

## Appeals Committee

### *Purpose*

1. Pursuant to the Assessment Rules, a student may appeal (on procedural grounds only) to the Appeals Committee (AC) from any decision of the:
  - a) Assessment Review Committee (ARC);
  - b) Chief Academic Officer (CAO) in respect of a finding or investigation of academic misconduct;
  - c) Work Experience Committee (WEC).

### *Terms of Reference*

2. Appeals from the ARC or decision of the CAO:
  - a) In determining an appeal from the ARC or a decision of the CAO on a finding or investigation of academic misconduct, the AC will have regard to:
    - i) Whether the appeal is correctly characterised and framed, pursuant to the Assessment Rules, as being brought on the grounds of procedural unfairness; and
    - ii) Whether the appeal is brought within time pursuant to the Assessment Rules; and
    - iii) Whether the appeal convincingly establishes grounds indicative of procedural unfairness, irregularity or error in accordance with the Assessment Rules Policy.
  - b) If the answer to any of these threshold considerations is in the negative, the appeal should be dismissed, and the student informed in writing by the Academic Secretary.
  - c) If the answer to all of these threshold considerations is positive, the appeal should be allowed or referred back to the ARC with clear directions as to what features of the original application ought to be reconsidered, and how. The student should be informed in writing by the Academic Secretary in accordance with the Assessment Rules.
  - d) An appeal will not be successful merely because grounds of procedural unfairness, irregularity or error are established.
  - e) If it appears to the AC that the merits of the original application are established as an automatic corollary of the threshold considerations on appeal, then the AC may substitute its own determination for that of the ARC or CAO.
  - f) If the merits of the original application are not established as an automatic corollary of the threshold considerations on appeal, then the AC must refer the appeal back to the ARC or CAO.
3. Appeals from the WEC
  - a) In determining an appeal from the WEC, the AC will have regard to guidelines under Rule 12 of the Work Experience Rules. In considering any appeal, the AC ought to determine:
    - i) Whether the appeal is correctly characterised and framed, pursuant to Rule 12.3, as being brought on the grounds of procedural unfairness, irregularity or improper exercise of the WEC's power under Rule 11.1; and
    - ii) whether the appeal convincingly establishes grounds indicative of procedural unfairness, irregularity or improper exercise of the WEC's discretion under Rules 9.4, 10.1 and 10.2.
  - b) If the answer to both of these threshold considerations is positive, the appeal should be permitted. The student should be informed in writing by the Academic Secretary in accordance with the Assessment Rules.
  - c) Otherwise the AC should proceed as for an appeal from the ARC or CAO.
  - d) Once an appeal from the ARC, CAO or WEC is determined, the student must be informed in writing by the Academic Secretary.

### *Membership*

4. The AC is constituted by:
  - a) The CEO/Principal (Chair) or nominee;
  - b) A legal practitioner of at least 5 years post qualification experience nominated by the Chair of the Board of Governors; and
  - c) A senior member of academic staff nominated by the Chief Academic Officer.
5. The Academic Secretary is a standing attendee and will act as Secretary to the AC.

### *Term*

6. Non-ex officio members are appointed for a term of 2 years by the Academic Board.

### *Quorum*

7. All AC members are required for a quorum.
8. A simple majority of those present is required for the passing of any resolution.

### *Meetings*

9. The AC will meet whenever a relevant appeal is made by a student.
10. The AC should review its terms of reference biennially to provide assurance that they remain consistent with the Academic Board's objectives and responsibilities.

### *Written decisions*

11. A written decision following consideration of an appeal will be provided by the Secretary to the Chair for review within 2 days of the meeting and circulated to AC members within 4 days of the meeting. The Academic Secretary will advise the student of the outcome in writing within 7 days of the consideration of the appeal.

### *Minutes*

12. When the AC meets other than to consider an appeal, minutes of each of those meetings will be provided by the Secretary to the Chair for review within 7 days of the meeting and circulated to AC members within 14 days of the meeting.

### *Reporting*

13. Deidentified AC minutes (including out-of-session resolutions) and written decisions are to be included in the papers for the next Academic Board meeting after each ARC meeting, assuming such Academic Board meeting takes place at least 14 days after the Committee meeting. If the Academic Board meeting is within 14 days of the Committee meeting, then the Chair may verbally report to the Board.
14. All matters referred to the AC (and relevant documents) are to be recorded in the Complaints and Grievances Register.

### *Confidentiality*

15. AC members must keep confidential all information pertaining to matters dealt with by the AC. This includes reports and associated documents, and information contained in those documents. The obligation to maintain confidentiality continues to apply even after a person has left the AC.