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1 Introduction and General Principles

College Appeals Committee

1.1 The College offers an appeals system which allows registered postgraduate taught students to appeal against a decision of the Board of Examiners relating to their progress.

1.2 A former student may not lodge an appeal after they have graduated from the College. However, a student may proceed to graduate while submitting an appeal, provided it is submitted within ten working days of the formal publication of the final degree classification. Should a change to a result be required following the appeal, the transcript will be altered accordingly and, where appropriate, an amended parchment issued.

1.3 Such appeal is made to a body known as the College Appeals Committee ("CAC") which is a committee consisting of a Chair and not less than two other members drawn from Faculty, adjunct Faculty, the College Teaching and Learning Panel or College Management Committee

1.4 CAC is usually convened three times a year in August, October and March, but may be convened at other times if the Head of Academic Administration considers that waiting until the next scheduled meeting to hear an appeal would be detrimental to the academic progress of a student who has brought the appeal.

1.5 Members of staff involved in all stages of the process will be independent of the appeal, will not be from the Department in which the student bringing the appeal is enrolled, and will have no prior knowledge of the matter.

1.6 There is no appeal against academic judgement. Academic judgement is a decision of an academic body about a matter, such as assessment, degree classification, research methodology, or course content/outcome. It is a judgement made about a matter where only the opinion of an academic expert will suffice.

1.7 It should be noted that where, on an appeal, a student establishes the existence of "exceptional circumstances" which adversely affected the academic outcome for the student, CAC has no power to award marks to compensate the student for the exceptional circumstances. In such event, CAC may only permit the student to re-take a failed module. Under no circumstances will a student be permitted to retake a module which they passed

1.8 CAC has the authority to consider and address other issues which may not be a substantive part of the appeal, but come to light as part of CAC's deliberations.

Collective/Representative Appeals

1.9 The College will accept appeals from one student (the Lead Student) as representative of a group of named students where the issue/s raised is the same or substantially the same in each case. Appeals by un-named students will not be accepted. The Lead Student must provide evidence that they are acting on behalf of and with the consent of the other named students. The Head of Academic Administration must certify that it is appropriate, expedient and fair that the appeal may proceed as a collective/representative appeal.

1.10 If the Head of Academic Administration certifies that the appeal may be accepted as a collective/representative appeal, then the College Office will deal with the appeal under the appeals procedure in the normal way. In the absence of certification by the Head of Academic Administration, each student may submit a separate appeal.

Confidentiality

1.11 The College will take all reasonable steps to limit the disclosure of information as is consistent with investigating the issue(s) raised and the provisions of the Human Rights Act 1998, the General Data Protection Regulation 2016, the Data Protection Act 2018, the Freedom of Information Act 2000 and any other relevant legislation. All staff and students who become involved in the appeal process are required to respect the integrity of the process and the confidentiality of information arising from it both during and after the conclusion of the process, unless there is an overriding reason to disclose information. Information will only be released to those who need it for the purpose of investigating or responding to an appeal; no third party will be told any more about the investigation than strictly necessary in order to obtain the information required from them.

Communication

1.12 The College will normally communicate by email with anyone involved in an appeal. In the case of registered students or College staff, this will normally be to their College email address. Where correspondence is sent to a registered student by post it will be sent to the address registered with the College.

Defamatory or Derogatory Comments

1.13 When submitting an appeal, a student should be careful not to make unsubstantiated or defamatory allegations or comments about other students, members of College staff or any other person. If the College considers that an allegation or comment may be deemed to be defamatory, it may require it to be retracted or deleted before accepting an appeal.

Duty of Candour/Fabricated Evidence

1.14.1 Anyone involved in any College process will treat all others involved with respect and courtesy and will behave honestly and with integrity throughout the process. Any evidence (written or oral) provided to CAC by any person in connection with an appeal will be true to the best of that person's knowledge and belief.

1.14.2 Any student who is shown to have acted dishonestly or to have provided false evidence in connection with an appeal may be referred for investigation under the Student Discipline Procedures.

Evidence

1.15 The College reserves the right to request and consider independent evidence or professional opinion, including medical evidence and/or medical opinion, as it deems appropriate. Where considered necessary, a committee may adjourn in order to allow time for such further evidence or professional opinion to be obtained.

Standard of Proof

1.16 At all times, the principles of natural justice shall be observed and the standard of proof shall be on the balance of probabilities.

Equality, Diversity and Fair Treatment

1.17 The College has a legal, as well as a moral duty, to treat all students fairly. The College values and promotes equality and diversity and will seek to ensure that it treats all individuals fairly and with dignity and respect.

Less Favourable Treatment

1.18 No person who submits an appeal will be treated less favourably as a result, whether or not the appeal is upheld. Victimisation shall be grounds for a further, separate complaint.

Support and Right to Be Accompanied

1.19 A student has the right to be accompanied at the hearing of the Appeal by one person. The role of the person accompanying the student is one of support, not representation, and such person has no right to address CRAC. The student will be expected to answer questions themselves and make their own representations.

Reasonable Adjustments

1.20 Students will be invited to notify the College Office if they require any reasonable adjustments in order to make the process accessible. This may include consultation with the College Disability Officer.

Meeting of Deadlines/Timescales by the College

1.21 The College Office will endeavour to meet all timescales set out in this procedure. It may however prove impossible to meet these timescales when key staff are on leave, or otherwise indisposed, or where the complexities of the case warrant extended scrutiny. Where it is not possible for the College to meet the deadlines, for whatever reason, the student will be informed.

Notification of Decisions

1.22 Unless otherwise stated, notification of a decision will be sent to the student and copied to relevant persons normally within eight working days of the decision being taken. If there is a delay in the decision being made, the student will be advised.

No Double Appeal

1.23 No student may appeal the same decision on more than one occasion.

Consideration of Outcome

1.24 A student who is considering an appeal should first consult the relevant Programme Specification to ensure that the outcome which they are seeking is within the range of remedies which CAC can order

Further Information and Forms

1.25 Advice on these regulations may be obtained from the Head of Academic Administration. Appeal forms are available from the Head of Academic Administration.

2. Commencing an Appeal

2.1 Students have the right to appeal to the CAC against a decision of the Board of Examiners

2.2 A student can only bring an appeal by lodging with the Head of Academic Administration a completed CAC Appeal Form signed by the student and specifying the Grounds of Appeal and to which is attached all relevant supporting documents and evidence.

2.3 Subject to paragraph 2.4, an appeal must be brought within 10 working days from the date of publication by the College of the results which include the decision which is the subject of the appeal.

2.4 If the Head of Academic Administration is satisfied from a written statement with supporting evidence presented by a student at the same time as the CAC Appeal Form that the student was prevented from bringing the appeal within that time limit by reasons beyond their control, the Head of Academic Administration may decide to accept the appeal notwithstanding it is outside the time limit. The decision of the Head of Academic Administration is final in this regard,

3. Grounds of Appeal

3.1 The following are the only grounds on which an appeal may be brought:

3.1.1 New evidence has become available which could not have been provided by the student to the Board of Examiners Meeting [Note: evidence that a student chose to withhold from the College will not normally constitute new evidence]

3.1.2 There has been a procedural irregularity which has had a demonstrable impact on the academic outcome;

3.1.3 There is evidence of inadequate supervision of the dissertation element of the programme.

3.2 A student who relies on paragraph 3.1.3 as a ground of appeal must either show that they took action to deal with any alleged supervisory problems when they first arose, or explain why they did not take such action at that time.

4. Preliminary consideration of Appeal

4.1 On receipt of the appeal, the Head of Academic Administration, and a senior colleague shall consider the CAC Appeal Form, and any supporting documentation submitted by the student prior to the final date for submitting the Appeal, and shall decide whether

- 4.1.1 the student has raised a *prima facie* case; or
- 4.1.2 the student has not raised a *prima facie* case in that
 - 4.1.2.1 the student has not cited a ground of appeal, or
 - 4.1.2.2 the facts of the case do not meet the ground of appeal cited, or
 - 4.1.2.3 the student has failed to submit necessary supporting documentation in accordance with paragraph 2.2, or
 - 4.1.2.4 the student has requested an outcome which the CAC has no power to grant.

and if it is decided that the student has not raised a *prima facie* case, and that decision is confirmed by a review panel consisting of the Principal of the College and another senior colleague, the appeal will be rejected at this stage. Such decision will be final and not capable of being the subject of an appeal

4.2 The student will be notified in writing whether or not their appeal will proceed to be considered by the CAC.

5. Conduct of Appeal

5.1 If it is determined that the student has raised a *prima facie* case, the Head of Academic Administration will send the Appeal to the student's Head of Department for a response.

5.2 The student's Head of Department shall make a response within 5 days from receiving the Appeal from the Head of Academic Administration. The Head of Department shall attach to the Department's response copies of all correspondence relating to the case and other relevant information, as required.

5.3 The Head of Academic Administration shall send the Appeal and the Department's response to CAC which shall fix a date for the hearing of the appeal and shall give not less than five working days' notice of the date and time of the hearing to the student and the Department concerned.

5.4 The student must in any event attend the hearing in person to present the Appeal, and, if so required by CAC, a representative of the Department concerned shall also attend the hearing to provide information relating to the structure of the course, student performance and the basis on which the decision of the Board of Examiners was taken.

5.5 Not less than 2 days before the date of the hearing of the Appeal, the student must confirm to CAC whether or not they intend to attend the hearing; in the absence of such confirmation being given to CAC, the student will be deemed to have withdrawn the Appeal.

5.6 If the student is unable to attend the hearing of the Appeal, they may apply to CAC to postpone the hearing, and, if satisfied that the student has established good cause as to why the student is unable to attend the Appeal, CAC may adjourn the Appeal and fix it for hearing on another date. The onus is on the student to establish good cause. Where the student is unable to attend the hearing for medical reasons, as confirmed by a medical certificate, the

proceedings will normally be adjourned until the student is certified as fit to attend by a medical professional, or the student confirms that they wish to proceed.

5.7 If the student fails to attend the Appeal without good cause, or if CAC has requested the attendance of a representative from the Department concerned and such representative has failed to attend without good cause, CAC may consider the Appeal and reach a decision on it in the absence of the student, of the representative of the Department concerned, as the case may be.

5.8 If CAC considers that it requires further evidence to be presented to it to enable it to determine the Appeal, it may give directions as to the additional evidence which it requires and adjourn the hearing to a future date to allow such evidence to be given and considered.

5.9 CAC shall not be entitled to inspect examination scripts, dissertations or other elements of assessed coursework

5.10 The student and the Department representative (if in attendance) may only be present while evidence is being given and representations made. Only members of the CAC and of the secretariat shall be present while the decision is made.

6 Disposal of Appeal

6.1 CAC may:

6.1.1 dismiss the Appeal, with reasons, and confirm the original decision against which the appeal is made; or.

6.1.2 refer the matter back to the Chair of the Board of Examiners with or without recommendation

6.1.3 uphold the appeal in part or in full either by and may permit the student to re-sit or re-take a failed module or modules.

6.2 CAC decisions shall be finding and binding on both the Department and the student

6.3 The decision of CAC shall normally be confirmed in writing to the student, with reasons, within eight working days of the decision having been taken.

6.4 There is no further internal appeal against a decision of CAC.

7. Central Monitoring and Record Keeping

7.1 Minutes of the meeting, including an individual note of each decision, shall be taken as a formal record of the appeal and retained.

7.2 The Head of Academic Administration shall make an annual report on academic appeals to the Faculty, the Presbyterian Theological Faculty, Ireland, and Teaching and Learning Panel. Individual students shall not be identified in the report.

7.3 Students are not permitted to make electronic or digital audio or visual recordings of any meetings or proceedings under these regulations without the express written consent of all participants.
