

Section 14: BIMM Institute Student Complaints & Appeals Procedures

Student Complaints Procedure:

Level 1

Wherever possible, complaints should be raised immediately with either the member of staff responsible or a member of the Student Support team, with the aim of resolving the problem directly and informally. This will generally be a verbal process and a written record will not be kept.

If a student remains dissatisfied with the response to a complaint at Level 1, they should use Level 2 of the process.

Level 2

Where it has not been possible to resolve matters at Level 1, a student may submit a formal complaint by returning the appropriate form to cap@bimm.co.uk. Complaints forms can be found at <http://www.bimm.co.uk/academic-complaints-appeals/>.

In order for a complaint to be properly investigated, it is essential that students are specific about the cause and nature of the complaint. They should present full details, including their name and term-time address and include all relevant documentation. They should detail what attempts have already been made to resolve the complaint and state what outcome and remedy is being sought.

Formal (Level 2) complaints should be lodged within 90 days of the conclusion of the informal (Level 1) phase. Complaints received beyond this point will not normally be considered. Students should expect to receive an acknowledgement of the receipt of their complaint within five working days.

Type of complaints:

- Academic complaints relate to issues that have a direct effect on the provision of teaching, learning, research and supervision.
- Non-academic complaints usually relate to issues connected with College services, but also cover any inappropriate behaviour from BIMM Institute staff, including allegations of behaviour deemed to be discriminatory or harassment.

If the College Principal has already been involved at Level 1, the Executive Principal (or nominee) will deal with the Level 2 stage.

In some cases, students may be contacted with requests for further information or clarification, and they have the right to request a meeting with the person investigating their complaint, to discuss the issues in person.

Students will be informed, in writing, of the outcome of their complaint. It is our aim to resolve most complaints at Level 2 within 28 days. Students will be informed if, for any reason, there is likely to be any delay in the process. This letter is termed an outcome letter.

Internal Review

For non-academic Complaints, if the student is dissatisfied with the outcome, they are entitled to request an internal review of the decision.

Such a request must be submitted to cap@bimm.co.uk within 21 days of receiving the outcome letter using the correct form.

A receipt will be issued within 7 days and BIMM Institute aims to complete the review within 28 days of receiving the complaint.

The Dean of Learning, Teaching & Research (DoLTR) will investigate the case in the first instance. In the event that the DoLTR has had prior involvement with the case, it may be considered by the Executive Principal or Academic Director & Provost.

A review of the original decision can only be made on the following grounds:

- That there existed circumstances, or new evidence has come to light, which affects the student's complaint that could not reasonably have been made known to the investigators at the time the complaint was originally considered.
- That there existed a procedural error in the complaints process such that it is likely the outcome would have been different had the error not occurred.
- That there exists evidence of bias in the complaints procedure such that it is likely the outcome would have been different had the bias not occurred.

Requests for internal review should be accompanied with supporting evidence. It is the student's responsibility to supply all supporting evidence with their review application.

Outcome of review

The reviewer is able to offer the following outcomes:

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

Awarding Institution Review

If a complaint is of an academic nature, and the student is dissatisfied at the end of Level 2 when the BIMM Institute complaints procedure has been exhausted, the awarding institution will consider the complaint under their own procedure provided the student lodges a request for a review of the BIMM Institute decision within one month of receiving the BIMM Institute Outcome letter. The awarding institution will initially ascertain that all the correct procedures have been followed by BIMM Institute and if, after considering the case against the criteria set, the awarding institution decides to undertake further investigation, they will consult senior officers at BIMM Institute as well as the relevant awarding institution officers. Complaints will be considered under the awarding universities procedures at Level 3.

The student will be informed of the result of the awarding institution Level 3 investigation in writing. Should they still be dissatisfied, there is the option of an independent review by the Office of the Independent Adjudicator.

Option for Independent Review

The Office of the Independent Adjudicator (the OIA) provides an independent scheme for the review of student complaints or appeals. When all procedures investigating the complaint have been exhausted, the awarding university or BIMM Institute will issue a Completion of Procedures letter. Students wishing to avail themselves of the opportunity of an independent review by the OIA 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 a complaint that has not previously been considered under all the procedures available at BIMM Institute and its awarding institutions and will not normally consider complaints where the Completion of Procedures Letter is issued more than three years after the substantive event(s) complained about.

Further details about the OIA are available from the Office of the Independent Adjudicator at <http://www.oiahe.org.uk/> or:

OIA
Third Floor
Kings Reach
38 – 50 Kings Road
READING
RG1 3AA
0118 959 9813
Email: preferably use the online form. Alternatively use: enquiries@oiahe.org.uk

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 complaint at that stage would be in respect of the awarding institutions' procedures and not those of BIMM Institute.

General Principles

As a general principle, BIMM Institute expects that complaints will be dealt with informally in the first instance. Many complaints can be dealt with quickly and effectively in this manner without the need to follow formal procedures. This complaints procedure has been designed with this in mind.

BIMM Institute is committed to providing a high quality service to its students, who are encouraged to let us know when there is cause for concern or a need for improvement. However, BIMM Institute will not accept complaints which are frivolous (unfounded, trivial) or malicious (with vindictive motivation).

Students should be assured that no complainant will be disadvantaged by having raised a complaint. Privacy and confidentiality will be maintained in the handling of complaints except where disclosure is necessary to progress the complaint. It is the Institute's expectation that the confidentiality of any documentation generated by a complaint will be respected by all parties. If a student wishes for BIMM Institute to communicate with a representative throughout this process, we must have written permission from them to do so. It should be noted, however, that the complaints procedure is an internal process and BIMM Institute will not communicate or meet with legal representatives as part of the proceedings.

If a student is considering making a complaint, they are strongly advised to talk to one of those listed below. They can advise on how to deal with a complaint, help to resolve it informally and, if necessary, support students through the process of making a formal complaint.

- Student Support Officer
- Course Leader
- Head of Student Services
- College Principal
- Student Representatives

The following list indicates examples of the type of complaint covered by the procedure:

- Poor teaching or supervision
- Misleading information in prospectuses or in advertising or promotional material
- A failing in a BIMM Institute service, academic or non-academic
- Inadequate facilities
- The behaviour of a member of BIMM Institute staff

The following are not covered by the procedure:

A request for a review of a decision of an academic body (e.g. Examination Board) regarding student progression, assessment and award. This is defined as an Appeal and is dealt with under the Appeals Procedure outlined later in this document.

Complaints against another student are dealt with in accordance with the separate Student Disciplinary Procedures.

It is important to remember that complaints will not always produce an outcome preferred by the complainant. There may be a number of reasons for this, including lack of evidence to substantiate the complaint or the fact that circumstances beyond BIMM Institute's control may affect the level of service provided. However, whatever the decision, students will be informed of the result of the complaint in writing and will be provided with the reasons for the outcome.

Student Appeals Procedure:

Purpose of the Student Appeals Procedure

The appeals procedure is intended to provide a formal means for reviewing a decision made on student progression, assessment and awards, and resolving the 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, relating to teaching provision or other services, for example. If a student needs advice about whether the matter they wish to raise is a complaint or an appeal, they should consult either the College Principal or Head of Student Services.

Scope

This procedure applies to all students studying on BIMM courses validated by Bath Spa University, the University of Sussex and the University of West London. However, BIMM Institute may not be able to consider appeals made against decision made by University of West London exam boards, which may instead be investigated by UWL under their procedures.

Principles of the Student Appeals Procedure

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 in the course of an appeal will be restricted to those individual officers directly involved in consideration of that appeal, and that may include Chairs of Mitigating Evidence Committees and Exam Boards. The appeal will be considered, in the first instance, by the College Principal, who may appoint a member of BIMM Institute staff as the Investigating Officer for the case. The appeal will be considered in accordance with BIMM Institute's Equality & Diversity Policy. There is no right of appeal against matters of academic judgement, however students do have the right to appeal against certain academic decisions such as:

a. That there existed circumstances affecting the student's performance of which the examiners were not aware when their decision was made and which could not reasonably have been presented to the examiners.

BIMM Institute recognises that sometimes situations will arise that 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 is 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 examiners were not aware when their decision was taken ...*
An appeal will not have strong grounds 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 examiners*
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 that they were unable to prepare a submission to MEC at the appropriate time. It is not sufficient for the student to say that they were unaware of the procedure for making a submission 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 or mark is incorrect because BIMM Institute 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 the necessity to go through a formal appeal process, so students are advised to seek urgent advice from the College Principal or their Course Leader in the first instance.

c. There exists evidence of prejudice or bias on the part of an examiner.

An appeal brought on these grounds should clearly identify the particular individual(s) considered to have shown prejudice or bias against the student and should be supported by evidence.

Grounds for Non-Academic Appeals

Students may not appeal the professional judgement of a decision making panel, but may make an appeal on the following grounds:

- a) That there existed circumstances, or new evidence has become available, which affects the student's 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 error) in the consideration of the student's case of such a nature as to cause doubt as to whether the result might have been different had there not been such an irregularity.
- c) There exists evidence of prejudice or bias on the part of those making the decision.

Deadlines for appeal

Academic Appeals: An **academic appeal** must be lodged within **21 days** of the publication of the examiner's decision.

Students studying a University of West London-validated degree must submit any appeals that are made against any exam board decisions within **10 days** of the publication of the examiner's decision. These decisions may be considered by UWL directly under their procedures as they run their own exam boards.

Withdrawal: If a student wishes to appeal against the fact that they have been withdrawn from a course at BIMM Institute, they will need to appeal within **9 days** of being notified of the decision in writing.

Fitness to Study Withdrawal: Due to the nature of Fitness to Study panels, students are given slightly longer to appeal, so appeals must be submitted within **21 days** of being notified of the decision in writing.

All appeals should be submitted to cap@bimm.co.uk. Appeals forms are available from <http://www.bimm.co.uk/academic-complaints-appeals/>

What decisions can students appeal against?

- Failure of the course of study
- The recommended category of award
- A decision that the student is required to withdraw from the course because s/he has failed to satisfy the requirements for academic progress within that course
- A decision that a student is required to submit one or more assessment units, having failed to satisfy the requirements for academic progress (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)
- A decision from BIMM Institute that a student is deemed to have withdrawn.

There is also a right of appeal against the following decisions:

- Academic Misconduct Panel Decisions
- Mitigating Evidence Committee
- Decision to refuse to allow an alternative mode of assessment

Appeals must be submitted, using the appropriate form, to cap@bimm.co.uk within **21 days** of the decision being notified to the student. Forms are available from <http://www.bimm.co.uk/academic-complaints-appeals/>

How the Appeal will be considered

Receipt of an appeal will be acknowledged within 7 days. Relevant information will then be gathered. This will include the Course Leaders or College Principal comments on the appeal, the student transcript, any Mitigating Evidence Committee records and Examination Board minutes. This process will normally take a minimum of two or three weeks and may take longer for particularly complex cases, or when someone who has critical information is unavailable. Students may also be asked for clarification of statements in their appeal or for further evidence.

Students are reminded that it is their responsibility to ensure that they have provided full information and supporting evidence to substantiate their grounds for appeal. Students must ensure that BIMM Institute can contact them quickly about an appeal by keeping us informed of any changes to contact details.

Once this information has been gathered together, a decision will be taken as to whether the appeal is admissible. It may be, for example, that the grounds of appeal are that there were circumstances of which the examiners were unaware but, on investigation, it is evident that those circumstances had been considered by the Examination Board. Another example might be that the grounds for appeal are a procedural error, but there is no evidence that any error has taken place. If the appeal is considered to be inadmissible, a letter will be sent to the student to confirm that decision.

Admissible appeals will be considered further to establish whether or not they can be processed without a hearing of an Appeals Panel. This will only be the case if it is clear that the appeal should be upheld (i.e. the decision should go in the student's favour) because all parties consulted are in agreement. Students will be notified in writing if an appeal has been upheld.

Where there is any doubt, the appeal will be decided at a hearing of an Appeals Panel.

Appeals Panel Hearings

If it has been decided that an appeal is admissible and is to be considered at a hearing, members of staff who are independent from the running of assessment operations will first prepare a detailed report on the nature of the appeal, the evidence, and the outcomes available under the relevant awarding partner regulations. A date for the hearing will be set, and a letter confirming the date and time of the hearing will be sent to the student's BIMM email account, so that the student has a minimum of seven days' notice of the hearing. A copy of the report and any other information being sent to members of the Appeals Panel will be sent to the student's BIMM email account.

The Appeals Panel

The composition of the Appeals Panel will be as follows:

- A BIMM Institute 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 complainant is studying.

Before the Hearing

Students should respond to the email from BIMM Institute immediately if:

- The student does not intend to be present at the hearing;
- The student wishes a friend to attend with them and, if so, whether the student wishes them to answer questions from the Panel on their behalf;
- The student has any special needs (e.g. due to a disability).

If the student intends to be accompanied, they should let BIMM Institute know the name of that person at least one working day before the hearing. It is the student's responsibility to ensure that their friend has copies of any papers and is aware of the date, time and location of the hearing. BIMM will not contact them on a student's behalf. The student cannot be accompanied by legal representation.

If the student does not intend to attend the hearing, they may send in written comments in response to the papers that have been sent to them, if they wish. Such comments must be received at least four days before the day of the hearing.

If any of the information in the papers that have been sent to the student is unclear, the student should respond to the email inviting them to the hearing or contact the Head of Student Services.

What Happens at the Hearing

The Panel members will have read the appeal papers that have been sent to the student before the hearing. The procedure at the hearing is as follows:

- The student (and, if applicable, a friend) will be invited to join the Panel, who will introduce themselves.
- The student will be invited to make any statement, either to highlight particular points made in their written appeal or to add further comments, in light of the documentation.

The Panel members may ask questions about the evidence or the circumstances of the student's appeal:

- The student's friend (if applicable) will be asked whether they wish to make any additional statement on the student's behalf.
- The student (and, if applicable, their friend) will be asked to leave the room and to wait while the Panel considers the evidence and the discussion with them.
- The student will be invited to re-join the Panel, so that they can be advised of the Panel's decision.

Panels are expected to reach a decision on the day of the hearing. If, extraordinarily, this is not possible, the hearing may have to be adjourned while additional information is sought and copied to the Panel and to the student.

The decision will subsequently be confirmed in writing within seven working days of the hearing; this outcome will be summarised in a Completion of Procedure letter.

Internal Review

For non-academic appeals, if the student is dissatisfied with the outcome they are entitled to request an internal review of the decision.

This must be submitted to cap@bimm.co.uk within 21 days of receiving the outcome letter using the correct form.

A receipt will be issued within 7 days and BIMM Institute aims to complete the review within 28 days of receiving the appeal.

The Dean of Learning, Teaching & Research (DoLTR) will investigate the case in the first instance. In the event that the DoLTR has had prior involvement with the case, it may be considered by the Executive Principal or Academic Director & Provost.

A review of the original decision can only be made on the following grounds:

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

Requests for internal review should be accompanied with supporting evidence. It is the student's responsibility to supply all supporting evidence with their review application.

Outcome of review

The reviewer is able to offer the following outcomes:

- To overturn the original decision and issue a new decision on behalf of BIMM Institute. This could include referring matters to different procedures where appropriate.
- To uphold the original decision issued by BIMM Institute

In cases where there is doubt as to whether the case should be upheld or not the reviewer may refer the case to an appeals panel for consideration.

Awarding Institution Review

If an academic appeal is not upheld by BIMM Institute and the student remains dissatisfied, they may invoke the awarding institutions appeal procedures. A student must write to the awarding institution within 21 days of the notification of the outcome of the appeal at BIMM Institute. There is no right of appeal against the academic judgement of examiners. 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.

Final Redress – External Review

Where the student is not satisfied with the outcome of the procedure, they may request a review by the Office of the Independent Adjudicator (OIA). The OIA provides an independent scheme to enable the review of unresolved student complaints, including appeals.

The student must submit an appeal to the OIA within one year of receiving the notification of the decision of the awarding institution. An appeal to the OIA is made by completing a Scheme application form. Copies of this form are available from Heads of Student Services.

Alternatively, the form can be downloaded from the OIA website or requested by telephone or letter:
www.oiahe.org.uk

OIA
Third Floor
Kings Reach
38 – 50 Kings Road
READING
RG1 3AA
0118 959 9813

Email: preferably use the online form. Alternatively use: enquiries@oiahe.org.uk

Further Guidance & Frequently Asked Questions

What is academic judgement?

Academic judgement is any decision where only the judgement of an academic expert will suffice. BIMM Institute 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 the learning outcomes have been met
- The decision of an exam board regarding whether or not a marginal grade will receive a higher classification
- 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 the 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 the misconduct.
- Whether the marker has appropriate academic expertise.

Students cannot appeal against matters of academic judgement. All appeals must satisfy at least one of the grounds for appeal. The above list is not exhaustive.

My feedback contains the marker's opinion and is not objective, can I appeal?

Students **cannot** appeal on this basis. 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 BIMM Institute Generic Marking Scheme to come to an opinion about the work. As such, feedback will always contain the marker's opinion based on their judgment of the work against the criteria contained in the BIMM Institute Generic Marking Scheme. BIMM Institute has a rigorous system of moderation and external examination which ensures that judgments are consistent across students and markers. The academic judgement of the marker and exam board in higher education institution such as BIMM Institute is protected by UK law and students cannot appeal against matters of academic judgement.

I disagree with the feedback I have received: can I appeal?

Students **cannot** appeal on this basis. The appropriateness of feedback is considered an academic judgement. The academic judgement of the marker and exam board in higher education institutions such as BIMM Institute is protected by UK law and cannot be appealed. Your appeal must fall under one of the grounds for appeal, but feedback a student disagrees with is not accepted as evidence of procedural error or bias and is likely to be rejected.

I don't think the feedback I received matches my mark, can I appeal?

A student **cannot** appeal on this basis. Whether or not a piece of feedback is appropriate for a given mark is considered an academic judgement. The academic judgement of the marker and exam board in higher education institutions such as BIMM Institute is protected by UK law and cannot be appealed. If feedback is unclear or is written in a way that a student doesn't understand, BIMM can arrange for additional feedback to be issued or arrange a tutorial with an appropriate member of staff to talk through the feedback. A student in such a situation should contact the Head of Higher Education, Head of Education or Course Leader in their college.

I was given feedback in class or in a tutorial which conflicts with the feedback I got in relation to my assessment, can I appeal?

A student **cannot** appeal on this basis, as the academic judgement of the marker and exam board in higher education institutions such as BIMM Institute is protected by UK law and cannot be appealed. In classes and tutorials, tutors do not have the time to put work under the same amount of scrutiny that the work undergoes during the marking process. Feedback in class and tutorials are only advisory and it is the student's responsibility to ensure their work is up to the correct standard.

I normally receive higher marks for this type of assessment, can I appeal?

A student **cannot** appeal on this basis, as the academic judgement of the marker and exam board in higher education institutions such as BIMM Institute are protected by UK law and cannot be appealed. Past performance does not indicate how well a student met the learning outcomes for any subsequent assessments, the academic judgment of the markers for those assessments is protected and can't be appealed.

Under what circumstances can I have my work re-marked?

A re-mark can only be offered in certain limited circumstances. As the academic judgement of the marker is protected, a student cannot appeal solely because they would like their work remarked. They must make an appeal based on one of the abovementioned grounds for appeal and a re-mark must be deemed the most appropriate outcome. BIMM cannot offer re-marks as an outcome for mitigation appeals and it is rare that a re-mark is awarded in cases of procedural error.

Can I appeal on the basis of issues with personal finances, housing situation, visa, employment or other outside interests?

A student **cannot** appeal on this basis, as they are expected to manage outside commitments with their study at BIMM Institute. Any issues need to be brought to the attention of student services as soon as they occur. Failing to bring issues to the attention of student services because of embarrassment is not considered a valid reason for not coming forward.

My mark was in the borderline margin between two degree classifications, but I didn't receive the higher classification, can I appeal?

A student **cannot** appeal on this basis as the decision of the exam board is considered academic judgment. They can only appeal if the exam board did not consider their case in line with the procedures. If they wish to check that the exam board followed procedures properly, they should contact the Head of Education or Head of Higher Education in their college, who will be able to advise them appropriately.

I have mitigating circumstances, if I appeal can I have my grade adjusted?

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

- A capped re-sit
- An uncapped re-sit
- Removal of late penalties.

The outcome received will depend on the individual circumstances.

Can mitigating circumstance be considered when making academic decisions?

BIMM **cannot** take mitigating circumstances into account when making decisions based on academic elements. For example, progression decisions are based solely on the credit that achieved at each stage and we cannot take mitigation into account. As a result, students cannot appeal such decisions based on mitigating circumstances.

My work was not uploaded correctly to the assessment portal and was not marked, or I lost marks for missing elements, can I appeal?

A student **cannot** appeal on this basis. It is the student's responsibility that files are uploaded correctly and work fully; technical error and human error are **not** valid mitigating circumstances upon which an appeal could be based. For this reason, it is advisable to upload assessments early so that any issues that arise can be resolved. Internet connection issues can cause file corruption when uploading, so it is advised that you download the files you uploaded to ensure they work correctly before submitting. The IT department at BIMM Institute tracks all system outages with BIMM Institute services so, if such an outage occurs and affects a student's assessment, BIMM Institute will be proactive in fixing the problem and providing reasonable adjustments for assessments affected.