



Appeal against the decision of a Progression and Award Board

Contents

Introduction	2
Relevant Examination Regulations	2
Guidance notes re Appeals	5
Checklist for Students Appealing	7
Appeal Form	8
Index of Precedents	10

Detach & Submit page 8 & 9 to

**Ms Valerie Cooke
The Secretary to the Appeals' Board
Registry, DCU, Dublin 9**

Within: 14 Days of the Promulgation of the decision to be appealed
against

With:

1. Appropriate Fee (cheque/postal order/bank draft).
Cash will be accepted at the Registry during opening hours through a bank giro which is obtainable from the Registry
2. Attach **12** sets of sorted and stapled copies of form, documentary evidence, statement of examination results (including past years). (That is 1 full stapled set of documents for each member of the appeals board).

Important Note:

Do not send back the instructions attached to the form.
The Appeals Board does not attempt to replicate the assessment functions of an Examination Board and, as a consequence, does not involve itself in re-assessing any assessment elements of a student's work. Therefore, it is requested that you do not include any assessment materials such as dissertations, essays, programs or reports, with your appeal submission, as they will not be considered.

Final Closing Date:

**February 2010 Progression & Awards Boards for Spring Conferring
Thursday 4 March 2010 by 16:30 hours**

**The Appeal Board will meet on Friday 12 March 2010
(The decision of the Appeals Board will be forwarded in writing
to appellants within one and a half weeks of this date)**

The University Examination Regulations outline the procedures whereby a student may:

- Bring any **extenuating circumstances** to the attention of the Progression and Award Board;
- **Appeal** the decision of a Progression and Award Board;

In order to exercise the right to these procedures, a student must submit the relevant completed form to the Registry. This information leaflet includes a form to submit an appeal as well as Notes for Guidance to Students which give instructions on the completion of the form, deadlines for the submission of the forms and guidance on the nature of the procedure.

Extenuating Circumstances

If you believe that your performance has been affected either by illness or other circumstances, you should complete and submit an *Extenuating Circumstances* form (R-30) before the Progression and Award Board meeting, in order that the Board can take these circumstances into consideration when arriving at a decision in your case. Extenuating Circumstances Forms must be accompanied by supporting documentation, and there is a *Professional Opinion Form (R-30a)* available for completion by a doctor or counsellor.

Appeals

Appeal Against the Decision of a Progression and Award Board form must be completed and submitted within 14 days of the promulgation of results. The grounds for appeal are stated on the form and you must clearly identify on which ground you are appealing. All appeals must be accompanied by supporting documentation and a fee (postal order, bank draft or cheque made payable to DCU) of €100.00.

Relevant Extracts from the University Examination Regulations

Section 8 Illness During An Examination / Extenuating Circumstances

8.1 In respect of his/her performance in any examination or part of an examination (including referred examinations), each candidate shall bring any extenuating circumstances which may have affected his/her performance to the attention of the Examinations Officer in the Registry. That Officer shall inform the Progression and Award Board which shall consider them in arriving at a decision on that candidate. Candidates should note that failure to notify the Board of extenuating circumstances which could have been brought to the attention of the Board prior to the Board reaching its decision may prejudice any subsequent appeal (see paragraph 14.5(b))

Section 14 Appeals

- 14.1 Academic Council retains ultimate authority to exclude or not to exclude candidates from the University on academic grounds.
- 14.2 Candidates have the right to appeal the decisions of a Progression and Award Board. Such appeals will be processed in accordance with the procedures detailed in the University's code of discipline, but subject always to the following provisions.

- 14.2(a) Examination results, provisionally approved by a Programme Board Examination Review Committee but not formally approved by a Progression and Awards Board and where the lack of an opportunity to appeal prevents a student from making a decision whether or not to repeat an examination at the next sitting, may also be appealed.

Where a student appeals a provisional result under such circumstances, the same ground for appeal may not be used if a subsequent appeal is made in respect of the same module(s).

- 14.3 Academic staff are requested to submit to the Registry any documentation relevant to a candidate's performance, including written reports from Tutors, certificates of illness, or written 'warnings'. Such material will be retained on a candidate's file so as to provide written evidence, should an appeal arise.
- 14.4 A candidate who opts to exercise his/her right to appeal the decision of a Progression and Award Board must present such an appeal in writing with supporting documentation to the Secretary to the Appeals' Board within fourteen days of the date of promulgation of the decision appealed (ref. Paragraph 11.2)
- 14.5 The candidate's appeal must be supported by a medical certificate or other acceptable documentary evidence outlining the circumstances which have given rise to the appeal:
- (a) Candidates must ensure that medical certificates provide sufficient detail/information for the Appeals Board to assess the impact of the condition(s) cited.
 - (b) The Appeals Board shall in all cases consider the reasons for any failure by candidates to have brought extenuating circumstances to the attention of the Progression and Award Board prior to that Board reaching its decision. Where the Board considers that the extenuating circumstances should have been so notified, such a failure shall be a relevant consideration justifying the rejection of the appeal.
- 14.6 A candidate may appeal by completing form R31 against a decision of a Progression and Award Board on the following grounds only:
- (a) that his/her performance in the assessment was adversely affected by illness or other factors which he/she was unable or, for valid reasons, unwilling to divulge before the Progression and Award Board reached its decision.
 - (b) that the Progression and Award Board did not give sufficient weight to any extenuating circumstances previously notified to the Registry prior to the holding of the meeting of the Progression and Award Board.
 - (c) that the examinations were not conducted in accordance with the current regulations as prescribed by the Programme Board and as approved by Academic Council.
 - (d) that there was a substantial error of judgement on the part of the Examiners.
 - (e) that there was a material administrative error or a material irregularity in assessment procedures which have made a real and substantial difference to the candidate's result; appeals lodged in this category may be made by a third party on behalf of one or more candidates provided that such

appeals are made with the full and written consent of all the candidates concerned.

- 14.7 Each valid appeal lodged with the Secretary to the Appeals' Board within fourteen days of the date of promulgation of the decision appealed shall be referred to the Appeals Board.
- 14.8 Candidates lodging an appeal are required to submit a fee of €100.00 with their appeal documentation. The appeals fee is non-refundable except in the case of a candidate whose appeal is deemed by the Appeals Board to be successful.
- 14.9 Progression to the next year of study for the purposes of attending academic exercises is permitted in respect of a student who has lodged an appeal against the decisions of the Progression and Award Board in the repeat examinations held in Autumn of each academic year. However, such attendance must cease immediately on notification of an unsuccessful outcome of the appeal.
- 14.10 The Appeals Board shall be a Sub-Committee of Academic Council constituted at the beginning of each academic year by Academic Council. It shall consist of the Registrar (Chairperson), an external legal professional, one member from each Faculty, and a student representative. The Academic Assistant to the Registrars will act as recording secretary. The term of office of the Faculty members will be 3 years and staggered so that one-third of the membership would change on an annual basis. Five members will constitute a quorum and must include the Registrar and the external member.
- 14.11 Role of the Appeals Board
 - (a) The Appeals Board shall meet as required after each diet of Examinations.
 - (b) The Appeals Board shall consider all appeals on their merits and determine a course of action pursuant to the information received.
 - (d) To ensure that appeals are reviewed in a detached and independent manner, staff in the Registry who are involved in the processing of appeals, whether as a member of the Appeals Board or in the general organisation of the process, will not attend any Progression and Award Boards. Likewise, Faculty members of the Appeals Board will not participate in the deliberations of the Board in cases in which they have already had a significant prior involvement. Such involvement would include the marking of any assessments pertaining to the appealed result, or any participation in the deliberations of the Progression and Award Board that promulgated the appealed result. In addition, the student member of the Board should not take any representations from candidates who intend to make an appeal prior to the sitting of the Board.
 - (e) Decisions of the Appeals Board are final and binding. Representations made to any member of staff in the University concerning any such decision will not be entertained.
- 14.12 The Secretary to the Appeals' Board shall advise the candidate and the relevant academic staff in writing of the decision of the Appeals Board as soon as possible after the appeal has been considered.
- 14.13 The Secretary to the Appeals' Board shall, on behalf of the Appeals Board, notify Academic Council of the number and outcomes of any appeals considered.

Appeal against the Decision of a Progression and Award Board

Notes for Guidance to Students

Section 14 of the University's Examination Regulations outlines the procedure for appeals against the decision of a Progression and Award Board and the grounds on which an appeal must be based.

Please read the following notes carefully along with Section 14 of the Examination Regulations if you wish to exercise your right to appeal.

1. The *Appeal Against the Decision of a Progression and Award Board* form must be completed and submitted to the Secretary of the Appeals Board within 14 days of the date of the promulgation of the decision appealed against, i.e. the date on which results are posted on the student portal pages. Before submitting your form you may wish to seek clarification of your result with your Personal Tutor or someone from your programme, particularly if you are appealing on grounds of material administrative error or irregularity in the procedures.
2. All relevant sections of the form must be completed, legibly in block capitals. You should provide personal details in Section A, details of your programme and the decision against which you are appealing in Section B.
3. Section C requires you to identify the grounds on which you are appealing. The grounds for appeal are listed in the Examination Regulations (14.6) see page 3. There are no grounds for appeal other than those listed there. If you are appealing on the grounds of extenuating circumstances such as illness, accident, death of a relative or other circumstances, you must provide valid reasons why you were unable or unwilling to submit documentation before the meeting of the Progression and Award Board. If extenuating circumstances were submitted beforehand, you must show that the Board did not give sufficient weight to these circumstances. Section C also requests a brief statement in support of your case.
4. All appeals must be accompanied by supporting documentation (see Section D). In the case of extenuating circumstances of a medical or personal nature, a professional opinion must be supplied. In other cases, evidence such as a letter from a member of the clergy, death notification or Garda report must be submitted (section D2).
5. Where your appeal is based on the grounds that the examinations were not conducted in accordance with regulations or that there was a material administrative error or irregularity in the assessment procedure, you should state the error/irregularity and attach any evidence to support your case (Section D3).
6. You may attach a supporting statement from your Personal Tutor or other staff member, if appropriate.
7. Advice on the completion of the Appeal form can be obtained from the Secretary to the Appeals' Board in the Registry or from the Education Officer in the Students' Union.
8. You are required to submit a fee (postal order, bank draft or cheque made payable to DCU) of €100.00 with your Appeal form. Alternatively, cash will be accepted at the Registry during opening times. This fee is non-refundable except

in the case of a candidate whose appeal is deemed by the Appeals Board to be successful.

9. The Appeals Board is a sub-Committee of Academic Council which meets as required after each diet of examinations to consider each appeal received. If your appeal is judged to be successful, the Appeals Board will determine an appropriate course of action. If not, you will be advised that the decision of the Progression and Award Board stands.
 10. The decision of the Appeals Board is communicated in writing as soon as possible after the appeal has been considered. Decisions of the Appeals Board are final and binding. Further representations made to any member of staff of the University will not be entertained
- **Appeals made on grounds not included in the Examination Regulations will not be successful. Please refer to 'Index of Decisions made at Appeals Board' attached to the back of this form.**
 - **You should therefore ensure that you have adequate grounds for appeal before you submit your form and fee.**

CHECKLIST FOR STUDENTS APPEALING

To do	Check
Read the instructions provided	
Detach the form on pages 8 and 9	
Complete the form with as much detail as possible	
Tick one or more of the boxes indicating the ground(s) for appeal	
Attach all relevant documentary supporting evidence	
The Appeals Board does not attempt to replicate the assessment functions of an Examination Board and, as a consequence, does not involve itself in re-assessing any assessment elements of a student's work. Therefore, it is requested that you do <u>not</u> include any assessment materials, such as dissertations, essays, programs or reports, with your appeal submission, as they will not be considered	
Attach statement of examination results, including all past years (so the Board can compare past performance)	
Attach appeal fee of €100.00 in the form of a cheque, postal order or bank draft made payable to DCU. Cash will be accepted at the Registry during opening times through the use of a bank giro which is supplied by the Registry	
Attach 12 <u>collated</u> and <u>stapled</u> copies of appeal form, documentary evidence and examination results (including past years). That is, 1 full set for each member of the Appeals Board	
Submit to Ms. Valerie Cooke (Secretary to the Appeals' Board) in the Registry	

Appeal Against the Decision of a Progression and Award Board

Please read the Notes for Guidance carefully before completing this form.
All relevant sections of the form must be completed, legibly in block capitals.

Section A: Student Details

Surname

First Names

Address

Student ID Number

Telephone Number

E-Mail Address

Section B: Programme Details

Programme

Date of Publication of the Decision

Year of Study

State whether 1st, 2nd, 3rd etc.

Decision giving rise to Appeal (Please state Modules/Assessments affected)

Section C: Grounds for Appeal

A candidate may appeal against a decision of a Progression and Award Board on the following grounds only. Please tick the relevant box(es):

- Your performance in the assessment was adversely affected by illness or other factors, which you were unable, or for valid reasons unwilling to divulge before the Progression and Award Board reached its decision. (*Regulation 14.6a*)
- The Progression and Award Board did not give sufficient weight to any extenuating circumstances previously notified to the Registry prior to the holding of the meeting of the Progression and Award Board. (*Regulation 14.6b*)
- The examinations were not conducted in accordance with the current regulations as prescribed by the Programme Board and as approved by Academic Council. (*Regulation 14.6c*)
- There was a substantial error of judgement on the part of the Examiners. (*Regulation 14.6d*) Before ticking this box you should try, if at all possible, to view your script and get a recheck. You should take the opportunity to do this during the period of consultation for students with Faculty (dates are published on the Academic Calendar).
- There was a material administrative error or a material irregularity in assessment procedures which have made a real and substantial difference to your result. (*Regulation 14.6e*)

ALL RELEVANT SECTIONS MUST BE COMPLETED, LEGIBLY IN BLOCK CAPITALS AND SUBMITTED TO THE SECRETARY TO THE APPEALS BOARD WITHIN 14 DAYS OF PROMULGATION OF EXAMINATION RESULTS

Statement in Support of Case

Please provide a statement in the space below to support your case. You may attach a separate sheet if necessary. If an Extenuating Circumstances form has not previously been submitted, please indicate in your statement why this evidence was not brought to the attention of the Progression and Award Board.

Section D: Documentary Evidence

Section D1

In the case of an appeal made on the grounds of extenuating circumstance of a medical or personal nature, information must be provided in the Professional Opinion form which is stamped and signed. If the professional does not have the facility to stamp this form, a separate official certificate should be attached providing all information requested. If no stamp is available, the form should be accompanied by a signed letter on headed notepaper.

Section D2

In the case of an appeal made on the grounds of extenuating circumstances relating to other factors such as the death of a relative or other incident, written evidence must be attached, such as a letter from a member of the clergy, a death notification or Garda report.

List below any documents which you have attached as evidence to the form

Section D3

If you are appealing on the grounds that the examinations were not conducted in accordance with current regulations (*Regulation 14.6c*) or that there was a material administrative error or irregularity in assessment procedure (*Regulation 14.6e*), you should attach any relevant documentation which supports your case. You should also give the names and contact number of any witnesses who can corroborate the evidence. **List below any documents which you have attached as evidence to the form/names and contact numbers of witnesses.**

Signature

Date

TAUGHT PROGRAMMES APPEALS BOARD

Index of Precedents

Illness

1. Cases where extenuating personal and/or medical circumstances are regarded by the Board as sensitive, embarrassing, personal which were not divulged to the P&AB will be taken into account as a legitimate ground for appeal. (Case3/Oct01)
2. Cases which are not sensitive, embarrassing, or personal will not be regarded as a ground for appeal if the appellant has already brought these circumstances to the attention of the P&AB and they were given due consideration **or** if they were not brought to the attention of the P&AB with no reason. (Case4/Oct01)
3. Ignorance of the requirement to bring extenuating circumstances to the attention of the P&AB is not a ground for appeal (Case6/Oct01)
4. Illness of itself is not a ground for upgrading an appellant's mark. In order for the Board to change a mark so as to change an appellant's classification, there must be sufficient evidence that the illness resulted in a mark that would otherwise have been different. This will rarely happen when there is a significant gap between the mark attained and that required (Case34/Oct01)
5. Regardless of illness, the Board will not require a mark to be allocated to an assignment which is submitted after the assignment has been returned to other students taking the module. (Case 43/Oct01)
6. The Board will normally disregard failure to register with the Disability Service in reaching its conclusion. (Case46/Oct01)
7. The Appeals Board will not take into account any medical circumstances unless they are authenticated by an appropriately qualified professional practitioner. It is not sufficient to give the name of a practitioner whom the Board may contact. (Case4/July02)

Material Administrative Error

1. Students cannot rely on an assumption that the repeat paper will follow the format or pattern of the summer diet paper. (Case1/Oct 01)
2. Where a lecturer indicates that s/he may have misled a student as to the format or pattern of a paper and believes that a candidate may have

passed or performed better had an alternative, anticipated format been used, the Board will reassess the outcome. (Case1/Oct01)

3. Where, on checking, it is determined by the P&AB that a mark has incorrectly been recorded, the correct mark will be recorded by the Appeals Board. The Chairman of the PB will be asked to ensure that all candidates taking that module, regardless of whether they appealed or not, have had their marks correctly recorded. (Case8/Oct01)
4. Marks which are at variance with those of other students who obtained similar results in the past are not, by themselves, grounds for an appeal. (Case2/July02)
5. While it is recognised that, in general, lecturers make every possible effort to supply pilot papers for new modules, failure to supply a pilot paper is not, in itself, ground for appeal. (Case20/31/July02)
6. Where marked assessments are posted by DCU and there are postal delays which result in a reduction in the period during which students could consult the material for examination preparation, this will not be a ground for appeal. (Case07/Feb03)
7. Missing pages from an examination answer booklet are not in themselves evidence that a question was attempted, this will not be a ground for appeal. (Case18/July03)
8. An appeal may be considered where major changes in a previously established assessment requirement have not been notified to students in writing. (Cases 55, 56, 57 /July03)

Examiner's error of Judgement

1. The University's requirement to suspend study for one year while one module is repeated is not a ground for appeal. However, where the programme is subject to significant change **and** the appellant would come back into a changed degree **and** there is one failed module which is failed by virtue of one piece of assigned work which can be completed before the end of the first semester, the appellant will be allowed to proceed to the following year, carrying the failed module, provided the assignment is successfully submitted before the end of the first semester. (Cases 2,23/Oct01)
2. Failure by the examiner to give detailed justification for marks awarded on the face of a script is not, of itself, a ground for appeal. (Case1/Feb02)
3. The award of high marks in continuous assessment is not, of itself, an indicator that high marks can be expected in a terminal examination. In different forms of assessment it would not be unexpected that a different result might be awarded. (Case2/Feb02)

4. Failure to attend a critical laboratory or other academic exercise is not a ground for appeal. (Case10/Feb02)
5. A result which, in the view of the candidate, is out of proportion to the amount of work invested is not, of itself, evidence of error of judgement by the examiner. (Case17/July02)
6. Where a candidate fails to submit working papers with the examination script and subsequently submits those papers to the Appeals Board or to the examiner following the examination, those workings will not form evidence acceptable by the Board that the candidate would have done better had the working papers been marked by the examiner. (Case 5/Feb 03)

Other

1. "I was hoping for a first" is not a ground for appeal. (Case24/Oct01)
2. "I was disappointed in my result" is not a ground for appeal (Case27/Oct01)
3. "I had to work to earn money" is not a ground for appeal (Case4/Oct01)
4. "I was surprised at my result" is not a ground for appeal (Case 3/Feb02)
5. The fact that other students on the programme worked together as a study group and paid for the services of a tutor and excluded the appellant from this arrangement is not a ground for appeal. (Case 3/Feb03)
6. Appeals will not be accepted unless official exam results are issued by the university (Case 14/Feb04)
7. Difficulties with the English language do not constitute a ground for appeal. (Case 56/July05)