

Birmingham City University
Academic Appeals Procedure

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1. Introduction

- 1.1 This procedure sets out the processes for students to appeal their academic marks or a decision made in regard to their progression. The procedure promotes equality of opportunity and the rights of all students to benefit from a high-quality academic experience, and to access the support they need to succeed. We consider appeals as an open opportunity to address and enhance our provision, learning opportunities, public information and management of the information we hold.
- 1.2 This procedure aims to provide a quick, simple process with a strong focus on trained staff having the power to deal with appeals as soon as possible. Investigations and outcomes are intended to be proportionate to the matters raised.

2. Who can use this procedure?

2.1 *Students*

- 2.1.1 This procedure applies to all registered students of the University, including those studying at partner institutions under franchise or validation arrangements in the UK and overseas. We will only consider appeals from previously registered students if the appeal is submitted in line with the timescales set out in this Procedure and otherwise meets the eligibility criteria applicable to appeals.

2.2 *Groups of students*

- 2.2.1 A group of students can make a group appeal. The group should nominate two people to act as group representatives. There is a separate form to use when submitting a group appeal.

2.3 *Students studying at partner institutions*

- 2.3.1 Students studying at a partner institution can make an appeal directly to the University. If on receipt of your appeal form we think the matter should be dealt with by the partner institution, we will tell you and explain why. We will also support you to access an alternative, appropriate avenue of appeal.

2.4 *Staff*

- 2.4.1 We only accept appeals from University staff where the staff member is an enrolled student of the University and is appealing in their capacity as a student.

2.5 *Third parties*

- 2.5.1 We will only accept an appeal from a third party if the third party is acting as your nominated representative with your express written permission. If we receive an appeal in your name from a third party but have not been informed by you that they are acting as your representative, we will explain to the third party that we cannot discuss the issues raised without your permission. We will contact you to seek your permission to communicate with the third party about the issues raised.

3 What are the grounds of appeal?

3.1 *Grounds*

- 3.1.1 An appeal is considered a request for a review of a decision on student assessment, progress and awards. You can appeal on the following grounds:
- There has been a material procedural irregularity in the way a decision has been reached. This means that we have not followed our procedures or have not applied them consistently and this is likely to have had a significant effect on your mark or the final outcome.
 - You have been withdrawn from the University under the Student Attendance and Engagement Policy and:
 - You believe the decision was unreasonable in light of all the available evidence; or
 - You have new evidence which could not reasonably have been provided sooner and which would have had a material effect on the previous decision(s).
 - There is reason to believe that the marking process has been biased. The OIA defines bias as ‘a tendency to favour one person or group, thing or point of view over another, especially in a way considered to be unfair’.
 - You have made an extenuating circumstances claim which has been unsuccessful at **both** the initial consideration stage and the query stage.
- 3.2 You will not be disadvantaged as a result of raising a legitimate appeal, and raising such an issue will not influence the outcome of any marking or grading (unless the confirmed outcome of an appeal has a direct effect on marking or grading).

3.3 *Appeals not falling under this procedure*

- 3.3.1 It may be that you submit an appeals which is best dealt with under another procedure, e.g. the Student Complaints Procedure. If we receive your appeal and think that it is more appropriate to deal with under another procedure, we will move your appeal to the other procedure and explain why.
- 3.3.2 This procedure cannot be used to appeal a decision reached in respect of an individual's application to study at the University. Applicants wishing to challenge admissions decisions should make contact directly with the University's Admissions team: Admissions@bcu.ac.uk.

3.4 Appeals about placement

- 3.4.1 You can use the University's procedure to appeal in regard to assessment that has happened within a placement, as long as the assessment is governed by the University's Academic Regulations.

3.5 Appeals relating to academic judgment

- 3.5.1 Appeals that relate solely to matters of academic judgment will be considered ineligible. The OIA defines academic judgment as 'a judgment that is made about a matter where only the opinion of an academic expert is sufficient.' This means you cannot appeal against the decision made by academic staff on the quality of your work or the criteria being applied to mark your work.

3.6 Appeals based on positive formative feedback

- 3.6.1 You should be aware that receiving positive feedback from a tutor or supervisor on a draft assessment does not represent an indication or a guarantee that the work will achieve a pass mark once submitted. Academic staff can provide you with guidance but cannot tell you in advance of submission whether a piece of work will pass or fail. If you submit an appeal based solely on having received positive formative feedback and then receiving a fail mark, your appeal may be deemed ineligible.

3.7 Ineligible appeals

- 3.7.1 If when we receive your appeal we think it falls outside the allowed grounds of appeal, we may consider the appeal ineligible. Where we decide an appeal is ineligible, we will tell you, explain why, and tell you what options are available to you.

3.8 Vexatious appeals

- 3.8.1 If at any time during the appeals process your behaviour is considered vexatious, we may decline to continue consideration of your appeal. We may

also make a referral under the Student Disciplinary Procedure or Fitness to Practise Procedure.

3.8.2 Vexatious behaviour might include (but is not limited to):

- Seeking to raise further appeals about issues that have already been addressed under this Procedure.
- Persistently seeking to raise appeals in response to situations where you are given information or outcomes with which you do not agree.
- Raising appeals which have an intent to annoy, harass, or cause trouble, rather than raising legitimate concerns.
- Raising appeals which appear to have no reasonable grounds and are not supported by any relevant evidence.

4. Support available

4.1 *Wellbeing support*

4.1.1 Wellbeing support can be accessed through the [Mental Health and Wellbeing team](#).

4.1.2 In all cases, if you tell us that you need wellbeing support or the nature of your appeal means we think you would benefit from wellbeing support, we will signpost you to appropriate internal and/or external support services.

4.2 *Academic support*

4.2.1 Academic support is available from your course team and from the [Academic Skills department within Library and Learning Resources](#).

4.3 *Independent advice*

4.3.1 Independent advice on pursuing an appeal and the appeals process is also available from the [Students' Union Advice Centre](#).

4.4 *Companion at meetings*

4.4.1 You are entitled to take someone with you to appeal meetings. This may be a student advisor from the Students' Union or a friend or relative who is not acting in a legal capacity. The role of this person is to support and advise you. Where appropriate this person may speak in support of you, but you will usually be expected to speak for yourself in any meeting or panel hearing.

4.5 Reasonable adjustments for disability

- 4.5.1 If you have a disability and want us to consider making specific reasonable adjustments to the appeals procedure, you should raise this as soon as possible during the process. We may need to speak to a Disability Adviser to confirm what adjustments would be appropriate. If you have a Disability Support Summary and / or Placement Action Plan in place and wish the contents to be taken into account as part of the appeals process, you should submit the DSS and / or PAP to Student Governance, or provide Student Governance with consent to obtain the relevant document(s) directly from the relevant support service.
- 4.5.2 Anyone taking part in an appeal meeting is entitled to ask for a break at any time, irrespective of whether or not you have a disability.

5. The appeals process

- 5.1 All staff involved in the consideration of an appeal will be impartial and will have had no previous involvement in the case. In all cases, we will use suitable alternative staff members if the individuals named in the procedure are unavailable for any reason e.g. due to absence or because of a conflict of interest.
- 5.2 In all cases we will endeavour to keep you updated throughout the process and to advise you of relevant timeframes. Where cases are delayed, we will tell you and will explain the reasons for the delay wherever appropriate. It may not be possible to give specific reasons for a delay if it is due to staff illness, for example. We will confirm to you that the case has been concluded and explain to you what your options are in respect of further action, if you are dissatisfied.

5.3 Informal resolution

- 5.3.1 While informal resolution is not compulsory, we encourage all students to engage with this stage as it is often the quickest and easiest way to solve problems. The purpose of the informal resolution stage is to understand the appeal and, if it is straightforward and needs a limited amount of investigation, resolve it as quickly as possible.
- 5.3.2 Your first point of contact in raising an appeal informally should usually be your Course Leader or another member of the course team. If you want to speak to someone about resolving an appeal informally but are unsure who to talk to, [Student Governance](#) or the [Students' Union Advice Centre](#) can advise you.

- 5.3.3 If an appeal cannot be resolved informally, is not suitable for informal resolution (e.g. because the concerns raised are very serious), or you do not wish to engage with informal resolution, you should submit a formal appeal: see 5.4.1.

5.4 Formal investigation

- 5.4.1 Formal appeals should be submitted to the Student Governance team using the relevant formal academic appeal form. You can find a link to access the form at Section 7.1 below. You must set out your concerns clearly and briefly, and provide evidence, where possible, of the issues raised. If you do not provide evidence when submitting your form then we may ask you to provide the evidence and give you a time limit to do so; the case may be paused while we await your evidence.
- 5.4.2 If we think your appeal should be dealt with under another procedure, or if it is ineligible in any way, we will tell you this and explain why. We will explain to you what the next steps are and what options are available to you. We may move your appeal to another procedure and will explain why we have done this.
- 5.4.3 You may tell us that you want all or part (e.g. a statement from a witness) of your appeal to remain confidential. Although we will manage all appeals in a confidential and sensitive way, it may not be possible to allow anonymous evidence to be used where it does not allow another party to offer a full response.
- 5.4.4 If you submit a formal appeal and have not made use of the informal stage where it seems appropriate to have done so, the Student Governance team will signpost you to staff who can discuss informal resolution with you.
- 5.4.5 Case Officer process**
- 5.4.6 A Case Officer will be appointed to investigate your appeal. The Case Officer may be drawn from either within or outside your School or Department but will have had no prior involvement in, or knowledge of, you or the appeal, ensuring impartiality and independence. The Case Officer may be an academic or member of professional services staff who will have received training to conduct investigations.
- 5.4.7 The Case Officer may contact you to seek further evidence and may obtain any evidence required from your course team or other University staff. The Case Officer may also meet with relevant staff to discuss your appeal.
- 5.4.8 The Case Officer will normally arrange a meeting with you to discuss your appeal and any evidence you have provided. As part of the investigation, the

Case Officer may also meet with staff, other students, placement supervisors, or other relevant individuals, and may review documentary, digital, or other evidence. If the you do not attend a scheduled meeting without good reason, the Case Officer may proceed with the investigation and reach findings in your absence. Where you are unable to attend a meeting, you must notify Student Governance as soon as possible so that alternative arrangements can be considered. Meetings will not normally be rescheduled more than once. Where a further postponement is requested due to personal circumstances, we may require supporting evidence.

- 5.4.9 Any party wishing to submit evidence in relation to the investigation is expected to provide this to the Case Officer in advance of any scheduled meeting, so that it can be considered fairly and shared where appropriate.
- 5.4.10 In exceptional circumstances, evidence may be accepted after a Case Officer meeting, or the Case Officer may request additional information or clarification following a meeting, where this is necessary for the fair and effective completion of the investigation.
- 5.4.11 Meetings conducted by the Case Officer will not normally be audio- or video-recorded, unless recording constitutes an agreed reasonable adjustment relating to disability. Students must not record any meeting without prior permission. Requests to record a meeting must be made in advance via Student Governance. Recording a meeting without authorisation may give rise to concerns under the Student Disciplinary Procedure or Fitness to Practise Procedure.
- 5.4.12 At the conclusion of the investigation, the Case Officer will produce a written report setting out:
- the scope of the investigation and process followed;
 - the information and evidence gathered and considered;
 - the findings reached, applying the appropriate standard of proof. The standard of proof used is the balance of probabilities i.e. which version of events is more likely to have occurred, taking into account all the available evidence and information; and
 - their recommendations for next steps under this procedure.
- 5.4.13 The Case Officer's recommended outcome will be sent to an appropriate member of academic staff for approval. The recommended outcome might also be shared with other staff within your School or Department, and / or a senior staff member within areas relevant to the appeal e.g. Fees and Funding or UKVI Compliance. This is to ensure that the outcome, and in particular any recommended remedy, is reasonable and practicable.

5.4.14 If the recommended outcome is not approved, it may be replaced with an alternative outcome; or the Case Officer may be asked to conduct further investigation. In exceptional circumstances, we may need to appoint a new Case Officer e.g. if the Case Officer's findings are not considered reasonable on the basis of the available evidence. If this happens, we will tell you and explain why. We will also explain any revised timescales.

5.4.15 The final approved outcome will be sent to you by Student Governance alongside a copy of the Case Officer's report and the evidence considered. We will also give you guidance on any relevant next steps (including making use of the Review stage).

5.4.16 Timescales

5.4.17 You should usually submit an appeal within 15 working days of your results being released or of an unsuccessful query decision being issued to you.

5.4.18 If you submit an appeal beyond the timeframe of 15 working days, we will consider whether or not the delay has been reasonable. If we decide that the delay is unreasonable, we will deem your appeal ineligible and it will not proceed to formal investigation. We may still ask appropriate staff to address the concerns you have raised, by way of informal resolution.

5.4.19 As part of our consideration of delay, we will take into account:

- Whether you have provided an explanation for your delay, and whether the explanation is reasonable. For example, we are unlikely to accept an appeal that was delayed because you had been on holiday or had made a decision to prioritise other life commitments; we may accept an appeal that was delayed because you were unwell (subject to the further points below). This procedure contains assurances that you will not be the subject of detrimental treatment as the result of raising an appeal: therefore, we will not consider concerns about repercussions as a valid reason for a delayed appeal, unless there is clear evidence of legitimate risk of repercussions happening.
- Whether you have provided evidence to support the explanation of your delay. For example, we are unlikely to accept an appeal if you explain that it was submitted late due to you being unwell, but you fail to provide any evidence of your illness.
- Who caused the delay. For example, we may accept a late appeal if we can see that the delay was caused by University staff or processes.
- Whether you have been otherwise engaging with the appeals process during the period of delay. For example, we may accept a late appeal if we can see

that you have been trying to resolve your concerns informally since before the period of 15 working days expired.

5.4.20 We aim to complete investigation of an appeal within 35 working days. This includes any time we spend seeking to informally resolve the case after receipt of your formal appeal. The period of 35 working days begins from the first working day we receive your appeal.

5.5 Review

5.5.1 If you are not satisfied with the outcome of the formal appeal stage, you can request a review. There are limited grounds for asking for a review, which are as follows.

- There is new evidence which you were unable, for valid reasons, to provide earlier in the process that would have had a significant effect on the outcome of the formal appeal stage;
- The correct procedure was not followed during the formal appeal stage and this has had a significant effect on the outcome;
- The outcome was unreasonable given all the circumstances and the evidence considered.

5.5.2 At the review stage, we will not usually consider the issues again or investigate the matter further. An appeal must have been considered at the formal appeal stage before it can move to the review stage.

5.5.3 Review requests should be submitted to the Student Governance team using the relevant review request form. You must set out your grounds clearly and briefly, and provide evidence, where possible, of the issues raised. If you do not provide evidence when submitting your form then we may ask you to provide the evidence and give you a time limit to do so; the review may be paused while we await your evidence.

5.5.4 Review requests will usually be considered by the Associate Director Student Services, but in cases of conflict or absence will be considered by a suitably senior staff member with experience of considering appeals. The reviewer will always be independent of you and the case, and will decide between the following outcomes:

- There are no grounds for taking the matter further; or
- The appeal will be referred back to the formal appeal stage with a recommendation. Where a matter is referred back to the formal stage, the timescales applying to that stage will begin again; or
- The issues are complicated and so it would be better to deal with them through a review panel. A review panel will be held in line with our standard procedures for such panels.

5.5.5 The review decision will be sent to you as a formal decision along with guidance on any relevant next steps.

5.5.6 *Timescales*

5.5.7 You should usually submit a review request within 15 working days of being sent the formal appeal outcome.

5.5.8 If you submit a review request beyond the timeframe of 15 working days, you must provide an explanation and evidence to account for your delay. We will then consider whether or not the delay has been reasonable. If we decide that the delay is unreasonable, we will deem your review request ineligible and it will not proceed to full consideration. You will still receive a Completion of Procedures letter.

5.5.9 In deciding whether your review request has been unreasonably delayed, we will take into account the factors listed at 5.4.19.

5.5.10 We aim to complete review requests within 15 working days. The period of 15 working days begins from the first working day we receive your review request.

6 **The Office of the Independent Adjudicator (OIA)**

6.1 Where your review request is not upheld, we will issue you with a Completion of Procedures letter (a CoP) and tell you about your right to make a complaint to the OIA. You will have 12 months from the date of the CoP to make a complaint to the OIA.

6.2 The OIA look at whether the University applied its regulations properly and followed its procedures correctly, and consider whether any decision made by the University was fair and reasonable in all the circumstances. The OIA reviews cases but does not re-investigate them.

6.3 Where we have deemed your review request ineligible due to lateness and have issued you with a CoP, you are entitled to approach the OIA. However, you should be aware that the OIA will usually only consider the reasonableness of the University's eligibility decision at the review stage; the OIA will not usually consider the substantive case, unless it decides that the review decision was unreasonable.

6.4 The OIA normally expects students to follow the University's internal procedures to their conclusion before complaining to the OIA. If you make a complaint to the OIA without having a CoP, your complaint is likely to be deemed ineligible.

7 Relevant documents and support

7.1 The Formal Academic Appeal Form and Formal Appeal Review Request Form can be found [on iCity](#) (scroll down to the section named 'Attachments'). If you do not have access to iCity (for example, because you have been withdrawn) the relevant forms are also available on [the University's website](#) (look for the 'Academic Regulations, Policies, and Procedures' section for the current academic year).

7.2 The following documents are also relevant to the appeals procedure and issues touching on appeals:

- [Guiding Principles of Casework Procedures](#)
- [Academic Regulations](#)
- [University Community Agreement](#)
- [Definitions of Harmful Behaviours and Related Issues](#)
- [Student Disciplinary Procedure \(Non-Academic\)](#)
- [Fitness to Practise Procedure](#)

7.3 Support is available from the following teams:

- [Mental Health and Wellbeing](#): emotional and wellbeing support for any student affected by personal circumstances or who finds the appeals process causes distress.
- [Disability Support](#): advice and support for disabled students on accessing reasonable adjustments for learning and assessment.
- [Student Governance](#): information regarding the academic appeals process.
- [Academic Skills](#): support to help you develop the academic, technical and numerical skills you need to progress and successfully complete your course.
- [Students' Union Advice Centre](#): independent advice on any aspect of making an academic appeal.

Document Control Statement

Document Type	Academic Appeals Procedure		
Document Owner	Associate Director Student Services		
Division / Service	Student Services		
Version	3		
Document Status	Approved		
Approved by	Academic Board	Date	17/06/2026
Date of Publication	20/07/2026	Next Review Date	01/03/2027

Related Documents	See section 7.2 of this Procedure
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