

N. REVIEW/APPEAL MECHANISM

N.1 GENERAL

N1.1 These review/appeal regulations cover all programme stages and all awards, except where such awards are covered by specific regulations of an external awarding body. In such cases the review/appeal procedures of the external awarding body apply, subject to the approval of the institute's academic council.

N1.2 AIT operates procedures for the discussion, review and appeal of examination results as described in sections **N.3 PROCEDURES FOR DISCUSSION OF EXAMINATION RESULTS** and **N.4 REVIEW/APPEAL OF EXAMINATION RESULTS** below.

N.2 DEFINITION OF REVIEW/APPEAL

The processes for assessment complaints and appeals will meet the same standards of fairness, consistency, and fitness for purpose as assessment in general. In particular, they are straightforward, efficient, timely, and transparent. Any learner may institute an appeal where they feel there is justification for same; such justification must adhere to the grounds set out below. An appeal means a request to a higher authority for the alteration of the decision or judgement of a lower one.

A review/appeal can include the consideration of factors which may have influenced a learners' performance, and a request for consideration may be made only on the following grounds:

- (a) the assessment was not conducted in accordance with the current regulations for the programme
- (b) there has been a material administrative error or some other material irregularity relevant to the assessments has occurred
- (c) for those programmes where extenuating circumstances are considered, there are circumstances of which the examination board had been unable to take proper account. This refers to a situation where the extenuating circumstances were not drawn to the attention of the examination board because:
 - **either** they were unknown to the learner at the appropriate time
 - **or** the learner was unable to present the information because of circumstances outside his/her control
- (d) for a learner with disability or special educational need, the agreed revised assessment procedures were not implemented, or agreed support was not made available.

Appeals submitted simply because a learner disagrees, or is unhappy, with the mark they have been awarded will not be considered.

N.3 PROCEDURES FOR DISCUSSION OF EXAMINATION RESULTS

N3.1 Each school/department affords learners the opportunity of discussing their individual results after the publication of the examination results.

- N3.2 Each head of school/department arranges, and communicates to learners, the specific days when each internal examiner is available for these discussions with learners.
- N3.3 Each internal examiner communicates directly with learners in relation to specific appointment times when s/he is available for post-examination results' discussions with learners.
- N3.4 This is a formative facility. The aim of the discussion is to support a learner's interpretation of their examination performance, and to provide guidance to learners regarding repeats, future options, etc. It is also anticipated that this facilitation clarifies the learner's expectation and thereby may help to avoid formal appeals, acrimonious disputes, or legal proceedings. This discussion is an opportunity for the learner to avail of counselling, not an opportunity to challenge marks. The internal examiner may show the script/assessment material to the learner, to support the discussion, but is not obliged to do so.
- N3.5 Any student considering an appeal, as described in section N.2 above, will be expected to have employed this facility in order to establish that there is justification for such an appeal.

N.4 REVIEW/APPEAL OF EXAMINATION RESULTS & COMPLAINTS

- N4.1 A request for a review/appeal must be received by the academic registrar/nominee, not later than 5 working days after the formal posting of the examination results. A learner is normally required to undertake a consultation session with his/her internal examiner(s), as per section N.3 PROCEDURES FOR DISCUSSION OF EXAMINATION RESULTS, before s/he is considered eligible to make a request for a review/appeal. Each review comprehends a recheck of marks which involves an administrative operation that applies to all additions and recordings of the contributing marks to the element(s) in question. A template to facilitate an appeal is available from the office of the academic registrar.
- N4.2 Only a written request for a review/appeal, signed by the person concerned, is considered. Where a learner is out of the jurisdiction or is incapable of entering a signed application for review or appeal, clear authorization for same must be supplied.
- N4.3 There is a fee for the review/appeal of examination results. This fee is determined, on an annual basis, by the academic registrar in consultation with the registry and examination officer and details on the specific amount is available from the registrar/examinations' office.
- N4.4 The registry manager/nominee reviews the content of the review/appeal request to ensure that a *prima facie* case exists, and may dismiss an appeal in the following circumstances:
- (a) when the appeal is lodged late, without a satisfactory explanation
 - (b) when it can be demonstrated that the appeal does not comply with these regulations
 - (c) when it can be shown that the appeal, although complying with these regulations, could not lead to any change in the assessment which is the subject of the appeal (Such a conclusion may follow from the assessment structure of the programme concerned, but may not be based on qualitative judgements concerning the possible outcome of the appellant's case).
- N4.5 If the notification of review/appeal is considered valid and complies with institute regulations, the office of the registrar informs the relevant head of school and the examination officer in writing, that a review/appeal has been requested, and that it may proceed.

- N4.6 The head of school contacts the relevant internal examiner(s) to inform them of the appeal in process and to request that a review of the examination material is carried out as soon as possible. Every appeal will attract a review of the marks afforded to each section of the examination in question.
- N4.7 The review (reconsideration in detail of all or part of the existing examination material) is carried out by the internal examiner(s), and a third-party internal examiner or the relevant external examiner(s), where necessary and feasible.
- N4.8 The head of school informs the academic registrar in writing of the outcome of any review; this is by way of recommendation. In the case where there appears to be grounds for an appeal, the report from the school should be accompanied by all relevant supporting documentation e.g. examination board meeting minutes, broadsheets, copies of assessment material, etc.
- N4.9 If a change in a result is recommended by the report from the school and where that recommendation is accepted, the academic registrar makes the necessary arrangements to have the official result amended i.e. informs the institute's examinations office, the learner, and QQI (if necessary) of the outcome. Statistics reports for academic council are amended accordingly.
- N4.10 Appeals will normally be determined by the academic registrar based on the application received and the manner in which it satisfies one of the stated grounds for appeal (see N.2 above) and on the various advices and submissions that are received in connection with the case. As the appeal process will not normally involve an oral hearing, students are encouraged and advised to submit detailed appeals with whatever supporting documentation they deem to be necessary. An oral element may be employed where circumstances suggest that this would contribute to the fullest understanding of a case.

It is open to the institute to constitute an occasional appeals & complaints committee. An appeals & complaints committee can hear one or more appeals within designated domains and can also adjudicate on student complaints. The process in relation to hearing of an appeal or a complaint by either the academic registrar or an occasional appeals & complaints committee will follow the same process, excepting the constitution of such a committee. A complaint can encompass an expression of concern that a particular assessment procedure is either unfair, inconsistent, or not fit-for-purpose. The institute is committed to high quality of educational and other provision for students, and encourages students to say where there is cause for concern in individual or general matters. Student complaints relating to other than assessment-related matters can also be accommodated, where appropriate, within this mechanism.

To have reached this stage, such a complaint will have exhausted the recommended informal resolution and conciliation processes.

Such an appeals & complaints committee:

- has delegated powers to act on behalf of the AIT's academic council
- is separately constituted by the academic registrar for each complaint, appeal, or group of appeals with the following membership:
 - chairperson: head of school/department not involved with the appeal, from the panel nominated by the academic council (*Where practicable, the same chairperson should preside in hearings of appeals from a particular examination board in any one year*)
 - three members of academic staff not involved with the appeal, from the panel nominated by the academic council
 - a person from outside the institute who may be a practicing solicitor or barrister.

The committee nominates a secretary from among its members.

A minutes' secretary, not a member of the committee, is appointed by the academic registrar.

The chairperson of the examination board (or his/her nominee) has the right to be present at the hearing of the appeal. Where a complaint is involved and centres on an assessment element, the academic leader and lecturer(s) involved have equal right to attend.

Representation from the institute branch of any relevant trade's union and the institute's students' union may be admitted as observers, only with the permission of the appeals & complaints committee and of the appellant. These individuals are not entitled to speak during the proceedings or participate in the decision making process.

The appeals & complaints committee will:

- meet on one pre-arranged/published date to review all cases
- have access to the results of the review of the examination material to date or to whatever material is germane to the case(s) at hand
- base its decision on the evidence of an appellant's submission and, as appropriate, consult with the testimony of the chairperson of the examination board concerned, together with any further evidence which it considers relevant.

N4.11 The chairperson of the appeals & complaints committee has discretion to declare inadmissible any matter introduced by an appellant if it is not directly related to the contents of the appeal or complaint previously lodged in writing within the stipulated deadline.

N4.12 If the appellant does not present himself/herself at the date and time scheduled for the hearing, the appeals & complaints committee considers whether any reasons advanced for non-attendance are valid, and:

- (a) if members so judge, adjourn proceedings to a later meeting
- (b) if no reasons are advanced, or if they are judged invalid, proceed in the appellant's absence.

N4.13 The appeals & complaints committee is empowered to take either of the following decisions:

- reject
- uphold

N4.14 The appeals & complaints committee secretary informs the academic registrar of the outcome of the committee's deliberations, in writing.

N4.15 If the appeal or complaint is rejected, no further action is taken. The academic registrar informs the appellant, the appropriate head of school, the internal and external examiner(s), other concerned parties, and the academic council of the decision. The decision of the appeals & complaints committee is final and the matter is, therefore, regarded as closed within the institute. See also N4.18 below.

N4.16 If the appeal or complaint is upheld and where this impacts assessment, the committee, in consultation with the internal and/or external examiner(s), determines any change to the level of marks and/or award, as appropriate.

N4.17 If a change in a result is recommended, the academic registrar makes the necessary arrangements to have the official result amended and informs the learner, the examinations office, the internal examiner(s), the external examiner(s), and the academic council of the final outcome, in writing.

N4.18 Consistent with N4.15 above, there is no internal appeal against the finding of an appeals & complaints committee, however, allegations of *procedural* irregularities in the conduct of an appeal or complaint may be heard by the president who may, at his/her discretion, require the academic council to reconsider the case.

N4.19 As AIT is a delegated provider of QQI awards, learners registered for QQI awards within the institute are entitled to appeal any institute process to the Authority.

N4.20 **NOTE:** The learner is also advised that an appeal or complaint may not be successful, and therefore any learner should avail himself/herself of any opportunity to resit an examination, on the understanding that the re-sitting of an examination does not prejudice the outcome of their appeal or complaint.

N.5 APPEAL OF EXAMINATION RESULTS FOR A POSTGRADUATE RESEARCH PROGRAMME

N5.1 Learners who may wish to appeal the recommendations of the appropriate examination board in relation to his/her postgraduate research award results are advised that this should be done according to the procedures, and based on the conditions, laid down in section N.4 above.

N5.2 An appeal against the examination result may be heard if the learner believes extenuating circumstances affected their performance, that there was a procedural irregularity, or a prejudice existed on the part of the examiners. The learner cannot appeal because s/he thinks s/he has suffered from poor supervision over the duration of the study - this should be addressed at that time through the ongoing progress and satisfaction reporting process as outlined in the Procedures & Guidelines for Postgraduate Research at the Institute.

N5.3 The Procedures & Guidelines for Postgraduate Research at the Institute provide a mechanism for dealing with perceived or real conflict between a research student and supervisor.

N.6 LEARNER COMPLAINT/GRIEVANCE PROCEDURE

N6.1 Every student is entitled to fair and independent consideration of a complaint. The rights of the student and the rights of any person or process complained against are both important and will be kept in balance. The institute will be mindful centrally of fairness and dignity when managing complaints.

N6.2 Complaints from learners arising from a learner's perception of their educational experience, complaints in respect of academic or administrative support, and allegations of harassment or discrimination by staff are dealt with under the institute's learners' complaints procedure. See also Section 8.12 Student Complaint Procedure within the institute's Quality Manual.

N6.3 The institute distinguishes between the provision for advice and provision for dealing with a complaint and adjudicating on same.

N6.4 The appeals & complaints committee can be constituted to address complaints that have moved to the formal stage. This may not be appropriate in all cases.