

**STUDENT APPEALS POLICY – (FITNESS TO STUDY, FITNESS TO PRACTISE, STUDENT DISCIPLINE, STUDENT COMPLAINTS)**

**1. Purpose of Policy**

- 1.1 The purpose of this policy is to ensure that students have the right to make an appeal, within the bounds of this policy, following an outcome of one of the below procedures.
- 1.2 The appeals process should:
- Be easy to navigate for students
  - Be timely (appeals should normally conclude within 30 calendar days of the appeal being lodged)
  - Ensure that clear reasons are given for decisions reached
  - Ensure that there is clear and timely communication with the student throughout the process
  - Ensure an appropriate level of confidentiality

**2. Scope**

- 2.1 This appeals policy applies to:
- Student Regulation 8 – Disciplinary procedures for Students
  - The Fitness to Study Policy
  - The Fitness to Practise Policy
  - The Dignity and Respect Policy – Student Respondents only
  - The Student Complaints Policy
- 2.2.1 Any student who has been:
- The subject of a Fitness to Study process
  - The subject of a Fitness to Practise process
  - The responding party in the Student Discipline process
  - or has completed Stage 2 of the Student Complaints procedure

may submit an appeal using the process below. An appeal is usually made against an *outcome* or *sanction*.

- 2.3 In addition, *any* student who has been party to any of the above procedures can raise a concern about the *service* they received during this process using the Student Complaints policy

### 3. Roles and responsibilities

- 3.1 Responsibilities of the Head of Governance may be completed by themselves or delegated to a nominee.
- 3.2 The term ‘Case Manager’ refers to a member of the University of Bath Governance team. Their role is to oversee the flow of business through the appeals process. This person does not make any decisions regarding the progression or outcome of an appeal.

### 4. Definitions:

#### 4.1 Student:

The term ‘student’ applies to any registered student at the University of Bath, as well as students who have graduated during their initial case, or in the period between their initial case and the appeal being heard.

#### 4.2 The Appeals Panel:

The Appeals Panel will normally comprise three members from the Appeals Panel Pool, at least one of whom is a University of Bath staff member and at least one of whom is an external member. The members of the Appeals Panel will not have been involved with the earlier stages of a student’s case and will have no reasonable perception of bias. All members of the Appeals Panel Pool will have undertaken the training required to fulfil this role. In the case of a Fitness to Practise appeal, a Practitioner from the relevant discipline will act as an advisor to the panel.

### 5. Policy review

If you have any feedback on this policy, or on your experience of this policy or process, please email [studentpolicy@bath.ac.uk](mailto:studentpolicy@bath.ac.uk)

### 6. Related Policies and Procedures

- Student Regulation 8 – Disciplinary procedures for Students
- The Fitness to Study Policy
- The Fitness to Practise Policy
- The Dignity and Respect Policy – Student Respondents only
- The Student Complaints Policy and Procedure

### 7. Document Control Information

Owner	Rose Stephenson, Policy and Projects Manager, Student Policy and Safeguarding
Version number	1.1
Approval Date	12 May 2022
Approved By	Council
Date of last review	May 2022
Date of next review	January 2023

## **STUDENT APPEALS PROCEDURE (FITNESS TO STUDY, FITNESS TO PRACTISE, STUDENT DISCIPLINE, STUDENT COMPLAINTS)**

### **1. Conclusion of the original case:**

- 1.1 Following the conclusion of a Fitness to Study, Fitness to Practise or Student Discipline case, the Student Policy and Safeguarding team will notify the Governance Team of the name of the student subject to the process, and the date by which they would need to submit an appeal. Following the submission of an appeal, further information about the case will be shared with the Governance team.

### **2. Submitting an appeal:**

- 2.1 A student can submit an appeal within 10 working days of the outcome of their case. They can do this by emailing [governance@bath.ac.uk](mailto:governance@bath.ac.uk). If there are exceptional circumstances which prevent a student from submitting an appeal within the 10-day timeframe, the student should email [governance@bath.ac.uk](mailto:governance@bath.ac.uk) explaining these circumstances. The Head of Governance and a member of the appeals pool will decide if consideration of the appeal will go ahead. If a student does not submit an appeal in this timeframe, they may email [governance@bath.ac.uk](mailto:governance@bath.ac.uk) to request a Completion of Procedures letter. The Case Manager will ask the Student Policy and Safeguarding team to provide this letter outlining that the student has not completed the University's internal processes.
- 2.2 A student may make an Appeal Case on one or more of the following grounds:
- That there was procedural error in the conduct of the relevant process which may cause doubt as to the determination reached;
  - That new evidence has been made available which the student could not reasonably have provided during the relevant process;
  - That there was bias during the relevant process which may cause doubt as to the determination reached;
  - That the sanction or outcome imposed was disproportionate.
- 2.3 The student should include a completed [Appeals form](#), including:
- The outcome(s) the student is appealing against
  - The ground(s) the appeal is based on
  - The student's desired action following consideration of the appeal
  - All evidence available to the student in support of the Appeal.
- 2.4 The grounds for appeal will be considered by the Head of Governance and a member of the appeals pool who will decide:
- There are no grounds for appeal. The Case Manager will write to the student informing them that the appeal will not proceed and the reason for this. They will include a Completion of Procedures letter.
  - There are grounds for appeal. The Case Manager will convene an Appeals Panel.

### **3. The Appeals Panel**

- 3.1 The Appeals Panel will be made up of three members of the Appeals Panel Pool, at least one of whom is a member of University of Bath Staff, and at least one of whom is an external colleague. The Panel retains the right to co-opt expertise to advise on individual cases. In the case of a Fitness to Practise appeal, a Practitioner from the relevant discipline will become an advisor to the panel.
- 3.2 The Appeals Panel will be convened by The Case Manager who will write to the student giving at least 5 working days' notice of the panel meeting. Students are entitled to be accompanied by an adviser, family member or friend. Accompanying individuals may be allowed to speak at the hearing at the discretion of the Chair but will not normally be allowed to cross examine witnesses. In addition, disabled students may also be accompanied by a support worker or advisor if required. The student is required to notify the Case Manager of the name of anyone accompanying them to the appeal, with at least 3 working days' notice, by emailing [governance@bath.ac.uk](mailto:governance@bath.ac.uk)
- 3.3 The Appeals Panel may invite the student to provide a verbal or written statement and answer questions from the panel members. The Appeals Panel may invite the Chair of previous stages of the processes to explain earlier decisions and outcomes/sanctions. The Appeals Panel may need to consider any new evidence. New evidence will be thoroughly tested, and this may include speaking to the reporting party or other witnesses.
- 3.4 The Appeals Panel will decide:
- a) To reject the appeal case, confirming the original outcome (and sanctions in Student Disciplinary cases);
  - b) To uphold the appeal case, and amend the outcome (and/or sanctions in Student Disciplinary cases);

### **4. Ongoing actions:**

- 4.1 If a student is appealing against outcomes or sanctions of the processes listed above, those sanctions or outcomes will normally still be applied whilst the appeal is ongoing. Any precautionary measures will still apply during the appeals process.

### **5. Outcomes:**

- 5.1 The outcome of the appeal process will normally be communicated in writing to the student (and all those directly involved) within 30 calendar days of the appeal form being submitted. This will include an explanation of the outcome decision and a Completion of Procedures letter.

### **6. Support for students:**

- 6.1 We strongly recommend that all students seek advice from the SU Advice centre, which is independent of the University. The SU Advisors can assist with completing an appeals form, preparing for the appeal and can attend the appeal as an advisor. Students can arrange a meeting with an advisor by emailing [suadvice@bath.ac.uk](mailto:suadvice@bath.ac.uk)
- 6.2 The appeals process can be difficult, and we strongly recommend that students seek emotional support from the Student Wellbeing service or the SU Advice centre before, during or after their appeal.

- 6.3 Any student who has been party to the appeals procedure, and would like to raise a concern about the service they received, can do so using the [Student Complaints policy](#).

*Amendments to these Regulations are approved by Senate. Any such amendments are identified above and will take effect from the date shown.*

*Date of Last Update: 1 August 2022*