



## **Examination Appeals Board**

### **Terms of Reference, Composition and Standing Orders**

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## **1. Overview**

### **1.1 Context**

1.1.1 A sub-committee of Academic Council, which is constituted at the beginning of each academic year by Academic Council, the Examination Appeals Board has overall responsibility for the conduct and oversight of the following in respect of all taught programmes and/or individual taught elements or modules:

- Appeals
- Assessment Reviews
- Module Rechecks.

1.1.2 Students:

- have the right to appeal the decisions of a Progression and Award Board;
- may apply in certain circumstances to have a section of their assessment reviewed by an independent assessor;
- may apply in certain circumstances to have the recording and collation of marks which determined a module result rechecked.

1.1.3 Appeals, assessment reviews and module rechecks are processed in accordance with the procedures approved by Academic Council.

### **1.2 Appeals**

1.2.1 An appeal is the procedure whereby a student may request a review of a decision by Progression and Award Board relating to their academic progress or award, in accordance with specified grounds.

1.2.2 An appeal may only be made against decisions of the most recent Progression and Award Board meeting of the programme in question and must be made within ten days of the promulgation of results.

1.2.3 A student may appeal against a decision of a Progression and 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 and Award Board did not give sufficient weight to any extenuating circumstances<sup>1</sup> previously notified to the Registry prior to the holding of the meeting of the Progression and Award Board.
- (c) The examinations were not conducted in accordance with the current regulations as approved by Academic Council.
- (d) 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.

1.2.4 There is no right of appeal against decisions of a Progression and Award Board which are matters of academic judgement.

1.2.5 The function of the Examination Appeals Board is:

- a) To establish whether there is, *prima facie*, a justified case for an appeal against a decision of the Progression and Award Board.
- b) Where there is a justified case for appeal, to adjudicate on such appeals relating to:
  - the approved result in respect of the student's performance;
  - a decision not to permit a student to register in the subsequent academic session for the next diet of modules within their programme of study;
  - a decision to issue a student with a notice to withdraw from the University on academic grounds.

1.2.6 Academic Council retains ultimate authority to exclude or not to exclude students from the University on academic grounds.

### **1.3 Assessment Review**

1.3.1 An Assessment Review is the reconsideration of an element of assessment by an independent assessor in instances where a student makes a coherent academic argument that the grade awarded is incorrect.

1.3.2 The function of the Examination Appeals Board is to establish a sub-group to review applications to determine whether, *prima facie*, an application meets stipulated criteria and should be referred to an independent assessor for review.

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<sup>1</sup> Extenuating circumstances are interpreted as unforeseen circumstances, outside the control of the student, that are accepted by the Progression and 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.

## **1.4 Module Rechecks**

1.4.1 A module recheck is the administrative process whereby it is confirmed that:

- all elements submitted for assessment were considered and assessed;
- the calculation of the marks awarded was correct;
- no errors or omissions occurred in the recording, collating or combining of marks;
- the correct summary mark was presented to the Progression and Award Board.

1.4.2 The function of the Examination Appeals Board is to oversee the conduct of module rechecks.

## **2. Terms of Reference of the Examination Appeals Board**

2.1 The Examination Appeals Board meets as scheduled on the DCU Academic Calendar after Progression and Award Board meetings.

### **Appeals**

2.2 The role of the Examination Appeals Board is to:

- 2.2.1 consider written appeals and submissions on their merits and determine a course of action pursuant to the information received;
- 2.2.2 examine the relevant academic records and transcripts of the student involved;
- 2.2.3 seek the advice of the Programme Board Chair and relevant academic staff where the Board considers that it is appropriate to do so;
- 2.2.4 consider and determine whether or not there is a justified case for an appeal against a decision of the Progression and Award Board by:
  - 2.2.4.1 upholding the appeal and deciding on the appropriate course of action in the student's case; or
  - 2.2.4.2 upholding the original decision (and rejecting the appeal)
- 2.2.5 establish subgroup(s) if required by volume of appeals, such subgroups typically reflecting the composition of the Examination Appeals Board, drawing membership from a panel nominated by Faculties, Open Education, the Students' Union, and supported by the Academic Secretariat and Registry (see 3.1 and 3.2). Subgroup recommendations would be ratified by the Examination Appeals Board.

2.3 The Examination Appeals Board confines its consideration to matters related to procedural fairness and due process.

2.4 The Examination Appeals Board confines its consideration of each appeal to the grounds lodged by the student.

- 2.5 The Examination Appeals Board ensures that appeals are reviewed in a detached and independent manner:
- 2.5.1 The role of the non-voting representative from the Registry is to advise on matters that are regulatory in nature (Marks and Standards, Programme Regulations and Examination Regulations) and/or relate to the student record and the impact of decisions on a student's registration status or record.
  - 2.5.2 Faculty members of the Examination Appeals Board do 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 significant participation in the deliberations of the Progression and Award Board that promulgated the result being appealed.
  - 2.5.3 Members of the Board, including the student member of the Board, should not take any representations prior to the sitting of the Board from students who intend to make an appeal.
- 2.6 Decisions of the Examination Appeals Board are made by a simple majority of those present and voting. In the case of tied votes, the Chairperson has a second or casting vote.
- 2.7 Decisions of the Examination Appeals Board are informed by and consistent with University regulations and standards.
- 2.8 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.

### **Assessment Review**

- 2.9 A sub-group of the Examination Appeals Board meets, as required, following Progression and Award Board meetings, to consider applications for review of assessment.
- 2.10 The role of the sub-group is to determine whether, *prima facie*, an application meets stipulated criteria and should be referred to an independent assessor for review.

### **Recheck**

- 2.11 Responsibility for the conduct of rechecks lies with relevant School(s).
- 2.12 The module recheck is carried out in advance of the scheduled Examination Appeals Board meeting and the outcome will be made known to the Board, where relevant.
- 2.13 Where a student has appealed the result of a module(s) and has also requested a module(s) recheck for the same module(s), the Examinations Appeals Board takes the outcome of the module(s) recheck into account.

## Reporting

- 2.14 The Examination Appeals Board submits an annual report to Academic Council. The report shall include, *inter alia*, the number and outcomes of any appeals considered, and any assessment reviews and module rechecks conducted.
- 2.15 The Examination Appeals Board has the right to make recommendations and observations to Academic Council concerning any matters of detail or principle arising from their deliberations.

## 3. Composition of the Examination Appeals Board

- 3.1 The Examination Appeals Board comprises:
- a Chair;
  - one representative from among the academic staff of each Faculty;
  - one representative from the academic staff of Open Education;
  - a student representative;
  - an advisory representative from Registry;
  - the Secretary to the Examination Appeals Board, a senior member of staff of the Academic Secretariat;
  - the Recording Secretary, a member of staff of the Academic Secretariat.
- 3.2 The advisory representative from Registry, the Secretary and Recording Secretary to the Board are non-voting members.
- 3.3 The Chair may invite a legal professional to attend in an advisory and non-voting capacity.
- 3.4 The term of office of the Faculty and Open Education members is 3 years, renewable, and staggered so that typically three new members join the Board each year.
- 3.5 Five of the eight voting members shall constitute a quorum. The quorum includes the Chair (or nominee).
- 3.6 For the purposes of Assessment Review, the Board establishes a sub-group comprising the Chair or his/her nominee and two members of the Board to consider applications for assessment review as needed.

## 4. Standing Orders of the Examination Appeals Board

### Chair

- 4.1 A nomination for the role of Chair of the Examination Appeals Board is made by the Vice-President Academic Affairs (Registrar) and approved by Academic Council.

- 4.2 The Chair of the Examination Appeals Board is appointed for a 3-year term and can be re-nominated.
- 4.3 In the absence of the Chair from a meeting, another person as may be determined by the Chair/Vice President Academic Affairs (Registrar) will chair the meeting.

### **Meetings**

- 4.4 The dates of the Examination Appeals Board meetings are published in the Academic Calendar and noted by Academic Council. Fourteen working days' notice of the date, time and venue of a meeting of the Examination Appeals Board is normally given to the members and any other persons being required to attend.
- 4.5 The proceedings of the Examination Appeals Board are confidential to the parties involved.

### **Documentation**

- 4.6 The papers for the Examination Appeals Board meeting include:
  - 4.6.1 the Examination Appeals Board's Terms of Reference, Composition and Standing Orders;
  - 4.6.2 notes on procedure;
  - 4.6.3 the student's letter of appeal (together with any supporting documentation);
  - 4.6.4 appropriate information supplied by the Programme Board to the Secretary regarding the student's academic performance;
  - 4.6.5 where relevant, the outcome of module recheck requests.

## **5. Precedents**

- 5.1 The Examination Appeals Board maintains a Set of Precedents, namely a collection of anonymised cases which convey how the Board responded to evidence provided in an instance that might have more general relevance to future Boards and their findings.
- 5.2 Precedents are 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.
- 5.3 A precedent is 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.
- 5.4 The Set of Precedents for Examination Appeals Board meetings are reviewed each year in order to remove precedents that no longer apply or to take account of instances where the University's regulations have changed.

## 6. Version

<b>Version</b>	<b>Approved by Academic Council</b>
First Edition	25 June 2012
Revision 1	18 October 2013
Revision 2	6 December 2017
Revision 3	4 December 2019
Revision 4	3 June 2020