

APPEALS POLICY

We regularly review and update our regulations and policies, including this policy. Accordingly, the following changes have been made from the Appeals Policy in place during the 2020-2021 academic year.

Clause(s)	Description
3.6	Update to the information about vexatious and malicious appeals.

Key facts

You should familiarise yourself with the entirety of this policy, and we would particularly draw your attention to the following elements:

Clause(s)	Description
1.1	<p>An appeal is a request for a review of a decision about you reached through the application of a University policy, procedure or regulation. Examples of decisions you may wish to appeal against are:</p> <ul style="list-style-type: none"> • The results agreed at an Assessment Board, which includes the results of an Extenuating Circumstances application • A decision reached by an Academic Misconduct Panel • A decision reached through the Attendance Monitoring Policy • A decision reached a disciplinary process
2.1	<p>There are two grounds for appealing the decision of a University body:</p> <ol style="list-style-type: none"> a) That there has been a material error or irregularity in the formal conduct of the process in reaching the decision; and/or b) That your performance was adversely affected by extenuating circumstances which you were unable, or for valid reasons, unwilling to divulge before the decision concerned was reached.

Key facts continued

Clause(s)	Description
4.2	<p>You may not appeal the decision of an Assessment Board (or other decision-making body on the grounds of alleged defective judgement or non-competence of a properly convened and constituted Assessment Board (or other decision-making body). In the case of an Assessment Board this would constitute a challenge to academic judgement. Academic judgement is a judgment that is made about a matter where only the opinion of an academic expert is sufficient. Academic judgement may relate to, but is not limited to:</p> <ul style="list-style-type: none"> • Assessment marks; • Assessment feedback; • Degree classifications; • Academic misconduct; • Research methodology; • Course content and/or learning outcomes
5.1	<p>The University's relationship is with you as a student, irrespective of who pays your fees. The University will not deal with a third-party appeal made on your behalf if unless there is a valid reason, for example, a reasonable adjustment for a diagnosed disability. In cases where a third party appeal is appropriate, you will be required to complete a Third Party Consent Form in order to formally authorise a third party (such as a parent or guardian, carer, spouse or significant other) to act on your behalf. Where a Third Party Consent Form is received, the University will only correspond with the individual authorised to act on your behalf.</p>
8.1	<p>An appeal must be lodged with QAE within twenty (20) working days of the notification of Assessment Board results or outcome from another University decision-making body. Any appeal must be accompanied by supporting evidence to be considered.</p>

This policy should be read in conjunction with the [Appeals Procedure](#).

This policy applies to any student and any qualification of Falmouth University, whether offered solely by the University or in conjunction with any academic, professional or other institution in the United Kingdom or elsewhere, irrespective of the mode of study, excepting Research degree students. Research degree students are considered at Assessment Boards at the University of the Arts London, or Plymouth University according to registration. Consequently, students registered on these courses wishing to appeal should request further information by contacting the [Research & Development Support Officer](#).

The policy applies equally to Foundation, undergraduate and postgraduate students.

Definitions:

- **You/Your** means a student, prospective student or applicant of Falmouth University
- **We/Us/Our/The University** means Falmouth University

The Appeals Policy is managed by the Quality Assurance and Enhancement (QAE) team, which is responsible for the effective development, implementation and management of the University's policies, procedures and processes. QAE may be contacted at QAE@falmouth.ac.uk.

You can get free, impartial, confidential advice on this policy from the Falmouth and Exeter Students' Union: advice@thesu.org.uk | 01326 255 861 | drop in at the FXU reception.

1 Introduction

1.1 An appeal is a request for a review of a decision about you reached through the application of a University policy, procedure or regulation. Examples of decisions you may wish to appeal against are:

- The results agreed at an Assessment Board, which includes the results of an Extenuating Circumstances application
- A decision reached by an Academic Misconduct Panel
- A decision reached through the Attendance Monitoring Policy
- A decision reached a disciplinary process

If you are unhappy with another aspect of your experience at Falmouth University, please contact the Students' Union or QAE for advice about the correct process to follow.

1.2 The Chancellor has no role with regards to the receipt or consideration of student appeals; any appeals sent directly to the Chancellor will not be investigated. The University will not forward any letters concerning appeals to the Chancellor.

2 Grounds for appeal

2.1 There are two grounds for appealing the decision of a University body:

- c) That there has been a material error or irregularity in the formal conduct of the process in reaching the decision; and/or

- d) That your performance was adversely affected by extenuating circumstances which you were unable, or for valid reasons, unwilling to divulge before the decision concerned was reached.

2.2 If you are adversely affected by extenuating circumstances, it is your responsibility to make use of the University's Extenuating Circumstances Policy. If you choose not to reveal any medical or other problem prior to the assessments or an assessment board, you will only be able to use this information as the grounds for a subsequent appeal in the most exceptional circumstances, and must provide evidence as to why you did not divulge such information at the time.

3 Matters which are not covered by the University's Appeals Policy and Procedure

Appeals in relation to the following matters will not normally be considered, unless you are able to evidence the grounds outlined in clause 2 in relation to the matter.

3.1 Some issues cannot be dealt with under the Appeals Policy. For example, this policy cannot be used to make a complaint about teaching or another service provided by the University. Students wishing to raise a complaints should read the Complaints Policy and Procedure.

3.2 You may not appeal the decision of an Assessment Board (or other decision-making body on the grounds of alleged defective judgement or non-competence of a properly convened and constituted Assessment Board (or other decision making body). In the case of an Assessment Board this would constitute a challenge to academic judgement. Academic judgement is a judgment that is made about a matter where only the opinion of an academic expert is sufficient. Academic judgement may relate to, but is not limited to:

- Assessment marks;
- Assessment feedback;
- Degree classifications;
- Academic misconduct;
- Research methodology;
- Course content and/or learning outcomes

3.3 As per the Registration Policy, the approval of late enrolment is conditional on you accepting that it is your responsibility to catch up with the course content, and that the approval of a late enrolment cannot be used subsequently as grounds for appeal.

3.4 Formal (Step 2) appeals should be submitted within twenty (20) working days of the date the decision being challenged is communicated to you.

- Appeals received prior to the decision being communicated to you will not be considered; you will be required to resubmit the appeal at the appropriate time.
- Appeals submitted after the deadline will not normally be considered, unless

you can evidence a valid reason why you were unable to submit the appeal by the deadline.

- 3.5 All students are expected and required to be aware of and abide by the University's regulations, policies and procedures, and ignorance of any particular regulation, policy or procedure is not valid grounds for appeal.

For example, upon enrolling at the University, you agree to the Student Terms and Conditions, which state that all email communications from the University will be sent to your allocated University email account, and that you are expected to check and use that account regularly both during and outside of term time. Consequences resulting from a failure to check your University email and/or act upon instructions from the University is not valid grounds for appeal.

- 3.6 If any aspect of your appeal is shown to be malicious, dishonest and/or vexatious, the appeal will not be considered. Examples include:
- appeals which are obsessive, harassing, or repetitive
 - insistence on pursuing non-meritorious appeals and/or unrealistic, unreasonable outcomes
 - insistence on pursuing what may be meritorious appeals in an unreasonable manner
 - appeals which are designed to cause disruption or annoyance
 - demands for redress which lack any serious purpose or value.

If your appeal is deemed to be malicious, dishonest and/or vexatious the University will issue a Completion of Procedures letter. Depending on the circumstances you may also be referred to the University's Student Disciplinary Policy and Procedure.

4 Third-party communication

- 4.1 The University's relationship is with you as a student, irrespective of who pays your fees. The University will not deal with a third-party appeal made on your behalf if unless there is a valid reason, for example, a reasonable adjustment for a diagnosed disability. In cases where a third-party appeal is appropriate, you will be required to complete a Third-Party Consent Form in order to formally authorise a third party (such as a parent or guardian, carer, spouse or significant other) to act on your behalf. Where a [Third Party Consent Form](#) is received, the University will only correspond with the individual authorised to act on your behalf.

- 4.2 In line with the provisions of the General Data Protection Regulations, the University has a policy on the confidentiality of information held about individual students. Therefore, information relating to an appeal cannot be released to a third party other than when required by law or with the written consent of the student. If you would like to give your consent for the University to discuss your appeal with a third party, please complete a [Third Party Consent Form](#).

5 Communications

- 5.1 All communications regarding appeals, including receipt confirmation and outcome notifications, will be conducted by email. Completion of Procedures letters can be sent as a hard copy your preferred address by request.

6 Confidentiality

- 6.1 In submitting an appeal, you are conferring authorisation to those involved in the process to have access to relevant information required to make a decision. The University may require access to sensitive information (for example, a file held by Student Services).
- 6.2 Normally, an appeal and supporting evidence will only be viewed by the members of the Quality Assurance and Enhancement Team and, should the appeal progress to the Appeals Board, by the members of that Board. Where necessary, staff other than the members of the Quality Assurance and Enhancement Team and the Appeals Board will need sight of all or part of the appeal in order to respond to the points raised within the appeal. You can be reassured that, in such instances, any information disclosed will be treated sensitively and confidentially. If you have specific concerns regarding confidentiality please contact QAE and/or raise your concerns on within your appeal form.

8 Timescale for all appeals

- 8.1 An appeal must be lodged with QAE within twenty (20) working days of the notification of Assessment Board results or outcome from another University decision-making body. Any appeal must be accompanied by supporting evidence to be considered.
- 8.2 Appeals received after twenty (20) days of the notification of Assessment Board results or outcome from another University decision-making body will not normally be considered. Supporting material received after twenty (20) days of the notification will not normally be considered.
- 8.3 An appeal against an Assessment Board outcome may not always be resolved before the start of the next study block or level of study. If you are appealing against a decision that prevents you from continuing your studies into the next study block or level, you may be permitted to provisionally continue with your studies while your appeal is under consideration on the clear understanding that this is without prejudice to the outcome of the appeal.

9 Policy and Procedural Review

- 9.1 The Quality Assurance and Enhancement team submits an annual report regarding appeals to the Academic Quality & Standards Committee.

VERSION CONTROL

PURPOSE/CHANGE	AUTHOR	DATE
Updates to the below clauses following approval at AQSC: 2.2, 3.1, 3.2, 3.6, 4.1, 5.2, 7, 7.5, 6.7, 7.3, 8.1	QAE	04/07/2018
Updates to the below clauses following approval at AQSC: 1.2, 4.1, 7.1	QAE	04/07/2019
TBC: Rewritten in student-facing language, clarification of circumstances where appeals can and cannot be made, changes to third party appeals, following approval at Academic Board.	QAE	22/07/2020
Update to clause 3.6 following approval at AQSC	QAE	21/07/2021