

Courts of First Appeal and Academic Appeals Committee

Courts of First Appeal – Calendar Entry

68 A student may appeal a decision of the court of examiners relating to academic progress to a Court of First Appeal. Appeals should be made in writing by a student's tutor or, if the tutor is unwilling or unable to act, by the Senior Tutor or his/her nominee who shall be another tutor. Students may request a representative of the Students' Union to represent them as an alternative to their tutor or the Senior Tutor. Tutors or Students' Union representatives who are filing an appeal must use the procedural form, must indicate the precise grounds upon which the appeal is being made (see Academic Appeals Committee §69 below for applicable grounds) and what the appeal is attempting to achieve on the student's behalf. The attention of those bringing an appeal is directed to the assistance offered by the school or course administrators and staff in the Academic Registry in helping them to complete their records and provide copies of medical certificates and other appropriate documents. The Court of First Appeal shall not hear requests for re-checking/re-marking of examinations and assessments which should be processed according to the regulations as set out in §67 above. The recommendations of the Court of First Appeal are forwarded to the Senior Lecturer who may approve, reject or vary any such recommendations. As a consequence, recommendations of a Court of First Appeal are not binding and shall not have a formal effect unless and until they have been considered and approved by the Senior Lecturer. A student may appeal such decisions of the Senior Lecturer, whether approved, rejected or varied, to the Academic Appeals Committee.

(Trinity College Dublin, the University of Dublin Calendar 2019-20 – Part II, pp. 38-39)

Appealing a decision of a Court of First Appeal

- Decisions of a Court of First Appeal may be appealed to the Academic Appeals Committee.
- The regulations regarding the Academic Appeals Committee are set out in the General Regulations and Information section of the [Calendar \(pdf\)](#), H12 §52.

What does an *ad misericordiam* Appeal mean?

An *ad misericordiam* appeal is an appeal usually taken by a student who presents extenuating or mitigating circumstances, appropriately evidenced (see Evidence in Support of an *ad misericordiam* Appeal), which they consider as having an impact (past or future) on their academic performance or progress.

Role of Courts of First Appeal

- The Court of First Appeal shall convene to consider appeals on matters of academic progress arising out of examinations or other academic circumstances where a student case
 - is not adequately covered by the ordinary regulations of the College; or
 - is based on a claim that the regulations of the College were not properly applied in the applicant's case; or
 - represents an *ad misericordiam* appeal

- An appeal other than an *ad misericordiam* appeal cannot be heard against the normal application of College academic regulations approved by the University Council.
- The type of appeals considered by the Faculty Courts of Appeal can be further described as follows:
 - Appeals that the normal regulations applying to a student's progress be waived on *ad misericordiam* grounds.
This could result in a number of courses of action being recommended, such as:
 - that a student be allowed to repeat a year, in full or 'off-books', where not otherwise entitled to do so;
 - that an exclusion on a student be lifted

Courts of First Appeal may also, where appropriate:

- Allow the removal of late-submission penalties
- Allow an assignment submitted late to be marked, with or without penalties
- Allow the recalculation of a mark for a module following the lifting of a penalty, the submission of outstanding course work or the taking into account of a previously unmarked piece of work.

A Court of First Appeal never makes academic judgements regarding the quality or level of a piece of work or examination. It does not make decisions about marks or grades awarded for a piece of work or modules. Similarly, the Court of First Appeal may not recommend a change of degree classification on the basis of *ad misericordiam* grounds having affected the student's performance.

There are separate procedures for a recheck or remark and these are unrelated to the role of the Courts of First Appeal. Details can be found in the College Calendar 2019-20, Part II, Re-check/re-mark of examination scripts, Paragraph 67, p. 38 (<https://www.tcd.ie/calendar/undergraduate-studies/general-regulations-and-information.pdf>).

Appellants and their tutors should consult the relevant documentation on 'Exceptional Circumstances' in support of an *ad misericordiam* appeal and the requirements for supporting evidence when bringing an *ad misericordiam* appeal. This information is available at (https://www.tcd.ie/teaching-learning/UG_regulations/Appeals.php)

Academic Appeals Committee – Calendar Entry

69 The Academic Appeals Committee meets to consider appeals arising out of examinations or other academic circumstances where a student case (i) is not adequately covered by the ordinary regulations of the College, or (ii) is based on a claim that the regulations of the College were not properly applied in the applicant's case, or (iii) represents an *ad misericordiam* appeal. An appeal other than an *ad misericordiam* appeal, cannot be made against the normal application of College academic regulations approved by the University Council. Decisions of the Academic Appeals Committee are forwarded to the University Council. The Academic Appeals Committee will consider appeals concerning

events occurring more than eighteen months previously only in the most exceptional circumstances. Appellants must have exhausted the appropriate appeals mechanism in the first instance through the relevant Court of First Appeal prior to coming before the Academic Appeals Committee. The Academic Appeals Committee reserves the right to refuse to hear a case that has not previously been brought to the relevant Court of First Appeal without justification. Appeals should be made in writing by a student's tutor or, if the tutor is unwilling or unable to act, by the Senior Tutor or his/her nominee who shall be another tutor. Students may request a representative of the Students' Union to represent them as an alternative to their tutor or the Senior Tutor. Tutors or Students' Union representatives who are filing an appeal must use the procedural form, must indicate the precise grounds upon which the appeal is being made and what the appeal is attempting to achieve on the student's behalf. They should also ensure that appropriate and full information and evidence are included. This information must include all results achieved by the student to date in mark format, and must indicate if course work has been completed. If possible, an attendance record should be provided. The attention of those bringing an appeal is directed to the assistance offered by the school or course administrators and staff in the Academic Registry in helping them to complete their records and provide copies of medical certificates and other appropriate documents. Appeal forms not completed properly will not be considered by the committee.

The Senior Tutor acts as secretary to the Academic Appeals Committee and attends the committee as a non-voting member. The Senior Lecturer attends for the presentation of the case and may provide comment if required. In cases concerning clinical placements (and in particular where the student is considered to be an employee of the institution providing the placement) the committee will be joined by an appropriate professional, nominated by the chair of the Academic Appeals Committee, who shall be drawn from the discipline of the student.

Any student who has an appeal underway that could have implications for their degree result is advised not to proceed with degree conferral until the outcome of the appeal has been confirmed.

(Trinity College Dublin, the University of Dublin Calendar 2019-20 – Part II, p. 39)

Powers of Academic Appeals Committee

The Academic Appeals Committee may recommend that the normal regulations applying to a student's progress be waived on *ad misericordiam* grounds. This could result in a number of courses of action being recommended, such as:

- a student be allowed to repeat a year, in full or 'off-books', where not otherwise entitled to do so;
- an exclusion on a student be lifted;
- allowing the removal of late-submission penalties;
- allowing an assignment submitted late to be marked, with or without penalties;
- allowing the recalculation of a mark for a module following the lifting of a penalty, the submission of outstanding course work or the taking into account of a previously unmarked piece of work.

The Academic Appeals committee may change the consequences of mark, for example by lifting an exclusion, allowing a student to repeat their year for a third time, but it never makes academic judgements regarding the quality or level of a piece of work or examination. It does not make decisions about marks or grades awarded for a piece of work or modules. Similarly, the Academic Appeals Committee may not recommend a change of degree classification on the basis of *ad misericordiam* grounds having affected the student's performance.

There are separate procedures for a recheck or remark and these are unrelated to the role of the Academic Appeals Committee. Details can be found in the College Calendar 2019-20, Part II, Re-check/re-mark of examination scripts paragraph 67, p. 38 (<https://www.tcd.ie/calendar/undergraduate-studies/general-regulations-and-information.pdf>).

Appellants and their tutors should consult the relevant documentation on 'Exceptional Circumstances' in support of an *ad misericordiam* appeal and the requirements for supporting evidence when bringing an *ad misericordiam* appeal. This information is available at (https://www.tcd.ie/teaching-learning/UG_regulations/Appeals.php)

Minutes of the Academic Appeals Committee are approved by Council and subsequently by Board, through the approval of Council minutes. In limited circumstances, students may appeal the decision of Board to the Visitors. The Visitors have stated:

"Appeals to the Visitors must not be seen as the next step in the Appeals process as that is contrary to the intention of the Statutes. In all but the most exceptional cases, the decision of the Academic Appeals Committee should be considered final. The threshold for interference by the Visitors with an academic appeal must be high and should not involve a review of the final mark awarded. In effect, before considering reversal of any decision of the Academic Appeals Committee, the Visitors would have to be satisfied that one or both of two prerequisites are met: first that new substantive information has come to light that that was not, and could not, with reasonable diligence have been made available to the Appeals Committee at the time of its decision; and secondly that such information if received, could have affected the decision in favour of the student. The role of the Visitors in academic appeals is otherwise limited to those cases where it can be asserted that a procedural error in the Appeals procedures has created an injustice to the applicant."

Information updated 9 December 2019