

Policy Identifier: Court of First Appeal Process

Policy Title:	Court of First Appeal Process
Description:	The Court of First Appeal convenes in June and September to consider appeals on matters of academic progress arising out of examinations or other academic circumstances where a student case
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Version:	2.1
Approved By:	MIE Governing Body
Policy Re-approval Date:	June 2023
Date of Next Policy Review:	June 2027 (or as necessary)

Court of First Appeal Process

1 Context

The Court of First Appeal is a process which supports the [Appeals Policy \(Academic Progression\)](#). A student may appeal decisions of the Courts of Examiners¹ relating to academic progress to a Court of First Appeal.

The Court of First Appeal shall not hear requests for re-check/re-mark of examinations and assessments. These should be processed according to the regulations stated in the [Re-check/Re-Mark of Assessments Procedure](#).

2 Purpose

The Court of First Appeal convenes in June and September to consider appeals on matters of academic progress arising out of examinations or other academic circumstances where a student case:

- i. Is not adequately covered by the ordinary regulations of the Institute, or
- ii. Is based on a claim that the regulations of the Institute were not properly applied in the applicant's case, or
- iii. Represents an *ad misericordiam* appeal².

An appeal other than an *ad misericordiam* appeal cannot be heard against the normal application of the Institute's academic regulations approved by the Governing Body.

The types of appeals considered by the Court of First Appeal can be further described as follows:

2.1 Appeals that the normal Institute 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:

- i. That the student be allowed to repeat a year, in full or 'off-books', where not otherwise entitled to do so.
- ii. That an exclusion on a student be lifted.

2.2 Appeals for permission to sit a special examination in accordance with Institute regulations. Such appeals are considered following the reassessment examination and may be considered only in respect of non-final, non-degree examinations. Special

¹[Academic Assessment and Academic Progression](#)

²[Guidelines on Evidence in Support of an Ad Misericordiam Appeal](#)

Policy Identifier: Court of First Appeal Process

examinations may be recommended in exceptional circumstances only, where a student has been unable to complete their examinations at the reassessment session due to illness or other grave cause³.

3 Benefits

This procedure and the related documents referred to in Section 9 (below) support the management and conduct of academic appeals in a transparent and equitable way.

4 Scope

- 4.1 This procedure applies to all students undertaking professional and undergraduate programmes of study in Marino Institute of Education (MIE) and to those who have gone off register (from these programmes), provided they bring their appeal within the prescribed deadlines as stated in the Annual Examination Dates and Deadlines Calendar⁴.
- 4.2 This procedure does not cover request for [Re-check/Re-Mark](#) of examinations and other assessments.

5 Principles

- 5.1 MIE is committed to ensuring that the management and conduct of appeals are equitable and consistent.
- 5.2 The procedure for any appeal will comply with the law of natural justice.

6 Definitions

[Ad Misericordiam Appeal](#) refers to an appeal based on compassionate grounds.

7 Procedure

7.1 *Ex officio* Membership of the Court of First Appeal

The precise membership of the Court will vary according to the programme and whether it is an undergraduate or postgraduate programme.

- 7.1.1 Course Leader or their nominee (Chair) (the chair of the Court of Examiners cannot be called upon to be the nominee of the chair of the Court of First Appeal);
- 7.1.2 Admissions Officer of the Institute or their nominee (Secretary – non-voting);
- 7.1.3 Representative of lecturing staff;

³[Illness Policy](#) and [Bereavement Support Procedure on the Death of a Student](#)

⁴[Assessment Handbook](#)

Policy Identifier: Court of First Appeal Process

7.1.4 [Students' Union](#) representative, nominated by the [Students' Union](#) and reflecting the undergraduate/postgraduate profile of the appellant.

Appellants (students) and their Tutors may attend to present their case. The Registrar/Vice President of Academic Affairs, as the Chair of the Court of Examiners will attend, where required, to outline the decision of the Court of Examiners and other relevant background details. 'Other relevant details' includes consultation with the subject lecturers concerned to ensure that their point of view can be considered as part of the appeal, where this is relevant to the appeal. The Registrar/Vice President of Academic Affairs will also be available to answer questions for the Court in relation to procedures, rules and regulations, if requested.

7.2 Timing of the Court of First Appeal

The Court of First Appeal shall take place to hear appeals following annual and reassessment examinations and before the relevant meeting of the [Court of Second Appeal](#).

The dates of the Court of First Appeal will be set well in advance and notified to all relevant members of the academic staff and posted for students on the Registrar's Section of Moodle. Deadlines should be set for the submission of appeals for consideration at the Court of First Appeal and notified to academic staff.

7.3 Bringing an Appeal to the Court of First Appeal

All appeals arising from the decisions of the Courts of Examiners⁵ should be made directly to the Court of First Appeal.

A student who either does not sit an examination, does not submit an assignment or does not undertake a performance (i.e. who receives a result of "non-submission") for both the annual and reassessment examinations, without providing, at the time of the annual or reassessment examinations, notification of mitigating circumstances, is, typically, not eligible to submit an appeal of the relevant Court of Examiners' decision in relation to the non-submission. Exceptions will only be considered under very exceptional circumstances, where the student is able to demonstrate, with supporting evidence, why they were not in a position to provide notice of mitigating circumstances for either examination sittings and where approved by the Registrar. The student has responsibility for advising their Tutor in good time of their intention to make an appeal. A student may make an appeal through their Tutor⁶, or if the

⁵[Academic Assessment and Academic Progression](#)

⁶[Tutor System Policy](#) and [Tutor System Procedure](#)

Policy Identifier: Court of First Appeal Process

Tutor is unable or unwilling to act, through the alternate Tutor, or by the student alone, having first consulted with the Tutor, to the Court of First Appeal.

A student may request their Tutor, or a representative of the [Students' Union](#) to attend the Court of First Appeal with them, in a supporting role, or should the student be unavailable to attend, to represent them.

An appeal should be made using the relevant form. Appropriate background document⁷ should be included.

7.4 Recommendation of the Court of First Appeal

A record will be made of the deliberations of the Court of First Appeal, giving grounds for the decision.

Once the decision has been made, the Chair of the Court of First Appeal, or the Admissions Officer or the Admissions Officer's nominee acting on the advice of the Chair of the Court of First Appeal, shall forward the recommendations of the Court of First Appeal to the appropriate Dean of Education or their nominee, who may approve, or reject or vary any such recommendations.

Once the recommendations are reviewed by appropriate Dean of Education or their nominee, the Admissions Officer/Nominee will inform the student and their Tutor or representative of the outcome of the appeal.

7.5 Appeal a decision of the Court of First Appeal

Decisions of the Court of First Appeal may be appealed to the Court of Second Appeal.

8 Responsibility

The responsibility for the [Appeals Policy \(Academic Progression\)](#) and all related documents lies with the Registrar and Vice President of Academic Affairs.

9 Related Documents

This document should be read in conjunction with the following documents.

9.1 [Appeals Policy \(Academic Progression\)](#)

9.2 [Re-check/Re-Mark of Assessments Procedure](#)

⁷[Guidelines on Evidence in Support of an Ad Misericordiam Appeal](#)

Policy Identifier: Court of First Appeal Process

- 9.3 [Court of Second Appeal Process](#)
- 9.4 [Postgraduate Appeals Process](#)
- 9.5 [Guidelines on Evidence in Support of an Ad Misericordiam Appeal](#)
- 9.6 [Assessment Handbook](#)
- 9.7 [Academic Assessment and Academic Progression](#)
- 9.8 [Tutor System Policy](#)
- 9.9 [Tutor System Procedure](#)
- 9.10 [Illness Policy](#)
- 9.11 [Bereavement Support Procedure on the Death of a Student](#)