

# Appeals Policy

## Section 1 - Introduction

### Purpose

(1) This policy sets out the principles, circumstances, grounds and possible outcomes of an appeal by a student against a decision made by the College, as specified in the 'Right to Challenge a Decision' section.

(2) Where the word appeal is used in this document, it is used to refer to any type of appeal, as defined in the 'Definitions' section, save where a distinction is made.

### Scope

#### To whom does the policy apply?

(3) The policy applies to students wishing to appeal decisions made by the College.

(4) The policy also applies to all Staff and Faculty in the conduct of the appeals process.

#### To what situations does the policy apply?

(5) Students may formally challenge any decision specified in the 'Right to Challenge a Decision' section.

#### Who is responsible for implementing the policy?

(6) The Academic Board is ultimately responsible for the implementation of the [Appeals Policy](#).

### Definitions

#### Two Types of Appeal

(7) Learners may choose from one of the two following options when seeking to challenge a decision specified in the 'Right to Challenge a Decision' section.

a. A review

i. A review is an appeal where a learner formally requests the maker of a formal decision, or a person acting on their behalf, to review that decision, i.e. to reconsider the formal decision in light of concerns expressed by the appellant under one or more of the three grounds of appeal.

b. An appeal

i. An appeal is where a learner formally requests that the decision or judgement of a lower authority is referred to a higher authority (i.e. the Appeals Committee) for the reconsideration of the decision or judgement in the light of concerns expressed by the appellant under one or more of the three grounds of appeal.

#### Decision-Making Authority

(8) Deliberative decision-making bodies are required to consider evidence and make formal judgements according to

specified criteria.

(9) Certain formal committees of the College have formal deliberative, decision-making powers delegated to them by the Academic Board. These bodies include, but are not limited to:

- a. Board of Examiners
- b. Discipline Committee
- c. Complaints Committee

(10) Certain officers of the College have formal decision-making powers arising from their functions. These officers include, but are not limited to, the:

- a. Academic Dean
- b. Registrar
- c. Programme Director or nominee

(11) In some instances, specific members of Staff or Faculty are empowered to make decisions about students' academic performance (such as Assessors). These individuals are considered to have assessment decision-making authority under this policy.

(12) It shall be at the sole discretion of the College, normally represented by the Academic Dean, to determine whether any committees, officers or individuals not mentioned in this section ('Decision-making authority') have decision-making authority.

## Section 2 - Context

### Legal and Regulatory Context

#### Quality Assurance Guidelines

(13) This policy is designed with regard to the [European Standards and Guidelines](#) and QQI's [Core Statutory Quality Assurance Guidelines](#), which set out our requirement to have a policy and procedure in place to facilitate student appeals.

#### Assessment and Standards

(14) Appeals relating to assessment are bound by sectoral protocols for assessment of learners established in [Assessment and Standards](#).

## Section 3 - Policy Statements

### Part A - Principles for Appeals

#### Natural Justice

(15) The conduct of an appeal must be transparent and the appellant must be made aware of the procedure for evaluating an appeal.

#### Fairness

(16) Appeals mechanisms are provided to ensure fairness and all decisions are fairly made.

## **Due process**

(17) All appeals are conducted with care, following the prescribed process.

## **Independence**

(18) A review can be considered by the original decision-maker or their nominee.

(19) No person considering an appeal at an Appeals Committee can have had any previous involvement in the case being considered.

(20) Any person asked to consider an appeal must declare any conflict of interest.

(21) An Appeals Committee may comprise persons external to the day-to-day operation of the College, with relevant competence and independence to contribute to the decision(s) being made.

## **Competence**

(22) As an appeal involves reconsideration or alteration of a judgement, people considering an appeal must be competent to consider the case at hand.

(23) The Chairperson will be a person with significant experience of appeal processes.

## **Valid Grounds**

(24) Appeals will only be considered where there are valid grounds in line with this policy, as specified and evidenced by the appellant.

## **Evidence**

(25) All appeals must be evidence based.

(26) Hearsay and opinion are not considered as evidence.

## **Fair Representation**

(27) Where a student wishes to present to the Appeals Committee, they may seek to do so at the point of appeal where they explain the purpose of their presence. A decision shall be made by the Academic Dean as to whether there is merit and usefulness in the attendance.

## **Non-Adversarial**

(28) Procedures under this policy are not intended to be adversarial and the College recommends that where a student does participate in a meeting, that they do not engage legal representation during proceedings.

(29) Where a student does seek to bring legal representation to any meeting, the student must notify the College in writing of their intent within five working days as the legal representatives of the College will also be required to attend.

(30) A student may opt to be accompanied by a friend or family member in a supportive capacity. However, where this person is a member of the legal profession, they cannot act in that capacity.

## **No Right of Further Appeal**

(31) After an appeals procedure has been executed in line with this policy, there is no further right of appeal.

(32) A student cannot seek to use an appeals mechanism to revisit or reopen a matter which has already been decided upon in a previous appeals process.

## **Part B - Policy for Appeals**

### **Right to Challenge a Decision**

#### **Right of Appeal**

(33) Students can appeal:

- a. Decisions on summative assessment outcomes ratified by a Board of Examiners
- b. Conduct of a review process
- c. The decision of any College decision-making authority as defined in the section 'Decision-making authority'
- d. A decision about the recognition of prior learning

#### **Right of Review**

(34) Students can seek a review of:

- a. Provisional summative assessment decisions of an Assessor prior to their ratification by the Board of Examiners

### **Grounds for Appeal**

(35) Valid grounds for an appeal are:

- a. Evidence that Hibernia College did not follow an established procedure in the making of a decision
- b. Circumstances or information of which the original decision-making body was not aware when its decision was taken, and there is a valid, substantiated reason why that information was not made available by the student
- c. Evidence of substantive bias by one or more of the decision-makers in arriving at a decision

### **Exclusions**

(36) Disagreement with a decision does not constitute valid grounds for an appeal.

(37) Disappointment with an assessment result or a view that a higher mark should have been obtained does not constitute valid grounds for appeal.

(38) Complaints about individuals or about the established procedures do not constitute grounds for an appeal and must be addressed under the College's policy and procedure for complaints.

(39) Where a student makes an application to appeal a decision and that appeal contains content that potentially involves other processes, such as a complaints process, the Registrar, or the Academic Dean as relevant, will decide which process is most appropriate to process the student request.

(40) A decision that has previously been reviewed or appealed cannot be appealed on the same grounds again.

(41) Issues that affect entire cohorts or groups of students are not dealt with under the [Appeals Policy](#).

### **Timing of an Appeal**

(42) Subject to extenuating circumstances (evidenced to the satisfaction of the College), an appeal must be made in writing within five working days of the issue of a decision.

(43) Consideration of any appeal automatically includes:

- a. Where it relates to an assessment, a recheck of the arithmetical calculation of the grade where applicable
- b. Consideration of the evidence supplied against the grounds for an appeal
- c. Investigation of any relevant considerations or relevant information submitted with the appeal
- d. Investigation of the factual accuracy of the appellant's assertions, which will include input from the original decision-maker(s)

## **Membership of the Appeals Committee**

(44) An Appeals Committee consists of three members including the chairperson.

(45) A panel of potential members and external chairpersons will be appointed by the Academic Board on a biannual basis.

(46) There are two criteria for the membership of an Appeals Committee:

- a. Competence to make the decision before the committee
- b. Independence from the matter being appealed, i.e. no member can have had a previous involvement in the relevant decision or with student on the matter, and normally will not be from the same department

(47) Normally, the Chairperson of the committee is a person external to the College with significant experience in appeals processes, i.e. not a member of Staff, Faculty, Adjunct Faculty or the Board of Directors.

(48) A gender balance should be maintained where possible.

(49) A note-taker, not a member of the committee, normally attends and prepares a formal record/written minutes of the committee proceedings for approval by the Chairperson.

## **Possible Outcomes**

(50) The body considering the appeal may:

- a. Reject the appeal: The original decision stands.
- b. Uphold the appeal: The student's grounds for appeal are found to be valid and the original outcome is reconsidered. Upholding an appeal may have different consequences depending on circumstances and timing surrounding the particular matter.

## **Consequences of an Appeal Being Upheld**

(51) If an appeal is upheld, the consequences depend on the decision being appealed but will normally include:

- a. A reconsideration of the original decision and the issuing of a new decision in order to (in so far as is possible) place the student in the position where they would have been had the error not occurred
- b. Notification to all relevant parties

(52) Note: Where an appeal of an assessment decision is upheld, this is not necessarily a comment on the soundness of the original academic judgement.

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	2nd November 2020
<b>Review Date</b>	2nd November 2023
<b>Approval Authority</b>	Academic Board
<b>Approval Date</b>	24th September 2020
<b>Expiry Date</b>	Not Applicable
<b>Enquiries Contact</b>	Quality Assurance

## Glossary Terms and Definitions

**"Appeal"** - An appeal is where a learner formally requests that the decision or judgement of a lower authority is referred to a higher authority (i.e., the Appeals Committee) for the reconsideration of the decision or judgement in the light of concerns expressed by the appellant under one or more of the three grounds of appeal.

**"Policy"** - Policies are principled statements adopted by the College at a high level to enable decisions about actions and desired outcomes to which the College is committed. They clearly articulate the formal position of the College on specific issues in order to guide internal decision-making. Policies set out 'what to do' on a given issue. They have a medium- to long-term review cycle.

**"Recognition of Prior Learning"** - Recognition of Prior Learning (RPL) is defined as a process whereby prior learning is given a value (European Commission, 2008; NQAI, 2005; OECD, 2004). RPL can operate to provide recognition for advanced entry and non-standard admissions to educational pathways and is also used to award credit for elements within programmes.

**"Review"** - A review is an appeal where a learner formally requests the maker of a formal decision, or a person acting on their behalf, to review that decision, i.e. to reconsider the formal decision in light of concerns expressed by the appellant under one or more of the three grounds of appeal.