



**RCSI**

# RCSI Appeals Regulations

RCSI DEVELOPING HEALTHCARE LEADERS WHO MAKE A DIFFERENCE WORLDWIDE

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The Royal College of Surgeons in Ireland takes very seriously its responsibility to have a mechanism in place to allow students appeal results or decisions affecting the student's progression through the University. The procedures laid out in this document apply to all RCSI registered students at any campus.

**The University reserves the right to amend this Policy where the interests of fair procedures and natural justice so require.**

## 1. Committee Structure

Membership of the Appeals Committee (the "Committee") for a particular case will be selected depending on the nature of the individual case, the discipline being studied by the student, and the stage of the particular programme to which the student has progressed. In all cases it shall be appropriate to have a public representative included in the membership of the Committee. For the purposes of faculty and staff training, observers may, from time to time also be in attendance.

The Secretary for the Committee will be the Associate Director for Student, Academic & Regulatory Affairs (SARA) or nominee.

## 2. Power of Decision / Voting

A minimum of three individuals, including a public representative, will serve on the Committee. The Secretary will be in attendance to ensure the accurate recording and compliance with rules and regulations. There shall be only one decision of the Committee.

## 3. Matters For Appeal

3.1. The Appeals Committee shall have authority to hear the following appeals:

- 3.1.1. Examinations Appeals against the decision of a Board of Examiners.
- 3.1.2. Automatic discontinuation from a programme according to the conditions detailed in Marks and Standards and the Examinations and Assessment regulations.
- 3.1.3. Appealing the outcome of a Thesis Examination Process.
- 3.1.4. Appealing a Reasonable Accommodation decision.
- 3.1.5. Appealing a decision taken under the Leave of Absence Policy.

Please refer to the Disciplinary Regulations for the mechanism to appeal against a decision or sanction taken under the Disciplinary Regulations.

3.2. An appeal will be considered if there is evidence of apparent substantive procedural irregularity on the part of RCSI in any of the processes outlined in 3.1 above, i.e. evidence that RCSI appears to have failed to have followed its own conventions or regulations properly, and which the student reasonably believes may have had a bearing on the outcome of the decisions taken above. This includes, but is not limited to, evidence that:

- 3.2.1. The published grade is incorrect because of an error in the calculation of results.



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- 3.2.2. The examination paper specific to the student's course contained questions on subjects which were not part of the course prescribed for the examination. Students should consult the RCSI Examination & Assessment Regulations for further information.
- 3.2.3. That there was inadequate supervision of a postgraduate thesis/dissertation element of the programme. An appeal will not be considered on this ground unless there is good reason to show why such issues were not raised by the student promptly at the time they first arose.
- 3.3. A student may appeal a decision if they possess evidence of exceptional circumstances relevant to any decision taken above, which was not available to the original decision makers when its decision was reached.
  - 3.3.1. The student must have a valid reason for not having provided this evidence previously e.g. through the Exceptional Circumstances process. Failure to disclose known illness or other factors likely to have adversely affected a student's performance prior to the original decision will normally rule out their consideration, unless the student can provide a valid reason within the terms above to explain why such information was not previously disclosed.
  - 3.3.2. It is a student's responsibility to describe and provide prima facie evidence of any / all relevant circumstances. Each student must submit original supporting evidence (in English) with each application.
  - 3.3.3. Students should note that information previously disclosed e.g. through Exceptional Circumstances, about factors which may have adversely affected their performance, cannot be re-submitted.

#### 4. Academic Judgement

These appeal procedures do not encompass or cover complaints to the extent that they relate, distinctly and manifestly, to matters of **Academic Judgment**; in short, the procedures cannot interfere with the ordinary and conventional operation of academic judgment.

For clarity, Academic Judgment is a term used in Part 2 of the UK Higher Education Act 2004. It has been defined as 'the professional and scholarly knowledge and expertise which members of University staff and external examiners draw upon in reaching an academic decision'. It therefore includes, but is not restricted to, decisions about academic standards attained, marks and grades to be assigned, and degrees/degree classifications to be awarded, etc. Complaints about academic judgment are ineligible for consideration under these formal appeal procedures.

Specifically this means that an appeal against marks awarded cannot be accepted just because a student is unhappy, disappointed or disagrees with the grade awarded. Students should note that all decisions relating to academic judgement are final.



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## 5. Submitting an Appeal

- 5.1. A student who wishes to appeal should submit their appeal in writing to [studentappeals@rcsi.ie](mailto:studentappeals@rcsi.ie) within five (5) working days of the formal notification of the decision or communication of the examination result. Retrospective applications will only be considered where there are valid reasons for non-submission in the usual timeframe.
- 5.2. There is a fee of €150.00 for an appeal, payment of which should be made at the time of submitting an appeal. This fee is refundable if an appeal is successful.

## 6. Grounds to Proceed

- 6.1. The procedural grounds (or basis) upon which an appeal is considered suitable to proceed to a formal hearing before an Appeal Committee is a decision which will be made by the Grounds to Proceed Committee, consisting of the Secretary and two members of University staff.
  - 6.1.1. The decision will be based on whether the appeal satisfies the criteria e.g. it relates to procedures rather than the questioning of academic judgment and prima facie evidence has been provided; or that prima facie evidence has been supplied to substantiate claims for exceptional circumstance.
- 6.2. The Secretary will ensure the student is informed if an application to appeal an examination result has been granted or refused to proceed.
- 6.3. An appeal notice may be processed without a hearing at the discretion of the person or body considering an appeal.

## 7. Procedures of Appeals Committee

- 7.1. Following the formation of the Appeals Committee, the Secretary will gather the relevant papers and documentation and may confer confidentially with any third party who may be of assistance to the appeal. In cases of claimed procedural irregularity, the School / Programme or relevant Departments may be asked for information. Responses will be provided to the Committee and to the appellant.
- 7.2. A copy of the student's written appeal, including any documentary evidence will be provided to the Committee.
- 7.3. All documentation provided to the Committee will also be provided to the student.
- 7.4. Should a committee meeting be convened, the student will be informed of the date and time of the meeting, and will be invited to attend. The appeal may be conducted in person or online.
- 7.5. Attendance by the student at the hearing is compulsory unless otherwise agreed in writing in advance by the Chair of the Committee. A student who has previously indicated that they will attend, and who fails to appear will have their appeal dismissed.
- 7.6. The student will be advised in advance of the hearing of the right to be accompanied. The students should advise Registry, in advance of the hearing, the name of the person who will accompany them for support. If the student does not nominate somebody, a student advocate may be nominated to attend e.g. a Student Welfare Officer.



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## 8. Formal Committee Hearing

The Chair of the Appeals Committee will attend to the following:

- 8.1. Conduct introductions and explain the functions of the Committee.
- 8.2. Explain the possible outcomes from the decisions of the Committee.
- 8.3. Invite the student and, if applicable, the student's advocate, to make a statement in their own words and allow members of the Committee to direct questions to the student.
- 8.4. Invite any other person(s) who may be able to provide expert advice on specific aspects of the case to make a brief statement with members of the committee being allowed to ask questions after each statement. The student or their advocate will be invited, through the Chair, to ask questions.
- 8.5. Once satisfied that all parties have had a full opportunity to make statements and ask questions, invite the appellant and advocates to withdraw.
- 8.6. Ensure that the contact details of the student and advocates are taken and are available to the Committee.
- 8.7. Chair and facilitate discussion of the case and ask for a decision to be made.

## 9. Powers of the Appeals Committee

The Appeals Committee may:

- 9.1. Uphold the appeal. This may result in:
  - 9.1.1. The student being re-examined at the next available opportunity (which may include repeating the year); or the decision returned to the Board of Examiners for a reassessment. In the event that convening the full Board of Examiners is not practicable, the authority to reassess the decision shall vest in the Chair of the Board of Examiners, whose determination shall be final.
  - 9.1.2. In the case of a disability assessment, the student may be reassessed.
  - 9.1.3. A new application may be considered for a Leave of Absence or return from Leave of Absence permitted.
- 9.2. Seek further information and reconvene.
- 9.3. Reject the appeal.

## 10. Communication of Decision

- 10.1. The formal determination of the Appeals Committee with reasons will be given to the student in writing.
- 10.2. Should the student not be prepared to accept the decision of the Appeal's Committee, the student has a right to make an appeal to the Appeals Commissioner on the grounds as set out in the Byelaws of The Royal College of Surgeons in Ireland (Charters Amendment Act, 2003), approved by the Minister for Education and Science, 12th October 2010. Such a complaint must be made in accordance with these Byelaws within 6 months from the date of the Appeals Committee's



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decision and be submitted together with the appropriate fee to the RCSI Legal Counsel. Please refer to the RCSI Independent Appeals Commissioner Policy for further information.

## **11. Confidentiality and Data Protection**

11.1. A record of all decisions made under this Policy will be kept for one (1) year post graduation.



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## Notes for students wishing to Appeal

A student is strongly encouraged to discuss any matters leading them to consider appealing with a Student Welfare Officer before submitting a formal appeal.

If a student should have any questions about the correct procedure for appeal, they are advised to contact the Registry Services by emailing ([studentappeals@rcsi.ie](mailto:studentappeals@rcsi.ie)).

## Timescale for Appeals

A student must submit any appeal in writing within five (5) working days of the date of notification of the relevant results or relevant decision.

RCSI aims to deal with appeals as quickly as possible. However, students should be aware that it may take some time before an appeal is resolved. A student may be asked to provide further information before the appeal can be considered by the Appeals Committee.

All email correspondence will be through the student's official RCSI email address.

If a student elects to submit their appeal by post, such appeal and all supporting documentation, including the administration fee, should be sent to:

Student Appeals,  
Student, Academic & Regulatory Affairs (SARA),  
Royal College of Surgeons in Ireland,  
123 St Stephen's Green,  
Dublin 2.

If a student elects to submit their appeal by email, it should be sent (with any necessary supporting documentation attached) to: [studentappeals@rcsi.ie](mailto:studentappeals@rcsi.ie). The administration fee (€150) can be paid online by clicking here: [Appeal Payment](#).



## Appeal Application Form

Family Name	
First Name	
RCSI Student Number	
Date of Birth	
Full Address for Correspondence	
Contact Phone Number	
RCSI e-mail Address	

School (e.g. Medicine, Pharmacy)	
Name of Programme on which you are registered: e.g. GEM Medicine; MSc Leadership;	

<b>Appealing against:</b>	
3.1.1. Examinations Appeals against the decision of a Board of Examiners	
3.1.2 Automatic discontinuation from a programme according to the conditions detailed in Marks and Standards and the Examinations and Assessment regulations	
3.1.3. Appealing the outcome of a Thesis Examination Process	
3.1.4. Appealing a Reasonable Accommodation decision	
3.1.5. Appealing a decision taken under the Leave of Absence Policy.	

For an appeal to be considered, you must meet one of the following criteria. Please tick the relevant box(es). RCSI Appeal Regulations allow an application for review to be submitted on the following grounds:	
1. In keeping with RCSI Regulations, you possess prima facie evidence of apparent procedural irregularity in the conduct of the process (i.e. evidence that RCSI appears to have failed to have followed its own conventions or regulations properly);	
2. In keeping with RCSI Regulations, you possess prima facie evidence of exceptional circumstances relevant to the decision which was not available to the Board when its decision was reached and you can provide good reason for not having made the Board aware of this evidence previously;	

