

NCAD Student Appeal Procedure

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Approval body	NCAD Academic Council	Approval date	November 2022
Owner	Head of Academic Affairs	Next review date	2025

1. Introduction

NCAD is committed to providing students with the right to appeal, on permitted grounds, against College decisions relating to their assessment, progression or standing within the College. The purpose of the Student Appeals Procedure is to ensure that decisions affecting students are made in accordance with relevant procedures and that circumstances impacting students' performance or capacity to study are considered in a fair and consistent way.

The Student Appeals Procedure is evidence based. Supporting evidence must be submitted to substantiate all appeals. The procedure applies to all registered students and graduands. This procedure should be read in conjunction with related policies, regulations and codes. Please see section 10

2. Definitions

Appeal

A student appeal under this policy is defined as: A formal review of a decision or sanction determined by a College body charged with making decisions concerning a student's assessment, progression or standing within the College.

Appellant

A student who has submitted an appeal.

Original decision-making body

The College committee or board with responsibility for making the decision which is being appealed.

Graduand

A student who has completed the requirements for, but who has not yet been conferred with, a degree.

3. Decisions that may be appealed

Assessment appeals can be made under a separate procedure. See [Assessment Appeals Policy and Procedures](#).

The following appeals can be made by students under this procedure:

Student Conduct Appeals

- 3.1. An appeal against decisions made under the Student Discipline Procedure. Appeals may be made against decisions and/or any penalty applied under the Student Discipline Procedure.

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- 3.2. An appeal against decisions of College Plagiarism Committee.

Continuation, Progression and Standing Appeals

- 3.3. An appeal against decisions made by College committees in respect of:
- Discontinuation of a student's registration under Continuation (Academic Regulation)
 - Fitness to Continue in Study
- 3.4. The following matters are not open to review under the Student Appeals Procedure:
- Challenges to the academic judgement of examiners.
 - Complaints about the delivery or quality of a programme. If a student has concerns about the delivery or quality of a programme, they should be raised at the earliest opportunity. For information about raising concerns and making formal complaints, please review the [Student Complaint Policy and Procedure](#).

4. Grounds for Appeal

- 4.1. For all appeals taken under the Student Appeals Procedure (see 3.1 to 3.3), an appeal may be made on the following grounds:
- **Procedural irregularity:** there is evidence that the procedures relating to a decision were not followed properly, which may have impacted on the decision.
 - **New evidence:** information relevant to the decision, which for good reason was not available to the original decision-making body.
- 4.2. For student conduct and fitness to continue in study, an appeal may be made on the following additional ground:
- **Disproportionate outcome or penalty:** The action or penalty applied was disproportionately severe with regard to the circumstances of the case

5. Submitting an Appeal

- 5.1. The Student Appeals Procedure may be used by registered students and graduands.
- 5.2. An appeal cannot be lodged until the final decision has been ratified by the original decision-making body.
- 5.3. Appeals must be submitted using the relevant Student Appeals Form. All relevant information must be included in the form, with any additional evidence attached as required. Appeals must be submitted electronically, within the specified timeframe. Student Appeals must be submitted within 10 working days of the notification or publication of the decision.
- 5.4. An appeal will not be accepted if it:
- does not fall under the stated grounds for appeal
 - does not include the necessary evidence to support the appeal
 - is not submitted within the given timeframe

Appeals that do not fall under the scope of the Student Appeals process will not be submitted to the Student Appeals Committee and appellants will be notified.

- 5.5. Appeals submitted after the relevant deadline are regarded as late and will not normally be accepted. In exceptional circumstances, including an explanation and supporting evidence of a delay, and at the College's discretion, a late appeal may be accepted.
- 5.6. Appeals will normally be processed within 30 working days. Should any delays occur appellants will be notified of the delay and advised on when to expect a decision.
- 5.7. In relation to appeals, all decisions of the College remain in force until the outcome of any decision on an appeal.

Student responsibility

- 5.8. It is the student's responsibility to have read and be familiar with the content of any relevant College policies, procedures, regulations, codes of practice, and course and programme information.

6. Student Appeals Panel

- 6.1. A Student Appeals Panel is a panel of faculty and professional staff, appointed by Academic Council.
- 6.2. A Student Appeals Committee will be convened from the membership of Academic Council. The Committee shall be composed of a Chairperson and two further members. The Head of Corporate Services/Registrar shall be the Chairperson of the Student Appeals Committee. Each Student Appeals Committee should ensure gender balance.

7. Procedures of the Student Appeals Committee

- 7.1. The Student Appeals Committee will conduct its business in accordance with the principles of natural justice. Members of Academic Council will not be asked to serve on committees involving students from their school or programmes upon which they teach. No member of the original decision-making body or person providing administrative support may serve on or support the appeal committee. Committee members must recuse themselves if they become aware of any potential conflict.
- 7.2. A copy of the appeal form and any other supporting evidence provided by the appellant will be sent to the original decision-making body for comment. A copy of the appeal form and any other supporting evidence provided by the appellant and evidence submitted by the original decision-making body, including the decision-making body's comment in relation to the appeal, will be issued to both the committee and the appellant in advance of the meeting. The committee may request additional information from the appellant and/or original decision-making body.
- 7.3. Some categories of student appeals are determined by the Student Appeals Committee based on written appeal submissions and relevant documentary evidence. Where a student is permitted to attend the meeting of the original decision-making body, appellants will also be provided with the opportunity to make an oral submission to the Student Appeals Committee.

Where appellants are invited to attend the Student Appeals Committee meeting, appellants

- will be given 10 working days' notice of the date of the meeting. Appellants may choose to waive this notice period if an earlier meeting can be facilitated by the Student Appeals Committee;
 - may be accompanied by a person of their choice to support them at the meeting, such as an SU Officer or a relative. A support person will not normally be a legal representative and it will be at the College's discretion whether a legal representative shall be permitted to attend;
 - will be provided with copies of all documents supplied to the Student Appeals Committee within 5 working days of the date of the committee meeting.
- 7.4. Decisions will be made on the balance of probabilities, by a simple majority.
- 7.5. A note-taker will be in attendance and a record of the meeting and related outcomes will be kept.

8. Decisions

- 8.1. The Student Appeals Committee may decide to
- uphold the appeal
 - not uphold the appeal
- 8.2. On upholding an appeal, a Student Appeals Committee may require the appellant to meet specified conditions.
- 8.3. Where the Student Appeals Committee is considering an appeal against a penalty imposed under the Student Discipline Procedure, the Student Appeals Committee may decrease or increase a penalty or vary the nature of the penalty.
- 8.4. The decision of the Student Appeals Committee is final and will be communicated to the appellant and the original decision-making body within 5 working days of the committee meeting.

9. Office of the Ombudsman

If an appellant is dissatisfied with the University's handling of an appeal or decision in relation to an appeal, they may submit a complaint to the Office of the Ombudsman. The Office of the Ombudsman may consider the case and make a decision on whether to investigate. Information about the Office of the Ombudsman and education services is available at:

<https://www.ombudsman.ie/publications/information-leaflets/the-ombudsman-and-educati/index.xml>

10. Related policies, regulations and codes

Assessment

Assessment Appeals Policy and Procedures

Student Conduct

NCAD Student Code of Conduct

NCAD Student Discipline Procedure

Continuation, progressing and standing

Continuation & Readmission Policy

Student Fitness to Continue in Study