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| Title:            | Non-Academic Student Appeals Procedure |
| Code:             | WBSNAPro-01                            |
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| Approved by:      | Senior Management Team                 |
| Policy owner:     | University Partnership Director        |

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.

## 1. Key Facts

- 1.1. You should familiarise yourself with the entirety of this procedure. This procedure should be read in conjunction with the Student Appeals Policy (WBSAPol-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

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

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



### 3. Step 1 – Early Resolution

- 3.1. Before deciding whether to lodge a formal appeal, you should discuss your concerns with a relevant member of staff. You are encouraged to initiate this discussion within 7 calendar days of the decision being communicated to you.

This informal discussion often leads to a better understanding of why a certain decision was reached and/or whether you have valid grounds upon which to make an appeal. If the matter cannot be resolved informally, you may proceed to Step 2 – Formal Appeal.

### 4. Step 2 – Formal Appeal

- 4.1. If you are unable to resolve your concerns through Step 1, you may make a formal appeal using the Appeals Form, which can be requested and must also be submitted to WaterBear Programme Managers along with supporting evidence.
- 4.2. Step 2 appeals must be submitted within 20 working days of outcome of a College decision-making body being communicated to you.
- 4.3. Appeals may be made on the following grounds:
- 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.
- 4.4. An appeal against an 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.
- 4.5. If you wish to request to provisionally continue with your studies pending the outcome of your appeal, please include this information in your appeal form. The request will be considered by the nominated Appeals Officer, and you will be informed about whether your request to provisionally progress is approved within ten working days from receipt of your appeal.
- Once received by your nominated Appeals Officer, you will normally be sent an email acknowledging receipt of your appeal within five working days.

**Please ensure your appeal includes:**

- A completed Appeals Form
- A clear explanation of which decision you are appealing
- The ground(s) for appeal you are relying on



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- Any relevant supporting evidence (e.g., emails, medical letters)

4.6. Your Step 2 appeal will be reviewed by a nominated Appeals Officer. The nominated Appeals Officer may determine in the first instance that your appeal does not warrant a full investigation, according to the following criteria:

- Early resolution: The nominated Appeals Officer has determined that your appeal is based on an administrative error (or similar) that can be rectified with immediate effect. In such cases, the appeal is considered as being referred back to Step 1 – Early resolution: the issue will be corrected, and your appeal will be closed.
- Incorrect use of the Appeals Policy and Procedure: The nominated Appeals Officer has determined that your request does not fall under the Appeals Policy and Procedure. You may be directed to the appropriate alternative policy/procedure through which to pursue your request.
- Out of time: The nominated Appeals Officer may determine that your appeal does not meet the timeframe requirements and you have not provided a valid reason for the delay. Your appeal will not be investigated further and will be closed. The original decision will stand, and you will be issued a Completion of Procedures letter (see section 4).

Please note that any evidence submitted after the appeal deadline will only be considered in exceptional circumstances, and you must provide a clear explanation and supporting documentation to justify why it was not available at the time of submission.

4.7. All eligible appeals will be investigated by a nominated Appeals Officer to determine whether there is sufficient evidence to prove your grounds for appeal. The outcome of your Step 2 appeal will be either:

- Upheld: Your appeal demonstrates valid grounds, and the original decision will be reviewed in light of your successful appeal; or
- Not upheld: Your appeal does not demonstrate valid grounds, and the original decision will stand.

4.8. The nominated Appeals Officer responsible for your appeal acts with delegated authority from WaterBear's Senior Management Team and is authorised to make decisions on behalf of other College decision-making bodies. Where your appeal is upheld, new decisions will be made within the context of the University's regulations, policies and procedures.

4.9. You will normally be notified of the Step 2 outcome (with reasons for the decision) within 30 working days of the applicable appeals deadline. However, this period may need to be extended depending on the nature and complexity of the review required.

## 5. Step 3 – Review

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5.1. If you are dissatisfied with the outcome at Step 2, you may request a review of the procedure undertaken at Step 2, on the following grounds:

- a material error or irregularity in the conduct of Step 2 of the Appeals Procedure; and/or;
- you have material new evidence that has become available since the commencement of Step 2 that you were unable, for valid reasons, to provide by the original Step 2 appeals deadline

Step 3 does not reconsider the original decision but evaluates whether Step 2 was conducted fairly and in accordance with this procedure.



- 5.2. You should make your request for a Step 3 Review by completing a Review Request Form, to be submitted to the Programme Team within ten working days of the completion of Step 2.
- 5.3. Once received by your Programme Team, it will be submitted to the Appeals Review Board. You will normally be sent an email acknowledging receipt of your Step 3 Review request within five working days.
- 5.4. Step 3 Review requests received by the deadline will be considered within 60 working days. If you submitted your request outside of the specified deadline and have not provided a valid reason for the delay, your Step 3 Review request will be considered out of time, and you will be issued with a Completion of Procedures letter (see section 5).
- 5.5. If you decide you do not have grounds to proceed with a Step 3 Review, you can request a Completion of Procedures letter from the College within 60 working days of the Step 2 outcome notification.

## **6. Appeals Review Board**

- 6.1. The purpose of an Appeals Review Board is to consider your appeal review request and determine whether you have presented sufficient evidence to warrant a reconsideration of the Step 2 outcome, taking into account the statements in your form and documentary evidence provided.
- 6.2. Where your appeal is upheld, please note that all new decisions will be made within the context of the University's regulations, policies and procedures.
- 6.3. The Appeals Review Board will normally meet within 60 working days of the applicable appeals deadline, subject to staff availability. However, this period may need to be extended in line with College vacations and/or depending on the nature and complexity of the review required.
- 6.4. The membership of an Appeals Review Board shall comprise:
  - COO (or nominee), who will act as Chair
  - Two senior (Head of Subject/Professional Services equivalent or above) members of staff of the College to include at least one academic member of staff (staff sitting on the Board shall have no direct connection with the student's case);
  - A member of Student Services (or nominee)
- 6.5. Quorum for the Appeals Review Board shall be the Chair and one senior (Head of Subject/Professional Services equivalent or above) member of staff. Staff Who were involved in either the original decision-making process or the appeal cannot be included in the membership of the Appeals Review Board.
- 6.6. The Appeals Review Board decision in each case shall be either:
  - Upheld: Your review request demonstrates valid grounds, and the Step 2 decision and/or the original decision being appealed against will be reviewed in



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light of those grounds; or

- Not upheld: your review request does not demonstrate valid grounds, and the Step 2 decision and the original decision being appealed against will stand.

6.7. You will be notified of the Step 3 Review outcome with reasons for the decision within ten working days of the meeting.

### 7. Completion of Procedures Letter

7.1. The completion of Step 3 marks the conclusion of the College's internal processes, and you will be issued with a Completion of Procedures letter.

7.2. A Completion of Procedures letter will also be issued in the following circumstances:

- Where your Step 2 appeal was submitted outside of the specified deadline and you were unable to evidence a valid reason for missing the deadline; or
- Where your Step 3 Review request was submitted outside of the specified deadline and you were unable to evidence a valid reason for missing the deadline.
- Where you decide that you do not have grounds to proceed with a Step 3 Review and request a Completion of Procedures letter within 60 working days of the Step 2 outcome notification.
- Where your appeal has been deemed to be malicious, dishonest and/or vexatious.

In the last two cases, the letter will confirm that the University's procedures have not been completed.

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

8.1. WaterBear subscribes to an independent scheme for the review of student complaints provided by the Office of the Independent Adjudicator (OIA). If, following receipt of your Completion of Procedures letter, you are dissatisfied with the outcome of your appeal, you may be able to apply to the OIA for a review of your case.

8.2. Should you decide to raise your case with the OIA, you must do so within 12 months of receipt of your Completion of Procedures letter, using the OIA's complaint form. The OIA will normally only consider cases that have been through the College's own procedures first.

8.3. Further details can be found on the OIA website at [www.oiahe.org.uk](http://www.oiahe.org.uk). The OIA's contact details are: Office of the Independent Adjudicator, Second Floor, Abbey Gate, 57–75 Kings Road, Reading RG1 3AB, Tel: 0118 959 9813 Email: [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk).