



Title:	Student Non-Academic Appeals Policy
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Approved by:	Senior Management Team
Policy owner:	University Partnership Director

This policy should be read in conjunction with the Non-Academic Appeals Procedure (WBSAPro-01).

WaterBear is a College of Falmouth University and as such its students are students of Falmouth University, studying at WaterBear. All WaterBear policies and procedures have been tailored to best suit the specific requirements of the College, its students and staff. In some instances, Falmouth policies and procedures may be deferred to for additional guidance, or where Falmouth policy has been deemed to cover both the requirements of the University's operations and those of its academic partners.

The policy applies equally to undergraduate and postgraduate students.

## 1. Key Facts

- 1.1. You should familiarise yourself with the entirety of this procedure. This procedure should be read in conjunction with the Non-Academic Student Appeals Procedure (WBSAPro-01).
- 1.2. This procedure applies to any student of WaterBear, irrespective of the mode of study.
- 1.3. This procedure applies equally to undergraduate and postgraduate students.

## 2. Definitions

- 2.1. "You" and "Your" means any student, prospective student or applicant of WaterBear.
- 2.2. "We" "Us" "Our" and "The College" means WaterBear Education Ltd.

The Appeals Policy is managed by the Senior Management Team (SMT), which is responsible for the effective development, implementation and management of the College's policies, procedures and processes.



### 3. Introduction

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

- The outcome of an Extenuating Circumstances application
- A decision reached through the Attendance Monitoring Policy
- A decision reached through a disciplinary process
- Another decision reached by the college

(Note that Academic Appeals will be dealt with in consultation with Falmouth University's QAE Department.) If you are unhappy with another aspect of your experience at WaterBear, please contact your Programme Team for advice about the correct process to follow.

### 4. Grounds for Appeal

4.1. There are two grounds for appealing the decision of a College or University body:

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

### 5. Matters that Are Not Covered by the College's Appeals Policy and Procedure

- 5.1. 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.
- 5.2. 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 College. Students wishing to raise a complaint should read the **Complaints Policy and Procedure (WBSCP01-01, WBSCPro-01)**.
- 5.3. You may not appeal the decision of a decision-making body on the grounds of alleged defective judgement or non-competence of a properly convened and constituted decision-making body.



- 5.4. Formal (Step 2) appeals should be submitted within 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.
- 5.5. All students are expected and required to be aware of and abide by the College's regulations, policies and procedures, and ignorance of any particular regulation, policy or procedure is not valid grounds for appeal.
- 5.6. If any aspect of your appeal is shown to be malicious, dishonest and/or vexatious, the appeal will not be considered. Examples include:
  - appeals that 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 that are designed to cause disruption or annoyance
  - demands for redress that lack any serious purpose or value.
- 5.7. If your appeal is deemed to be malicious, dishonest and/or vexatious, the College will issue a Completion of Procedures letter. Depending on the circumstances, you may also be referred to the College's Student Disciplinary Policy and Procedure.

## **6. Third-party Communication**

- 6.1. The College's relationship is with you as a student, irrespective of who pays your fees. The College will not deal with a third-party appeal made on your behalf 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 College will only correspond with the individual authorised to act on your behalf.



- 6.2. In line with the provisions of the General Data Protection Regulations, the College 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 College to discuss your appeal with a third party, please complete a [Third-Party Consent Form](#).

## **7. Communications**

- 7.1. 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 to your preferred address by request.

## **8. Confidentiality**

- 8.1. 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 College may require access to sensitive information.

## **9. Timescale for All Appeals**

- 9.1. An appeal must be lodged within 20 working days of the notification of outcome from another College decision-making body. Any appeal must be accompanied by supporting evidence to be considered.
- 9.2. Appeals received after 20 days of the notification of outcome from a College decision-making body will not normally be considered. Supporting material received after 20 days of the notification will not normally be considered.
- 9.3. 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.

## **10. Policy and Procedural Review**

- 10.1. This policy and associated procedures will be reviewed annually by the SMT.