

8.11 Appeals Policy

Title:	Appeals Policy
Responsibility:	Assessment and Regulations Manager
Implemented by:	Lecturers Programme Leaders Assessment and Regulations Manager
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8.11.1 Introduction

DBS recognises that learners are entitled to the right of appeal against a decision of a lower-level decision-making authority by making a request to a higher one. In respect of academic appeals and decisions of any subcommittee of Academic Board, appeals are the responsibility of the Academic Board. This is the final decision-making authority and there is no further right of appeal against an appeal decision.

The purpose of this policy is to afford learners the opportunity to appeal the decision of a decision-making committee.

This applies to all learners on programmes leading to QQI awards and relates to the decisions of any committee or Board with academic decision making authority.

The Academic Appeals Policy does not apply to appeals against a Complaint Committee finding.

The appeals policy is based upon transparency and fairness and recognises a learner's right to question a decision-making authority within DBS.

Appeals will not be considered based upon hearsay. All appeals and decisions must be evidence based.

8.11.2 Membership

The Academic Board retains responsibility for hearing academic appeals. However, this does not require full membership of the Board. The Academic Board responsibility for appeals is delegated to the Assessment and Regulations Manager and the QA Officer in respect of considering grounds for appeal, and to the Appeals Committee, made up of Academic Board members, for the hearing of an appeal.

The Executive Dean is usually appointed as Chair of the Appeals Committee and is authorised by the Academic Board to appoint an Appeals Committee, from the Board membership, to facilitate timely and appropriate consideration of appeals. Where necessary and appropriate, non-Board members may be invited to join this committee where it is deemed necessary and appropriate the decision-making process to be effective and transparent. A minimum of three Board members must be appointed to the Committee for a case to be considered.

No member of the Appeals Committee can have had any previous involvement in the case being considered.

8.11.3 Submitting an Appeal: Timeframe and Requirements

A learner who wishes to appeal

- their published results
- a decision of the Board of Examiners
- a decision of any other decision committee of the Academic Board

must submit a formal appeal to the Appeals Committee, through the QA Officer.

The appeal must be submitted in writing and received by the QA Officer not later than seven working days after the date of the publication of the relevant assessment result from the Examination Board or, in relation to appealing a decision of a sub-committee other than an Examination Board, the specified appeal date provided by a decision making committee.

The appeal form must be accompanied by a detailed written submission together with supporting documentation (if appropriate). Appeals submitted without a written submission or for which the fee has not been paid, will be rejected. It is the learner's responsibility to ensure an appeal is lodged fully and correctly. Additional appeal opportunities or extension of appeal deadlines will not be made available.

Appeals against assessment results must also include evidence of payment of the relevant fee per module. Payments can be made online, by telephone or at reception. Learners are reminded to include the payment reference number on all documentation.

8.11.4 Grounds for Appeal

An appeal submission must specify the grounds on which the appeal is requested, and it must contain all information that the learner wishes to have taken into account.

Learners are advised that a request for a rehearing is not valid grounds for appeal.

The only permissible grounds for an appeal are:

- the learner believes there was a substantive irregularity in the College's procedures and/or in the manner in which those procedures were executed
- the learner believes there was a substantive irregularity in the Assignment brief or Examination Paper or the assessment process

- the learner believes that there were circumstances known to the College that the decision making committee was not aware of when its decision was taken.

Disagreement with a decision, including an assessment decision is not considered grounds for appeal. Appeals which question the academic judgement of examiners shall not be admissible; disagreement with the judgement of the Examination Board does not constitute grounds for review.

The Quality Assurance Officer will receive all appeal applications and ensure they have complied with submission requirements in order to be forwarded to the Appeals Committee. The Assessment and Regulations Manager in conjunction with the Quality Assurance Officer will consider the appeal and the grounds on which it is sought.

8.11.5 Appeal of Assessment Results

In all cases of appeal of an assessment result a verification process is undertaken. The Academic Affairs Office will verify the learner's result by way of an administrative operation of checking the recording and the addition of marks for the assessment. The verification ensures that the assessment published by the College is free of arithmetical or other administrative errors of fact.

Learners are advised that an appeal of an assessment decision may result in confirmation, upgrading or downgrading of the initial result/decision.

8.11.6 New Evidence

Where the learner wishes to present new evidence this must be identified at the point of applying for an appeal. Beyond this point, new evidence not identified will not be considered by the Appeals Committee unless exceptional circumstances are identified and these are accepted at the Chair's discretion.

Learners are reminded that evidence of PMCs is reasonably expected to have been presented in advance or at the time of the original decision.

The Appeals Committee will only consider late declaration as grounds for appeal where there are valid reasons for non-disclosure at an earlier stage and must be accompanied with:

- Evidence that confirms the circumstances were present during the period under consideration
- And
- Evidence to show why the learner was unable to disclose these at the time or the *valid reasons* why this could not be disclosed at the time

Medical or professional certification must confirm the learner attended the relevant professional during the period of consideration for the circumstances outlined.

Post-dated certification will not normally be considered. The dates of attendance must be stated by the professional along with verification of the circumstances claimed.

For a claim of valid reasons for non-disclosure to be accepted, it is normally expected that the circumstances themselves were exceptionally serious, or had an exceptionally serious impact on the learner, and there were substantial and grave reasons why the learner was unwilling to disclose them at the time.

An unwillingness to disclose, lack of appreciation/awareness of potential impact of personal circumstances, or lack of knowledge of the regulations is not considered justification for non submission of evidence at the time of the event and will not result in the acceptance of late submission of PMCs.

8.11.7 Acceptance or Rejection of Appeal

The QA Officer in conjunction with the Assessment and Regulations Manager will consider each application to determine whether there are grounds for appeal.

An application for appeal will be dismissed without hearing where it is considered there are no identifiable grounds apparent or where the appeal deadline was not adhered to.

In the case of an application for appeal being denied, the QA Officer will notify the learner of this outcome and the fact that there is no further right of appeal. In such cases the process concludes at this point.

Where the Chair believes there are grounds for appeal, an independent party will be appointed to investigate the grounds and evidence provided and a meeting of the Appeals Committee will be convened.

Due to the wider implications of appeal decisions it is reasonably expected that an investigation will be concluded and an appeal committee held within 10 working days of the appeal grounds being accepted.

In the case of grounds being accepted, an investigation into the grounds will be conducted by an independent party and an appeal hearing will be convened.

8.11.8 Responsibility for Convening the Board

Where a learner has been found to have valid grounds for appeal, the Appeals Committee will be convened either virtually or physically.

The QA Officer will notify the learner in writing of the date of the Appeal Committee meeting.

Where a learner requests the right to attend an appeal hearing, such a request will only be authorised where the Chair deems it relevant, appropriate and necessary. This is based on the understanding that any input from the learner should have been provided at the point of appeal or through the further submission opportunity.

The investigating officer will present the evidence in respect of the appeal to the Appeals Committee.

The learner will be notified of the role of the Committee and any potential outcomes.

8.11.9 Membership

The Executive Dean or nominee undertakes the role of Chair

Any member of the Academic Board can request to be included in an Appeals Committee but must not have had previous involvement in the case.

The Chair of the Board will determine the membership of the Appeal Committee. Board members can request to be included in the Appeals Committee.

The learner representative members of the Board should be encouraged to be involved in the Appeals Committee process except where there may be a perceived or actual conflict of interest.

All members are required to declare any interest. The QA Officer acts as secretary to the Committee.

The investigating Officer is required to present the appeal but is not present for any Committee discussion or decision making.

8.11.10 Remit of the Appeals Committee

The Appeals Committee will consider the case based on the grounds for appeal as set out by the learner in his/her notification of appeal.

The Committee is not authorised to re-hear the case of a previous decision making committee but moreover determine if the grounds for appeal are evidenced in the case put forward.

The Chair will inform the Committee and any attending learner or investigating officer of the role of the committee, the possible outcomes and subsequent action.

8.11.11 Potential Outcomes

The Committee is required to determine an outcome in respect of the grounds put forward based on the evidence presented. The potential outcomes are:

- The outcome of the investigation confirms there is sufficient evidence to uphold the appeal: appeal upheld.
- The outcome of the investigation confirms there is insufficient evidence to uphold the appeal: appeal denied.

8.11.12 Decision-Making

The decision of the Committee should be a majority one. Where there is an even number of votes cast for both sides the Chair will invoke the right to a final casting vote. This is in addition to the

Chair's vote as a member.

In determining a decision, where the appeal is upheld, the Committee is required to agree on the subsequent action or options to be afforded to the learner.

8.11.13 Notification of Decision

The QA Officer will notify the learner in writing of the decision of the Appeal Committee and, where applicable, any subsequent action required.

Where an appeal is upheld, the Chair, through the QA Officer, will notify the relevant Committee and Departments of the outcome along with any recommendations and the requirement to update records.

Where the appeal relates to an award and certification has been requested from QQI the Assessment and Regulations Manager will take responsibility for updating that request.

8.11.14 Conclusion of Process

The decision of the Appeals Committee of the Academic Board is final and the process is concluded at this point.

Learners are advised as per QQI *Assessments and Standards, Revised 2013*, QQI does not have a role to play in a learner's appeal of the provider's assessment decisions.

Where an appeal fee has been paid and the appeal outcome results in a learner's mark being increased, the fee for that specific appeal will be refunded. Where multiple marks are appealed at any one time, only those resulting in an upgrade will be refunded.

DBS is committed to ensuring that all decisions pertaining to assessment are fair and that learners have access to clear consistent and comprehensible appeals procedures.

8.11.15 Complaints about the Appeal Process

If a learner is dissatisfied with the outcome of the appeals processes and believes that the procedures have been conducted improperly then she/he has a right to make a complaint to the Director of Academic Affairs within 15 working days of the announcement of the decision. The learner must be advised that this is not a re-opening of the appeal and that she/he must provide reasonable evidence of procedural impropriety. The Director of Academic Affairs will undertake a review to establish the validity of the claim. Following a decision from DBS, the learner must be formally notified that s/he has exhausted all procedures of the College and that the matter is now closed. Complaints Form (**F9.3**) may be obtained from Academic Affairs.

Learners must ensure that the completed complaint form (which should include full details of the complaint) is submitted by the published deadline. If any relevant supporting documentation is not available at this time, this should be indicated on the form and supplied within a maximum of 10 working days. Learners should be aware that after this time their complaint will be considered without reference to outstanding supplementary evidence.