed and details of any further right to appeal. Where no further right of appeal is possible, you will be issued with a Completion of Procedures letter.

5 Consideration of Formal (Level 2) Appeals

- 5.1 All formal appeals submitted will be acknowledged by the QAE team on receipt and then screened to determine whether:
- a) it is submitted under the correct procedure.
 - b) it is made under the permissible grounds for appeal.
 - c) the form is fully completed, with necessary supporting evidence including evidence of an attempt at early resolution where appropriate.
 - d) it has been submitted within the required timeframe ([see section 3](#)).
- 5.2 Where the appeal has not been submitted under the correct procedure, the QAE team will refer you to the relevant procedure.
- 5.3 Where the appeal is not made under the permissible grounds or where the grounds you have selected are not supported by the evidence or details provided, the Chair of QACC shall decide whether the appeal should be rejected. If so, you will be provided with an explanation, in writing, for the rejection and details of any further right to appeal. Where no further right of appeal is possible, you will be issued with a Completion of Procedures letter.
- 5.4 Where the appeal form has been submitted outside of the timeframe, it will not normally be considered without good reason for the delay, and evidence to support this. The Chair of QACC will determine whether a late appeal can be accepted, and this decision will be final. If a late appeal is not accepted, you will be provided with an explanation, in writing and issued with a Completion of Procedures letter within five working days of receipt of the formal stage academic appeal.
- 5.5 Where additional evidence and/or clarification is requested from you, this should be submitted to cap@bimm.ac.uk by the given deadline, or we may close off the appeal. A Completion of Procedures letter will not usually be issued, unless you request this.
- 5.6 Where you appeal can be considered, it will be passed to the Academic Appeals Panel. The QAE team will inform you, via email of the date of the Panel meeting where your appeal will be considered, and the date by which you should normally expect to be advised of the Panel's decision.

6 Academic Appeals Panel

- 6.1 The Panel, appointed by the Chair of QACC, will include:
- A Dean of Faculty or Associate Dean (who will act as Chair).
 - Two members of academic staff, normally Heads of School.
 - A representative from Academic Services.
 - A Servicing Officer, who will record decisions and send outcomes to students (a member of the QAE team).
- 6.2 Panel members may be varied to ensure that they not considering any appeals concerning their own modules or courses but have the necessary understanding of the discipline to inform discussions.
- 6.3 The QAE team will provide the Panel with any documentation you submitted, and any additional evidence gathered ([see section 4.4](#)) prior to the meeting. The Chair may also request that additional evidence be gathered prior to the Panel meeting.

- 6.4 At any time during the panel meeting, the Chair of the Panel may decide to suspend a decision if more evidence is required.
- 6.6 Written material considered by the Panel under this procedure will be provided to you if requested (unless, for example, where information cannot be disclosed because of the University's obligations under the GDPR).
- 6.7 The Panel will consider all appeals based only on the evidence provided and will decide whether the appeal should be justified, partially justified, or not justified.
- 6.8 The decision of the Panel is final and will be reported to you and the and relevant Assessment Board.

7 Outcomes

- 7.1 You will receive an outcome **within five working days** of the Panel meeting. You will also be informed within that time if an outcome was unable to be reached and advised of the likely timescale for further action.
- 7.2 In all cases, regardless of whether the appeal was justified (upheld), in full or in part, or not justified (not upheld), the outcome letter will give a full and clear explanation of the decision and rationale.
- 7.3 Where the Panel determines that an appeal should be justified, in part or in full, you may be provided with one of the following (not limited):
- a further attempt at a component of assessment.
 - a revised penalty in relation to a verdict of academic misconduct.
 - any other action to correct procedural irregularity, unfair treatment, prejudice or bias.
 - If you have to resubmit an assessment, this will be arranged and communicated to you.

Outcomes must be permissible in line with our [Undergraduate Academic Regulations](#) and [Postgraduate Academic Regulations](#).

8 Level 3 - Review

- 8.1 If you remain dissatisfied with the outcome of your formal appeal, you can request a review of the decision. Reviews are normally undertaken by the Deputy Provost, or where this is not possible, by a senior member of the Provost's Office.
- 8.2 A review can only be made on the following grounds:
1. There were circumstances, or new evidence has come to light, which affects your appeal which could not reasonably have been made known to the Panel/Investigator at the time the appeal was originally considered.
 2. There was a procedural error in the *appeals process* which could have produced a different outcome had the error not occurred.
 3. There was evidence of bias in the *appeals process* which could have produced a different outcome had the bias not occurred.
- 8.3 The reviewer will not undertake the appeal again and will only reconsider the outcome if it meets one of the grounds for appeal above. If you do not provide evidence of meeting any grounds for review, then the request will be rejected, and we will send you a completion of procedures letter.

- 8.4 Requests for review must be made on the [Internal Review Request Form](#) and submitted to cap@bimm.co.uk within **21 days** of receiving your formal appeal outcome letter (using the Appeals Review Request form available [here](#)) and should be accompanied with supporting evidence. It is your responsibility to supply all supporting evidence with your application.
- 8.5 Once you submit your application, we'll get back to you within 5 working days to let you know whether we are able to investigate your review. If so, we aim to undertake the review within 28 days of receiving your request. In some circumstances it may take longer – we will tell you if this is the case.
- 8.6 The 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 (no change to original outcome).
- 8.7 You will receive written notification of the outcome of your Review, via what a Completion of Procedures letter. This confirms that your appeal has been through all of the stages of our Appeals Procedure.
- 8.8 It should be noted that by taking an appeal to the review stage (Level 3), we may no longer be able to continue to offer the same outcome as that which was offered at the formal stage (Level 2) of your appeal.

PART B – Procedural appeals

9 Procedural Appeals

- 9.1 You have the right to appeal against the decision of a number of other procedures as outlined in the table below:

Procedure	Deadline for Appeal	Possible Grounds
Fitness to Study Procedure	Within 21 days of receiving the outcome of a Fitness to Study Panel.	A) 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.
Student Engagement Policy	Within 14 days of being withdrawn as a result of non-engagement or attendance.	B) 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 outcome were not aware when they made their decision, and which could not reasonably have been presented to them. C) There is evidence of prejudice or of bias on the part of those making the decision.
Student Criminal Convictions and Charges Procedure	Within 14 days of receiving the Criminal Convictions & Charges Panel outcome.	As above – also: D) Irrationality: the findings of fact in support of the decision were manifestly unreasonable.

Procedure	Deadline for Appeal	Possible Grounds
Student Disciplinary Procedure ³	Within 14 days of receiving the Disciplinary Panel outcome.	E) The sanctions imposed were disproportionate.

- 9.2 Out commitments and principles, outlined in [section 2](#), still apply for procedural appeals (where applicable).
- 9.3 You should always talk to an appropriate member of staff, before making an appeal based on the above procedures – while this won't change the outcome, being able to discuss the matter informally may help you understand the reasons for the outcome. You can also be advised on how to formally submit an appeal.
- 9.3 If you decide to submit an appeal, you should use the [appeals form](#).
- 9.4 Once you submit your application, we'll get back to you within 5 working days to let you know whether we are able to investigate your appeal. If so, we aim to undertake the review within 28 days of receiving your request. In some circumstances it may take longer – we will tell you if this is the case.
- 9.5 If your request is late (without good reason) or doesn't meet the grounds for appeal, it may be rejected. If it is rejected, we'll let you know within 5 working days of submission and supply you with a completion of procedure letter.
- 9.6 Appeals of the above procedures will be considered as a review of the decision, and will be undertaken similarly to a Review, undertaken by the Deputy Provost, or a senior member of the Provost's Office. This will be a desk-based review and the original panel that reached the outcome will not reconvene.
- 9.7 The Reviewer can reach the following outcomes:
- To overturn the original decision and make a new decision on behalf of the University.
 - To uphold the original decision made by the University (no change to original outcome).
 - To partially uphold the appeal – this may mean reaching a middle ground, to be determined by the reviewer.

NB - Student route Visa (SRV) Students

- 9.8 If you are a student on a Student Route Visa (SRV) and wish to appeal against withdrawal from any procedure outlined above, where possible, we will aim to prioritise investigation of these appeals. As per Home Office reporting requirements for SRV students we are required to report any change of circumstances within 10 working days of being notified. SRV students should therefore try and submit their appeal within **7 days** of the outcome to assist the University to fairly manage their appeal while balancing off the duty to report SRV change in student circumstances promptly.

³ This includes breaches of our Sexual Misconduct Policy; Bullying and Harassment Policy; Student Code of Conduct and other policies where breaches are processed via the Student Disciplinary Procedure.

- 9.9 The QAE team will make the Immigration and Compliance team aware of any ongoing appeals from SRV students to ensure that the appropriate advice is provided. This will not affect the student's right to appeal.

PART C – INDEPENDENT REVIEW

10 Office of the Independent Adjudicator

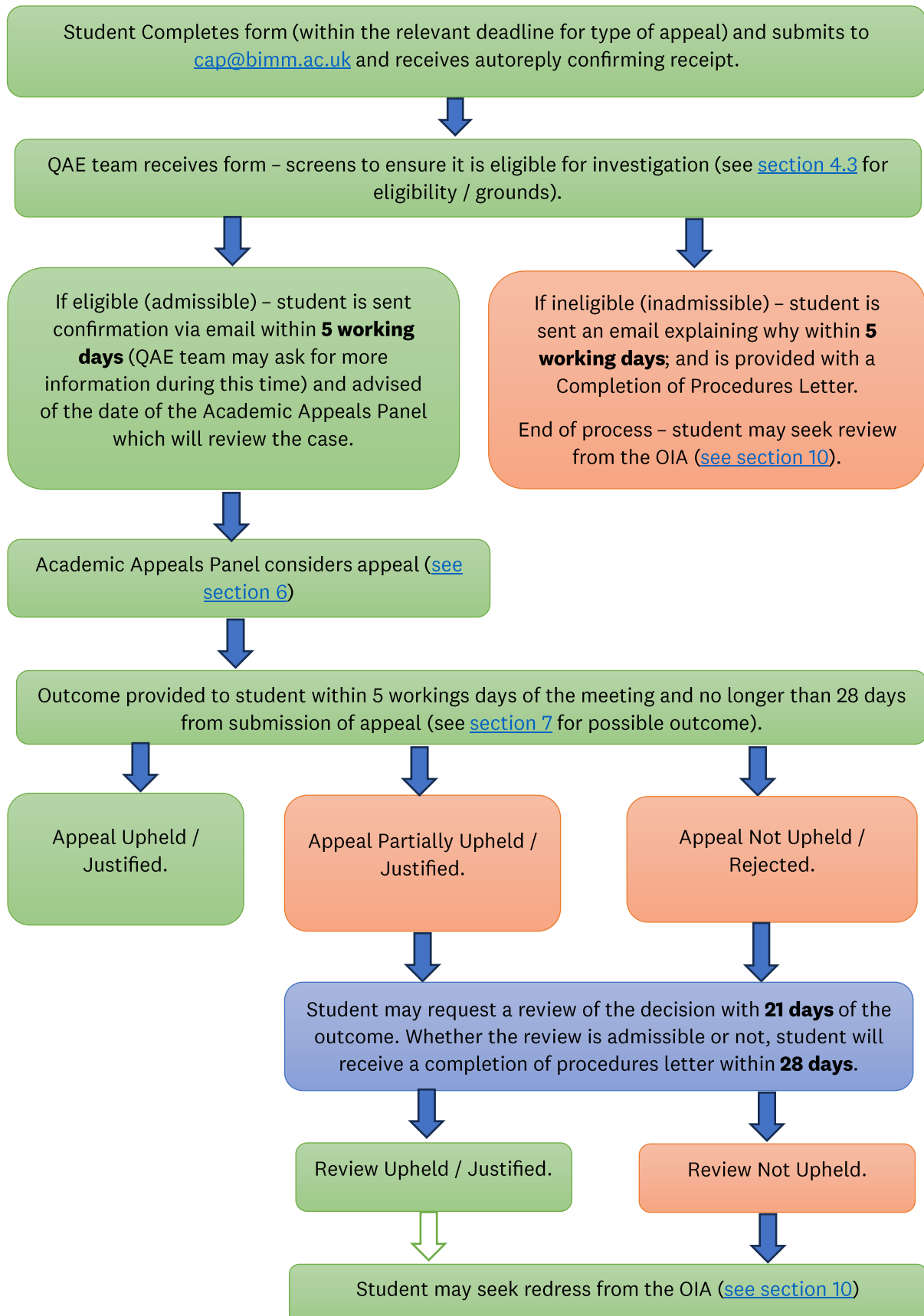
If we can't take your appeal any further and you have a Completion of Procedures letter, you may wish to contact the [Office of the Independent Adjudicator for Higher Education](#) (OIA).

The OIA provides an independent scheme for the review of university student complaints and appeals. To request a review by the OIA, you will need to contact them within 12 months of the date of your Completion of Procedures letter. You are entitled to contact the OIA about any appeal outcome which is covered under this procedure, as well as the complaints procedure.

You have one year to submit a complaint to the OIA from the date that the appeal was concluded – this will be made clear on your completion of procedures letter.

Appendix 1 – Academic Appeals Flowchart

Following informal discussion, if a student wishes to make an appeal:



Appendix 2 – Further guidance

Further Guidance - examples of what you 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, BIMM 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. BIMM 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 BIMM University. If you are experiencing issues, these must be brought to the attention of the Student Wellbeing team 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 Course Leader, 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 Technology department at BIMM University tracks all system outages with BIMM University services so, if such factors affect your submission, BIMM University will be proactive in fixing the problem and providing reasonable adjustments for assessments affected.

Regarding Mitigating Circumstances

(See also the [Exceptional Circumstances Policy](#))

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.
- 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.