



## Guidance in respect of research student appeals of

- a negative recommendation regarding progression made by their supervisory panel
- a decision not to confirm or transfer a student to the PhD register
- the outcome of an examination

v.3 to take effect from 14 January 2021

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### 1. Context

The *Academic Regulations for Postgraduate Degrees by Research and Thesis* stipulate that a research student has the right to appeal a negative recommendation made by their supervisory panel in respect of their continued registration (section 8.1.4), a decision not to transfer them to/confirm them on the PhD register (section 8.2.5), or the outcome of an award examination (section 11.6.3). Such appeals are made to the Graduate Research Studies Board (GRSB) which is chaired by the Dean of Graduate Studies.

### 2. Grounds for Appeal

A student must make explicit the grounds upon which he/she is appealing a decision.

The *Academic Regulations for Postgraduate Degrees by Research and Thesis* indicate that these cannot relate simply to disagreeing with the academic judgment of the examiners or supervisory panel, and that appeals are considered only on the basis of one of the following:

- A. an alleged failure to adhere to the regulations of the University or an argument as to insufficiency of regulations which had a bearing on the case
- B. documented circumstances<sup>1</sup> affecting the student's performance which the examiners/supervisory panel were not aware of which the student was unable or, for valid reasons, unwilling to divulge before a decision was reached and which would have made a real and substantial difference to the decision being appealed.

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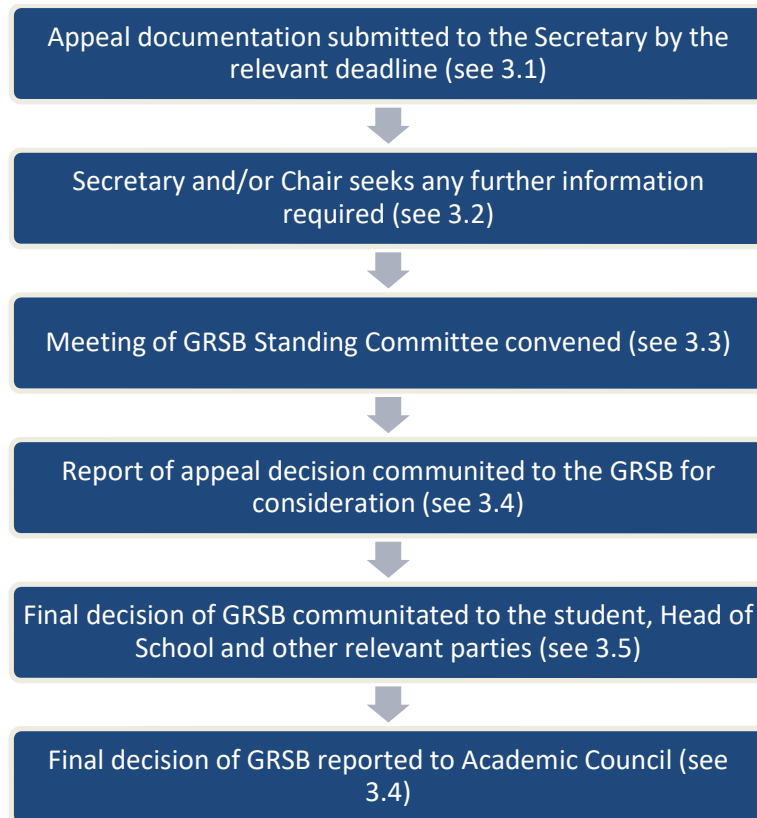
<sup>1</sup> Extenuating circumstances are unforeseen circumstances (e.g. illness, bereavement), outside the control of the student, that temporarily prevented the student from pursuing their research or from performing at the level that might reasonably have been expected of them.

- C. a case that sufficient weight was not given to documented extenuating circumstances notified prior to the decision being reached
- D. evidence of a material administrative error or a material irregularity in how the examination/review was assessed which has made a real and substantial difference to the supervisory panel or examiner's decision.

Cases judged by the standing committee to fall outside these will not be considered.

### 3. Process

The appeal is processed in accordance with the *Academic Regulations for Postgraduate Degrees by Research and Thesis*, (section 13, Appeals). All students considering an appeal should read this section of the regulations carefully before embarking upon the process.



- 3.1 The appeal to a decision should be made to the Secretary of the Graduate Research Studies Board<sup>2</sup>, using the appropriate forms<sup>3</sup>, by the next deadline for submissions for a meeting of the appeals standing committee<sup>4</sup>.

<sup>2</sup> Ms Rachel Keegan (rachel.keegan@dcu.ie)

<sup>3</sup> Please refer to the Research Appeal section on the OPVAA website to access the relevant form: <https://www.dcu.ie/ovpaa/Appeals.shtml>

<sup>4</sup> These dates are referenced in the Research Appeal Form<sub>2</sub>

In regards to submission deadlines, appellants should note that the approved decisions date is taken to be the date on which the formal decision is made known to the student. Transfer/confirmation recommendations are approved at GRSB, examination recommendations are approved at the relevant Faculty Award Board for Research Degrees (FABRD) meeting and the opportunity to appeal follows notification by Registry of the decisions of these boards. The process for a progression recommendation is different, and the decision date is taken to be the date of electronic submission of the completed review form (PGR2) to Registry.

Progression to the next year of study for the purposes of continuing academic activity is permitted in respect of a student who has lodged an appeal which, for reasons outside his/her control, could not be considered by the appeals standing committee prior to the beginning of the next academic year. However, engagement with the next year of study must cease immediately upon notification of an unsuccessful outcome of the appeal.

- 3.2 The appeal documentation is reviewed by the Secretary and Chair of the Standing Committee. Any other documentation required in order for the Standing Committee to make a fully informed decision will be sought by the Secretary and/or the Chair. This may include written comments from the Head of School and elements of the student's record where relevant (e.g annual review reports, examination reports etc.).
- 3.3 A standing committee of GRSB exists to consider appeals. The standing committee is normally chaired by the Dean of Graduate Studies. No member who has a conflict of interest or a significant prior involvement in a specific case considers that case, and the chair or membership are adjusted, if necessary, to accommodate this principle. The Chairperson may invite a legal professional to attend in an advisory and non-voting capacity. The Chairperson may also request a non-voting representative from the Registry to attend to advise on matters that are regulatory in nature and/or relate to the student record and the impact of decisions on a student's registration status or record. The secretary of GRSB acts as secretary to the standing committee, and also attends in a non-voting capacity. The appellant does not attend the meeting.

In the interests of students, appeals are considered as promptly as possible following the relevant decision. It is usually not appropriate, however, that an appeal be considered while related parallel process, such as the student grievance process, is also in train.

- 3.4 Appeal decisions of the standing committee are subject to approval by the Graduate Research Studies Board, are then final and binding, and are submitted for noting at Academic Council. The proceedings of the appeals standing committee, and any subsequent discussion at GRSB, shall be confidential to the parties involved.
- 3.5 Approved decisions of the GRSB are notified to all parties concerned by the Chair of the GRSB.

#### **4. Possible Outcomes**

Appellants are invited on the appeal form to specify an outcome desirable from their point of view. In doing so, one should be cognisant of what remedy is possible, should a case be upheld. The appeals standing committee does not re-examine work, or make an academic judgement, and

therefore will not overturn an academic decision.

Depending on the case, examples of possible outcomes of an appeal which is upheld include:

Annual review:	permission to register into the next year (possibly with specific requirements), or a change to the official record.
Confirmation/transfer:	permission to resubmit
Examination decisions:	re-examination of the thesis, referral of the thesis to an adjudicating examiner, permission to resubmit for a doctorate (where submission for a master's degree was recommended), or permission to resubmit (where the examiners had indicated that the student is unlikely to reach the standard of a research award).

## 5. Appeal Documentation

A student who opts to exercise his/her right to appeal a decision must present such an appeal on the Research Student Appeal Form, with supporting documentation, to the Secretary of the Graduate Research Studies Board by the next deadline for submissions for a meeting of the standing committee.

The GRSB standing committee does not make an independent academic judgement of the quality of a student's work. Students are therefore requested not to include any extraneous materials (such as reports, papers or other student work) with their appeal submissions, as they will not be considered.

In cases where the student considers extenuating circumstances should have been given more weight or were unknown to the supervisory panel, but are alleged to be relevant, the student's appeal should be supported by a professional opinion letter on letter headed paper or other acceptable documentary evidence outlining the circumstances and the timing of the illness/condition which gave rise to the appeal.

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

Appellants must ensure that professional opinion letters provide sufficient detail/information for the GRSB standing committee to assess the impact of the condition(s) or context cited.

An appeal shall be heard on the basis of extenuating circumstances that are submitted after the meeting of the supervisory panel /examination. Where such an appeal is submitted, the student shall be required to demonstrate circumstances outside his/her control that prevented the relevant factors being disclosed at the appropriate time. The GRSB standing committee shall in all cases consider the reasons for any failure by a student to have brought extenuating circumstances to the attention of the supervisory panel or examiners prior to the decision being reached. Where the standing committee considers that the extenuating circumstances should have been so notified, such a failure shall be a relevant in considering the extent to which the appeal is justified.

Students are asked to only provide supporting documentation which provides evidence directly related to the grounds upon which they are appealing a decision. No other documentation will be

considered.

Documentation provided will be examined for relevancy to the cited grounds of appeal at the start of the appeal meeting. Any irrelevant documentation will be removed at that point and will not be considered as part of the appeal.

## **6. Terms of Reference of the GRSB Standing Committee**

The standing committee shall consider all appeals on their merits in a detached and independent manner and determine a course of action pursuant to the information received.

The function of the standing committee is to establish whether or not there is a justified case for an appeal against a decision and, where there is, to adjudicate on the appeal.

The role of the standing committee shall be to:

- a) consider written appeals and submissions;
- b) examine the relevant academic record of the student involved;
- c) seek the views/comments of the Head of School and relevant academic staff where the standing committee considers that it is appropriate to do so;
- d) consider and determine whether or not there is a justified case for an appeal against a decision;
- e) in the situation of a justified case for appeal, take all information into account and either
  - i. uphold the appeal and decide on the appropriate course of action in the appellant's case; or
  - ii. reject the appeal.

The standing committee shall confine its consideration to matters related to procedural fairness and due process.

The standing committee shall confine its consideration of each appeal to the grounds lodged by the appellant, taking into account relevant information available in the student's record and from the Head of School and relevant academic staff.

The standing committee shall make its decision by a simple majority of those present and voting. In the case of an equality of votes, the Chairperson shall have a second or casting vote.

No member of the standing committee shall take any representations prior to the sitting of the standing committee from students who intend to make an appeal.

Representations made to any member of staff in the University concerning the decision of the standing committee shall not be entertained.

All decisions made by the standing committee shall be consistent with University regulations and standards.

The Chair of the GRSB shall advise the student and the relevant staff in writing of the decision of the Board as soon as possible after the decisions of the standing committee have been approved. At the end of each calendar year, the Chairperson shall, on behalf of the GRSB, notify Academic Council of the number and outcomes of any appeals considered.

The standing committee shall have the right to make recommendations and observations to GRBSB concerning any matters of detail or principle arising from a case.


## 7. Precedents

The GRBSB shall maintain a Set of Precedents, namely a collection of statements, not linked to specific cases, which shall convey how the standing committee responded to arguments or evidence provided in an instance that might have more general relevance to future deliberations of the standing committee.

Precedents shall be used as an aid to achieving consistency in decision-making when standing committee members are made aware of similar circumstances in the future.

A precedent shall be added where the GRBSB members agree that the circumstances that constitute the context and the outcomes of a particular academic appeal represent an instance that is likely to re-occur.

The Set of Precedents shall be reviewed periodically in order to weed out precedents that no longer apply or to take account of instances where the University's regulations have changed.

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