



Fairfield School of Business

# Appeals Policy and Procedure

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Scope:	This Policy applies to students enrolled on higher education programmes leading to an award from <b>Bath Spa University</b> only.

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## 1. Introduction

- 1.1. Fairfield School of Business is committed to giving students a way to challenge choices that affect their advancement, evaluation, and degree results in order to safeguard the academic integrity of the school's awards and ensure fair and impartial evaluations for students and reliable results.
- 1.2. This process is intended to give students a formal way to ask for a review of assessments, mitigating factors, or academic misconduct penalty judgments. Stages One and Two of the process are followed in appeals of assessment decisions. Since students will have already presented their cases to the appropriate Panel as part of Stage One of these aligned procedures, appeals of academic misconduct and mitigating circumstances are directed to Stage Two of the procedure. The process consists of two steps and is intended to be fair, effective, and transparent.
- 1.3. Before deciding whether to file a formal appeal, students are advised to seek clarification from the Final Award Board/ Examiner or voice any concerns they may have with their academic advisor, the course instructor, or staff from Student and Registry Services or the Graduate Office for Research Degrees.

## 2. Advice and Guidance

- 2.1. Students are advised to consult any of the following sources for guidance both before and while using this procedure:
  - Student Support Services
  - Personal Tutoring
  - Appropriate Supervisors
  - Students' Union

## 3. Scope of the Appeals Process

- 3.1. Students enrolled in taught and research programmes may appeal judgments made by the following:
  - Examiners for research programmes or school's final award boards for taught programmes that are concerned with outcomes, advancement, and classification (Stage One and Stage Two)
  - the Postgraduate Research Management Group for Research Programs and the Mitigating Circumstances Panel for claims of mitigating circumstances for Taught Programs (Stage Two only)

- the Panel on Academic Misconduct (Stage Two only)

- 3.2. The school will inform the student if an Academic Appeal will be heard concurrently with another procedure or process regarding related issues (such as a student complaint or mitigating circumstances), or if one procedure may be temporarily suspended if it depends on the results of the other procedure.
- 3.3. Similar to that, a submitted appeal may be directed to the appropriate policy or procedure if doing so would result in it being handled more effectively.

## 4. Group appeals, third-party appeals, and anonymous appeals

- 4.1. A third party appealing on behalf of a student is not permitted to use this process. Students may file an appeal as a group appeal when the concerns highlighted in the appeal have an impact on several of them. In such cases, the group should choose one student to serve as the group representative in order to manage the development of the appeal. In such circumstances, the school will typically only get in touch with the designated student representative, who will be required to coordinate with the other students throughout the process.
- 4.2. Even though the student will often receive a copy of correspondence (unless the student requests otherwise), the school will only work with the one person authorised to represent the student in matters of appeal. Even if a student has designated a third party to represent them, they will still be asked to participate in the process as needed to provide for a thorough and complete review of the appeal.
- 4.3. FSB is unable to conduct a sufficiently thorough investigation, the school is unable to hear anonymous appeals under this procedure. Any anonymous appeals submitted will be noted and perhaps informed to the appropriate staff.

## 5. Frivolous or vexatious appeals

- 5.1. FSB anticipates that students won't make pointless or unnecessary appeals. Frivolous or vexatious appeals might involve, but are not restricted to:
  1. Persistently pursuing non-meritorious appeals and/or unachievable outcomes;
  2. Persistence on pursuing what might be a meritorious appeal in an excessive way;
  3. Persistently making appeals that are obsessive, intrusive, or repeated;
- 5.2. If the school decides to decline an appeal because it is frivolous or vexatious, the student will be given a written explanation of the decision. The school may take action under the Disciplinary Procedure when a student makes an appeal of this sort or provides misleading information.

## 6. Victimisation: Intentional statement

- 6.1. Any student who makes an appeal or attempts to use this system won't, subject to the aforementioned, face any negative consequences in their time at the school as a result of the steps they took to pursue an appeal. While an appeal is being heard, a student may continue to attend classes and use school resources without it having any bearing on the outcome of the appeal. As a result, any student filing an appeal should ordinarily keep up with their coursework, including retake preparation.

## 7. Confidentiality, Record- Keeping and Data Protection

- 7.1. FSB will exert all reasonable efforts to restrict the disclosure of information to those who must evaluate or respond to the case in a manner consistent with conducting a fair procedure and putting any recommendations into practise after taking an appeal into consideration. However, if a student specifies another faculty or staff member, that person or those people will typically have the right to respond to the appeal.
- 7.2. Students will be updated on all relevant evidence and decision-making justifications throughout the process. A report summarising the discussion and the reasoning behind the judgement will be given for each case that the Appeals Panel considers.
- 7.3. In accordance with its requirements under data protection law, FSB will treat the appeals records related to the proceedings using the FSB's pertinent privacy notices and data protection policy.
- 7.4. FSB will keep track of appeal results to facilitate analyse and address any systemic problems found.

## 8. Timescales

- 8.1. This protocol lays out deadlines that concern both the school and the student. Appeals will only be accepted outside of these timeframes in situations that the school deems exceptional.
- 8.2. FSB makes an effort to respond within the specified time frames. Any delay should be informed to the student if this is not practicable.

## 9. Appeal Outcomes

- 9.1. If an appeal is successful, the Final Award Board or Examiner's judgement may be changed by one step—from "failed" to "referred" for taught programmes, or from "referred" to "delayed" for research programs—and by one outcome as specified in the Research Degree Handbook. Marks will represent the student's attainment and won't be changed as part of the appeals procedure (unless an administrative error proves a mistake in the recorded mark).
- 9.2. The Chair of the relevant Final Award Board or Postgraduate Research Management Group will be required by the Appeals Panel to provide the following information when an appeal is upheld in full or in part: Review its initial judgement in light of the procedure's findings. The Chair of the Final Award Board may, as necessary, consult the External Examiner and other members of the Final Award Board when evaluating its decision regarding Taught Programs. The Final Award Board or Postgraduate Research Management Group may receive recommendations from the Appeals Panel, some of which may call for the initial judgement to be overturned. In this case, the student would be permitted to move on to Stage Two of the process. The Final Award Board or Postgraduate Research Management Group may decide to reject this suggestion on the grounds of upholding Academic Standards, but they must do so in writing.
- 9.3. Students will be given the explanations for the results at each step of the process.

## 10. Initial Stage: Formal Appeal

- 10.1. Students must structure any appeal by describing how the appeal relates to one or more of the following grounds because appeals against Final Award Board or Examiners judgments can only be made at Stage One on the following grounds (or categories):
  - A) if there is proof of an administrative mistake in the assessment process, to the point where the result of the assessment would have probably changed had the mistake not happened.
  - B) That there is proof that the evaluation of the study programme was not conducted in accordance with the pertinent laws or available programme information.
  - C) That there is evidence of evident prejudice or bias by one or more examiners against the student.
- 10.2. The following grounds are not acceptable:
  - A decision that is made using only the expertise of an academic specialist is referred to as an academic judgement. An evaluation opinion, assessment standards, degree categorization, fitness to practise, research technique, or course objectives are a few examples. This means that a grade or other result cannot be contested on the basis that the student feels the work did not merit it. Students may appeal against the

punishment for an academic misconduct on the reasons specified in section 11 but only after the allegation of academic misconduct has been proven.

- Minor failure to graduate with a higher class of degree for reasons unrelated to those listed in 10.1 above.
- Please refer to the Admissions Appeals Policy for appealing admissions decisions.
- please refer to the Complaints Procedure regarding the school's delivery of instruction or other services.
- a student's failure to submit work or extenuating circumstances; for more information, see the Fit to Sit principle, the mitigating circumstances policy for taught programmes, and the research degrees handbook for research programmes.

- 10.3. Within 10 days of being informed of the decision the student wishes to appeal, the school must receive the Stage One appeal via the Appeals Form (accessible on the school website or by contacting Student and Registry Services directly) and provide corroborating supporting documentation.
- 10.4. Submissions should be as specific and thorough as feasible, describe the appeal's purpose explicitly, and include references to any supporting documentation.
- 10.5. Normal delivery times for written acknowledgements and initial responses to students are five and ten business days, respectively. While it is anticipated that the Appeals Panel will typically meet within 25 working days and give a written decision within 30 working days, this time frame may need to be extended in some situations, such as when staff is not available who are necessary to evaluate the appeal. Students will be informed in such cases.
- 10.6. The Head of Student and Registry Services or a designee will initially examine appeals to see whether there are legitimate reasons for them.
- 10.7. The student will typically receive written confirmation within 10 working days explaining why the appeal is not eligible and describing the next steps if it is not eligible for review under this procedure. An appeal may be summarily dismissed by the Head of Student and Registry Services or a designee if:
- It does not follow the legitimate appeals grounds.
  - The grounds for the appeal do not appear to be supported by any evidence on the surface.
  - It was submitted beyond the deadline (without an extraordinary justification as per 8.1). If the criteria for review are satisfied, students may use the review step of the appeals procedure to contest the decision to summarily reject an appeal.
- 10.8. The appropriate Head of School or designee, along with Student and Registry Services, will receive all qualifying appeals and provide formal responses to the problems raised in the student appeal. In order to expedite the appeal decision for the student, the Head of School or nominee, Student and Registry Services, and other parties have the option to

propose that the appeal be granted at this point if their findings clearly support the student's cause. In these situations, students will be notified that their appeal was successful and the matter will be forwarded to the Final Award Board or Postgraduate Research Management Group for review; in all other situations, students will be notified that their appeal will be taken for consideration by the Appeals Panel and invited to attend.

The student will receive the responses from the Registry, School, and Student Services.

- 10.9. The Appeals Panel's mandate is to evaluate the appeal and, if necessary, provide suggestions or recommendations for additional measures.
- 10.10. The following people will make up the appeals panel:
- A Chair appointed by the Principal from the senior staff;
  - Three members of academic staff (nominated from each School of the school and the Graduate College);
  - Student Union 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. There will be no Chair who works for the student's school. The school's academic staff members who have a close academic tie to a particular student or appeal will not serve on that panel.
- 10.12. The Panel may decide any of the following:
- The appeal is upheld
  - The appeal is denied
- The Panel may also offer a suggestion in accordance with section 9.
- 10.13. The Appeals Panel will deliberate in private, and the student may be informed of the decision that day or within five working days.
- 10.14. The Appeals Panel will be open to students who wish to attend. Students are encouraged to attend meetings related to the process with a buddy (often another enrolled student at the School) or Students' Union representative, but they are not required to do so. 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. The Appeals Panel will assess the appeal based on the facts provided by the student if the student is unavailable or unable to attend the meeting. The outcome of the appeal will be determined by the evidence and not by a student's choice to attend or not.
- 10.15. The appeal will be initially considered by the Appeals Panel based on the student's appeal and the responses from the Head of School or designee, Student and Registry Services, and other parties. The panel members may interrogate the student about the appeal or their statement once the student has been invited to the panel to make a supportive statement. Except for the final Panel discussions when all the evidence has been taken into account, the student will be present throughout the appeal.



- 10.16. The student will get an outcome letter with the decision's justifications after the Appeals Panel hearing, typically within five working days following the Panel. The student will be informed of the results of any further review by the chair of the final award board for taught programmes, the examiners, or the postgraduate research management group for research programmes, along with the rationale behind those results, within five working days. The student has the right to proceed under Stage Two if a Final Award Board or Postgraduate Research Management Group declines to implement an Appeals Panel proposal.

## 11. Stage Two: Review

- 11.1. The results of the following procedures may be reviewed:
- Results of Stage One appeals
  - Resolutions of the Mitigating Circumstances Panel
  - Repercussions of a panel's ruling on academic misconduct
- 11.2. Within 10 working days of the date written notice of the Stage One or Panel conclusion is received by the registry Office, a request for review must be made in writing (together with a copy of the original appeal or paperwork and the Stage One or Panel outcome letter). The application must include a detailed statement of the reasons for the review. The student will be informed that the appeal has been closed after this date by Student and Registry Services.
- 11.3. If the registry officer, or their designee, determines that one of the following conditions are met, they may decide to approve the review.
- A) a significant amount of material still exists for the case to warrant additional review, new evidence has come to light that could not have been made accessible to the Appeals Panel, Academic Misconduct Panel, or Mitigating Circumstances Panel at the time, or was not for good reason;
  - B) that there is new evidence that could not have been made available or was not for good reason at the time of the Appeals Panel, Academic Misconduct Panel, or Mitigating Circumstances Panel and that there is still enough evidence to support further consideration of the case; or
  - C) that there is still enough evidence to support further consideration of the case despite a significant procedural error on the part of the school in considering the appeal, academic misconduct, or mitigating circumstances.
- 11.4. In determining whether to enable a review, the registry officer will consider the overall reasonableness of the Stage One or Panel conclusion as well as any additional considerations (including considerations of compassion).

- 11.5. A Review Panel will be chosen if the registry officer decides to permit a review. Within 10 working days of receiving the review application, they usually notify the student in writing of their decision. Reasons for the rejection of a review application will be provided.
- 11.6. In the event that a review is approved, the Review Panel will typically finish its investigation in 20 working days.
- 11.7. The purpose of the Review Panel shall be to review cases that the registry has forwarded to it, determine whether the evidence is significant enough to call into question the validity of the judgement made during Stage One of the applicable procedure, and, if the conditions of (a) are satisfied, render a decision on the case and, if appropriate, make proposals or recommendations for further action.
- 11.8. The Review Panel shall consist of the following individuals:
- the student union president or a candidate,
  - two senior staff members nominated by the principal, one of whom shall serve as Chair.
  - There might be a Review Panel with Registry Officer in attendance.
- 11.9. No staff member from the school's department that was previously involved in the case or a person who was directly involved in the case shall be a member of the Review Panel.
- 11.10. The Panel may decide to: uphold the decision of the Appeals Panel, Academic Misconduct Panel, or Mitigating Circumstances Panel; or uphold the decision of the Appeals Panel, Academic Misconduct Panel, or Mitigating Circumstances Panel but recommend further action or agree to a different resolution; or not uphold the decision of the Appeals Panel, Academic Misconduct Panel, or Mitigating Circumstances Panel.
- 11.11. A Stage Two Outcome Letter advising the student of the Panel's decision and any suggestions for following up on the appeal will be provided to them after the Panel's review is complete. A letter stating that the student has finished the school's internal appeals procedures will also be given to them.

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

- 12.1. If the student is unhappy with the outcome after the school's internal channels have been exhausted, they may file a complaint with the Office of the Independent Adjudicator (OIA), according to the guidelines of the OIA's independent complaints mechanism.
- 12.2. The school will send the aforementioned "Completion of Procedures" letter once all of its options have been explored. Even though the letter will note that the student has not finished the internal processes, completion of procedures letters will automatically be sent after the conclusion of Stage Two, but they can be requested at other stages as well.

- 12.3. If a student wishes to file a complaint, they must do so with the OIA within twelve (12) months of the date this letter was issued. Please visit the OIA's website for instructions on how to file a complaint.: <http://www.oiahe.org.uk/>