3.9 Policy for Appeals

QA Area (s)	• Governance and Management of Quality • Documented Approach to QA • Teaching and Learning
Applies to	☐ Staff only ☐ Learners only ☒ Staff and learners
Policy Owner	Director of Academic Affairs and Undergraduate Programmes

3.9.1 Purpose

The purpose of this policy is to set out the grounds for, principles and possible outcomes of appeals by students against administrative, operational and academic decisions made by the College.

3.9.2 Scope

The policy applies to students wishing to appeal decisions made by the College related to administrative, operational, academic or other matters. For example, *where grounds exist* an appeal can be made in relation to any of the following:

- non-admission to a programme of study,
- outcome of a Complaints Process
- outcome of a Disciplinary Process
- decision of an Academic Misconduct Committee
- decisions of a Review Board on assessment outcomes, including a request from the Registrar from section 9.18.5

3.9.3 Policy

The College recognises the right of learners to appeal decisions made by the College *where grounds exist*. The President shall determine if the case made by the appellant in their application to invoke the Appeals Process is valid based on the grounds below. Should they determine that such is the case they shall convene an Appeals Board to deal with the matter. The Appeals Board shall be established in accordance with the provisions of Section 3.8 Policy for Appeals

The College has established grounds for a valid appeal as follows:

1. Evidence that the College did not follow an established procedure in the making of a decision.
2. Circumstances or information of which the original decision-making body was not aware when its decision was taken, and a valid, substantiated reason why that information was not made available by the *appellant* (the person making the appeal).
3. Evidence of substantive bias by one or more of the decision-makers in arriving at a decision.

The following exclusions *do not* constitute grounds for an appeal:

1. Disagreement with a decision.
2. Disappointment with the result of an assessment or an opinion that a higher mark should have been obtained.
3. Complaints about persons or procedures, which must be addressed in the first instance under the College's complaints policy and procedure.
4. Reopening of a matter that has already been decided on in a previous appeals process.

Appeals must be made within five working days of the issue of a decision, subject to extenuating circumstances (for example, serious illness). Appeals will consider evidence supplied by the appellant and evidence supplied against the grounds for appeal. This entails investigation of relevant information and investigation of the factual accuracy of the appellant's assertions.

In all instances, appeals must be evidence based. Hearsay and opinion will not be considered as evidence. If a staff member or learner appellant wishes to present in person to the Appeals Board, they must indicate this at the point of instigating an appeal and explain the purpose of appearing in person. The External Chair of the Appeals Board will decide whether there is merit or usefulness in the appellant appearing in person. An appellant appearing in person may be accompanied by a friend, colleague or family member acting in a supporting capacity. If the person accompanying the appellant is a member of the legal profession, they may advise the student, but cannot interact directly with the Board.

Appeals will be considered by an Appeals Board, drawn from a panel established by the Academic Council for this purpose and constituted as follows:

- Chair: An appropriately qualified, independent, external person, with experience at a senior level in higher education.
- One additional member with competence to make a decision on the matter (e.g. an external examiner in the case of an appeal against the decision of a review board), selected by the Chairperson.
- One additional member from the Executive Management Team, selected by the Chairperson.
- A learner representative, who had not had a previous involvement in the case. This may be a current learner on another programme or a graduate, selected by the Chairperson.

No individual member of the Appeals Board may have had any previous involvement in the case being appealed. Persons asked to sit on an Appeals Board will be asked to first declare any conflicts of interest and the Chair shall make a decision on their continued membership, on the basis of this declaration.

An Appeals Board may reject an appeal (the original decision stands) or uphold an appeal. If an appeal is upheld, a reconsideration of the original decision is made by the Appeals Board, and a new decision is issued to place the appellant in the position where they would have been had the original decision not been made.

3.9.4 Legal Proceedings

In the event of a learner commencing legal proceedings or in the event of proceedings being commenced against the complainant in relation to a complaint, the above procedures may be suspended or abandoned at the discretion of the College.

3.9.5 Responsibility

The Head of Academic Programmes has responsibility for ensuring learners and staff are aware of the College's appeals policy and procedure.
All staff and learners at the College have responsibility for adhering to the policy and procedure for appeals, whether they are the appellant, the subject of an appeal or a member of the Appeals Board.

3.9.6 Related Legislation, Regulation or Guidelines

11. Core Statutory Quality Assurance Guidelines 2016 (QQI).
12. Sector Specific (Independent/Private) Statutory Quality Assurance Guidelines 2016 (QQI).
13. Policies and criteria for the validation of programmes of education and training 2017 (QQI)
14. Policy and Criteria for Making Awards 2014 (QQI)
15. Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG, 2015).
16. Assessment and Standards, Revised 2013 (QQI).
17. Policy for Determining Awards Standards – QQI, 2014
18. NFQ Awards Standards
19. European Credit Transfer and Accumulation System (ECTS) User Guide –2015
20. International Standard Classification of Education (ISCED) – UNESCO, 2011.

3.10 Procedure for Appeals

QA Area (s)	• Governance and Management of Quality • Documented Approach to QA • Teaching and Learning
Applies to	☐ Staff only ☐ Learners only ☒ Staff and learners
Policies this Procedure relates to	Policy for Appeals

3.10.1 Procedure

Note:
Appeals should be initiated within 5 working days of the issue of the decision being appealed, subject to extenuating circumstances (for example, serious illness).
Steps:

1. The appellant (person making the appeal) submits the appeal to the President using the appropriate form. The appeal submission should include:
    a. A completed appeals application form
    b. Verifiable evidence which addresses the appeal criteria
2. The appeal must be accompanied by a fee of €100 which will be refunded if the appeal is successful.
3. The President assesses the application for appeal to establish if it is complete and meets the grounds for an appeal as per the College's Policy for Appeals.
4. If the President deems that there are no valid grounds for appeal, the appeal is rejected, and the appellant notified.
5. If the President deems that the grounds for appeal are valid and the application is complete, they give approval for the Appeals Board to be convened, in accordance with the provisions in the policy above. The President appoints the External Chair and notifies the appellant.
6. Should the appellant seek to present in person to the Appeals Board this must be indicated on the application for appeal form, alongside a rationale for presenting in person. The External Chair of the Appeals Board will decide if there is merit in the appellant attending in person.
7. The appellant is notified a minimum of three working days in advance of the meeting of the Appeals Board and is provided with a copy of all material provided to the Appeals Board by the External Chairperson. This communication also responds to any requests by the appellant to present in person to the Appeals Board.
8. The Appeals Board meets to review evidence, agree findings and determine a fair resolution. The Appeals Board may, at its discretion, invite persons who may have

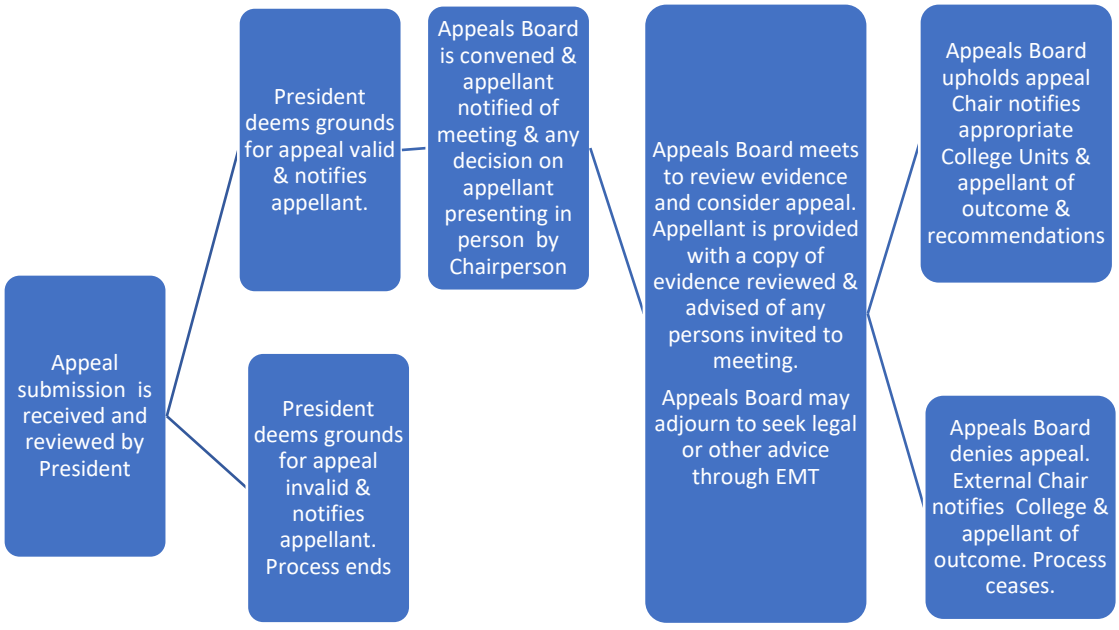
evidence or information relevant to the matter being appealed to attend. The appellant is advised of any person the Appeals Board meets by the External Chairperson.

9. If the Appeals Board upholds the appeal, consideration is given to the implications of this. The Appeals Board may adjourn to consult with the Board of Directors or take legal advice as required. Following a final decision (and any associated recommendations), the External Chair will communicate the decision and the rationale for its decision.

10. If an appeal pertains to assessment or academic matters, the External Chair will communicate the decision to the Academic Council (without providing personal information), the Head of Academic Programmes and the appellant.

11. If an appeal pertains to non-academic matters, the External Chair will communicate the decision to the Head of Academic Programmes, the Executive Management Team and the appellant.

12. Following notification of the decision, the process concludes. No further appeals process is available within the College.



Appeals Process Graphic