

Regulations & Terms of Reference

Approved by Academic Council on 25 June 2012

Revised 18 October 2013

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1 Context

- 1.1 Candidates have the right to appeal the decisions of a Progression & Award Board. Such appeals shall be processed in accordance with the procedures approved by Academic Council (and, in particular, subject to the grounds for appeal specified in §2 below).
- 1.2 Academic Council retains ultimate authority to exclude or not to exclude candidates from the University on academic grounds.
- 1.3 The function of the Examination Appeals Board is to establish whether there is, *prima facie*, a justified case for such an appeal against a decision of the Progression & Award Board and, where there is, to adjudicate on such appeals, relating to (i) a decision not to permit a student to register in the subsequent academic session for the next diet of modules within his/her programme of study; or (ii) the approved result in respect of the student's performance.
- 1.4 In exceptional circumstances, candidates may appeal an examination result which has not been formally approved by the relevant Progression & Award Board:
 - (a) Where examination results have been approved provisionally by a Programme Board Examination Review Committee, but not formally approved by a Progression & Award Board, and where the absence of an opportunity to appeal would prevent a candidate from making a decision whether or not to resit an examination at the next sitting.
 - (b) Where a student appeals a provisional result under such circumstances, the same ground(s) for appeal may not be used if a subsequent appeal is made in respect of the same module(s).

2 Grounds for Appeal

A candidate may appeal against a decision of a Progression & Award Board on the following grounds only:

- (a) 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 & Award Board reached its decision.
- (b) The Progression & Award Board did not give sufficient weight to any extenuating circumstances¹ previously notified to the Registry prior to the holding of the meeting of the Progression & Award Board.
- (c) The examinations were not conducted in accordance with the current regulations as approved by Academic Council.
- (d) There was a substantial error of judgement on the part of the Examiners.
- (e) There was a material administrative error or a material irregularity in assessment procedures which have made a real and substantial difference to his/her result.

There is no right of appeal against decisions of a Progression & Award Board which are matters of academic judgement. Disagreement with the academic judgement of a Progression & Award Board in assessing any information relating to a candidate's performance does not in itself constitute grounds for a request by a candidate for reconsideration.

3 Lodging an Appeal

- 3.1 A candidate who opts to exercise his/her right to appeal the decision of a Progression & Award Board must present such an appeal on the Examinations Appeal Form² with supporting documentation to the Secretary to the Examination Appeals Board within the specified number of days³.
- 3.2 A candidate lodging an appeal is required to submit the requisite fee⁴ with his/her appeal documentation. The appeals fee is non-refundable except in the case of a candidate whose appeal is deemed by the Examination Appeals Board to be successful.
- 3.3. In the case of an appeal made on the basis of extenuating circumstances, the candidate is required to complete and submit, with the appeal, the most-recently published version of Form R-30. This form must be accompanied by relevant and date-specific supporting documentation (details of appropriate types of documentation are outlined in Section B of Form R-30). Candidates must ensure that such documentation provide sufficient detail/information for the Examination Appeals Board to assess the impact of the condition(s) cited.
- 3.4 It is only in exceptional circumstances that an appeal shall be heard on the basis of extenuating circumstances that are submitted after the meeting of the Progression & Award Board.

¹ Extenuating circumstances are interpreted as unforeseen circumstances, outside the control of the student, that are accepted by the Progression & Award Board as having temporarily prevented the student from submitting their work for assessment, undertaking an assessment, or from performing in an assessment at the level that might reasonably have been expected of them.

² The Examinations Appeal Form is available from the webpage
<http://www.dcu.ie/ovpaa/examination-appeals.shtml>.

³ Currently 10 days from the date of promulgation of the decision appealed.

⁴ Currently €100.

- 3.5 Where such an appeal as outlined in paragraph 3.3 is submitted, the candidate shall be required to demonstrate circumstances outside his/her control that prevented the relevant factors being disclosed at the appropriate time.
- 3.6 The Examination 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 & 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.
- 3.7 The Examination Appeals Board does not make an independent academic judgement of the quality of a candidate's work. Candidates are therefore requested not to include any assessment materials (such as dissertations, essays, computer codes or reports) with their appeal submissions, as they will not be considered.
- 3.8 Progression to the next year of study for the purposes of attending academic exercises is permitted in respect of a candidate who has lodged an appeal against the decisions of the Progression & Award Board in the resit examinations held in Autumn of each academic year. However, such attendance must cease immediately upon notification of an unsuccessful outcome of the appeal.
- 3.9 Academic staff are requested to submit to Registry any documentation relevant to a candidate's performance, including written reports from tutors, certificates of illness, or written 'warnings'. Such material shall be retained on a candidate's file so as to provide written evidence, should an appeal arise.

4 Composition of the Examination Appeals Board

- 4.1 The Examination Appeals Board shall be a Sub-Committee of Academic Council constituted at the beginning of each academic year by Academic Council.
- 4.2 It shall consist of:
 - a Chairperson appointed by Academic Council;
 - one representative from among the academic staff of each Faculty;
 - one representative from the academic staff of Open Education;
 - a student representative;
 - a non-voting, advisory representative from Registry; and
 - the Secretary to the Examination Appeals Board.
- 4.3 The Chairperson may invite a legal professional to attend in an advisory and non-voting capacity.
- 4.4 The Secretary to the Examination Appeals Board shall act as recording Secretary. He/she is a non-voting member.
- 4.5 The term of office of the Faculty and Open Education members shall be 3 years and staggered so that one-third of the membership changes on an annual basis.
- 4.6 Five members shall constitute a quorum. The quorum shall include the Chairperson (or his/her nominee). The Secretary shall not be included for the purposes of the quorum.

5 Terms of Reference of the Examination Appeals Board

- 5.1. The Examination Appeals Board shall meet as required after Progression & Award Board meetings. The Examination Appeals Board shall consider all appeals on their merits and determine a course of action pursuant to the information received.
- 5.2. The role of the Examination Appeals Board shall be to:
 - (a) consider written appeals and submissions;
 - (b) examine the relevant academic records and transcripts of the candidate involved;
 - (c) seek the advice of the Programme Board Chairperson and relevant academic staff where the Board 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 of the Progression & Award Board by:
 - i. upholding the appeal and deciding on the appropriate course of action in the candidate's case; or
 - ii. upholding the original decision (and rejecting the appeal).
- 5.3 The Examination Appeals Board shall confine its consideration to matters related to procedural fairness and due process.
- 5.4 The Examination Appeals Board shall confine its consideration of each appeal to the grounds lodged by the candidate.
- 5.5 The Examination Appeals Board 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.
- 5.6. Decisions of the Examination Appeals Board are final and binding. Representations made to any member of staff in the University concerning any such decision shall not be entertained.
- 5.7 All decisions made by the Examination Appeals Board shall be consistent with University regulations and standards.
- 5.8 The Examination Appeals Board shall ensure that appeals are reviewed in a detached and independent manner:
 - (a) The role of the non-voting representative from the Registry is to advise on matters that are regulatory in nature (Marks & Standards and the Examination Regulations) and/or relate to the student record and the impact of decisions on a candidate's registration status or record.
 - (b) Faculty members of the Examination Appeals Board shall 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 result being appealed, or any participation in the deliberations of the Progression & Award Board that promulgated the result being appealed.
 - (c) The student member of the Board should not take any representations prior to the sitting of the Board from candidates who intend to make an appeal.
- 5.9 The Secretary to the Examination Appeals Board shall:
 - (a) be responsible for ensuring that the procedures are appropriately adhered to;
 - (b) receive the formal notice of appeal;
 - (c) convene a meeting of the Examination Appeals Board;
 - (d) obtain the views/comments of Programme Board Chairpersons;

- (e) circulate papers for the meeting to members of the Examination Appeals Board no later than three working days before the meeting;
 - (f) ensure that decisions are notified to all parties concerned and that appropriate action is taken;
 - (g) arrange for fee refunds to be made to successful candidates; and
 - (h) draft the annual report to Academic Council.
- 5.10 The dates of the Examination Appeals Board shall be published in the Academic Calendar and fourteen working days' notice of the date, time and venue of a meeting of the Examination Appeals Board shall normally be given to the members and any other persons being required to attend.
- 5.11 The papers for the Examination Appeals Board meeting shall include:
- (a) notes on procedure;
 - (b) the Examination Appeals Board's Regulations & Terms of Reference;
 - (c) the candidate's letter of appeal (together with any supporting documentation);
 - (d) appropriate information supplied to the Secretary to the Examination Appeals Board by the Programme Board regarding the candidate's academic performance.
- 5.12. The Secretary to the Examination Appeals Board shall advise the candidate and the relevant staff in writing of the decision of the Examination Appeals Board as soon as possible after the appeal has been considered.
- 5.13 The proceedings of the Examination Appeals Board shall be confidential to the parties involved. At the end of each calendar year, the Chairperson shall, on behalf of the Examination Appeals Board, notify Academic Council of the number and outcomes of any appeals considered.
- 5.14 The Examination Appeals Board shall have the right to make recommendations and observations to Academic Council concerning any matters of detail or principle arising from a hearing.

6 Precedents

- 6.1 The Examination Appeals Board shall maintain a Set of Precedents, namely a collection of anonymised cases which shall convey how the Board responded to evidence provided in an instance that might have more general relevance to future Boards and their findings.
- 6.2 Precedents shall be used as an aid to achieving consistency in decision-making when Examination Appeals Board members are faced with similar facts and situations in the future.
- 6.3 A precedent shall be added where the Examination Appeals Board members agree that the circumstances that constitute the facts and the outcomes of a particular academic appeal represent an instance that is likely to re-occur.
- 6.4 The Set of Precedents for Examination Appeals Board meetings shall be reviewed each year in order to weed out precedents that no longer apply or to take account of instances where the University's regulations have changed.