



Procedure for Student Fitness to Practice Appeal Committee

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1. Purpose

This procedure supports Atlantic Technological University's (ATU's) *AQAE016 Student Fitness to Practice Policy*, which outlines the principles and overarching processes that must be followed to ensure that students will be able to demonstrate the requisite levels of competency, professionalism and ethics required to work in their chosen fields. The requirements for reporting and handling of issues/concerns related to fitness to practice, an outline of the investigation and decision-making process and the appeal process are also included in the policy.

Programmes that are subject to the *Student Fitness to Practice Policy (AQAE016)* are required to establish a Fitness to Practice (FtP) Committee, which is responsible for reviewing issues / concerns, considering investigation reports (if any), and determining appropriate outcomes and remediation measures. *AQAE052 Procedure for Student Fitness to Practice Committee* describes the composition, terms of reference, and procedures for the FtP Committees.

This procedure describes the composition, terms of reference, and procedures for the Fitness to Practice Appeal Committee, established by the University to adjudicate on appeals referred to it following the decision of an FtP Committee.

2. Scope

This procedure applies to students registered on programmes that are subject to *AQAE016 Student Fitness to Practice Policy* who wish to appeal, following the decision of the programmes FtP Committee.

There are two grounds on which a student (appellant) can appeal an outcome to the FtP Committee process:

1. There exists new evidence which was not presented to the FtP Committee which might reasonably have resulted in a different decision.
2. There were procedural errors in how the original process was conducted.

3. Reference Documents

No external reference documents.

4. Procedure

4.1 Composition of the Fitness to Practice Appeal Committee

The University must establish an independent Appeal Committee for programmes that are subject to the Student Fitness to Practice Policy, consisting of the following members:

- **Chair:** The VP Students, Teaching & Learning or a senior University member from a different faculty, nominated by the VP Students, Teaching & Learning, with experience in appeals processes and a general understanding of professional practice and student supervision. The Chair is responsible for leading the committee and ensuring a fair and transparent appeals process.
- **Assistant Registrar:** An Assistant Registrar, nominated by the VP for Academic Affairs & Registrar, to provide guidance on policy and procedural matters.
- **University Members:** Two members of Academic Council; both from different departments, and neither member affiliated to the appellant's academic department.
- **External Member:** An individual from a relevant external organisation or regulatory body, who can provide an unbiased perspective on the appeal and its relevance to the student's fitness to practice.

- **Student Member:** A student representative from a different programme or discipline, who can provide a peer perspective.

The Chair and Assistant Registrar are standing committee members.

The quorum for a meeting shall be five committee members, including the standing members.

Additional Members: As needed, the committee may include other members, such as representatives from the university's legal or student affairs or student services functions, or other relevant party, to contribute specific expertise related to the appeal or the student's circumstances.

4.2 Conflict of Interest, Recusal and Replacement of Committee Members

Any member of the FtP Appeal Committee who identify a conflict of interest must immediately notify the Chair of the FtP Appeal Committee.

The Chair or VPSTL will review the declared conflict and determine if the member should be recused from participating in the case.

Recusal: Committee members with a declared conflict of interest will be recused from all discussions, deliberations, investigations, and decisions related to the specific case.

A recused member may not receive or review case materials or participate in any formal or informal discussions related to the matter in question.

Replacement: In the event of a recusal, the FtP Appeal Committee may appoint a replacement member to ensure that quorum and appropriate expertise are maintained in the deliberation and decision-making process.

4.3 Terms of Reference for the (FtP) Appeal Committee

The (FtP) Appeal Committee, adhering to the principles of fairness, transparency, and due process, is responsible for:

1. **Reviewing appeals:** Assessing appeals referred to the committee by the Vice-President Academic Affairs & Registrar in respect of outcomes or decisions of the Fitness to Practice Committee.
2. **Evaluating the original process:** In respect of referred cases, evaluating the investigation and decision-making process of the Fitness to Practice Committee to ensure it was conducted fairly, transparently, and followed due process.
3. **Determining outcomes:** Based on the review, determining whether the original decision should be upheld, modified, or overturned, and recommending appropriate actions or remediation measures.

4.4 Procedure for the Fitness to Practice Appeal Committee

4.4.1 Submission of Appeal

Students who wish to appeal the decision of an FtP Committee must submit a written appeal to the Vice-President Academic Affairs & Registrar within 5 days of receipt of the notification of Fitness to Practice Committee decision(s), detailing their reasons for appeal and providing any additional evidence or information that is relevant.

4.4.2 Assessment of the Appeal

The Vice-President Academic Affairs & Registrar will notify the Vice-President Students, Teaching & Learning, who will meet with the Assistant Registrar to review the appeal and decide whether the written submission of appeal provides evidence or information that substantiates grounds for an appeal.

The Vice-President Students, Teaching & Learning, and the Assistant Registrar may decide:

1. There are grounds for appeal: The Vice-President Students, Teaching and Learning convenes an FtP appeal committee, within 5 days of receipt of the appeal, to formally review the appeal.
2. There are insufficient grounds for appeal: The Vice-President Students, Teaching and Learning dismisses the appeal and notifies the Vice-President Academic Affairs & Registrar and the student. The decision is final and cannot be appealed to any higher authority in the university.

4.4.3 Review of the Original Process

The Vice-President Students, Teaching & Learning will furnish the FtP Appeal Committee with any documentation related to the original FtP committee processes. The FtP Appeal Committee will evaluate the original investigation and decision-making process by the FtP Committee, focusing on fairness, transparency, and adherence to due process.

4.4.4 Deliberation and Decision-making

The FtP Appeal Committee will meet to discuss its findings and determine whether the original decision should be upheld, modified, or overturned. The committee should consider the merits of the appeal, the student's response, and any mitigating factors in reaching a decision.

The FtP Appeal Committee may seek more information to assist in their decision-making and may invite the appellant and other relevant parties to be interviewed.

4.4.5 Communication of Outcomes

The Chair of the FtP Appeal Committee will communicate its decision in writing to the Vice-President Academic Affairs & Registrar. The Office of the Vice-President Academic Affairs &

Registrar will communicate the decision to the student and the Head of Faculty/School within 5 days of receiving the outcome to the appeal.

The decision of the FtP Appeal Committee is final and cannot be appealed to any higher authority in the university.

4.5 Record Retention and Record Sharing

All documents and records related to the Fitness to Practice (FtP) process, including referral reports, investigation findings, minutes of meetings, recommendations and decisions of committees, will be securely stored in the faculty for a period of 7 years following the conclusion of the case.

If the student appeals the decision, all related records will be retained until the appeal process is fully completed, plus the specified retention period thereafter. During an appeal, relevant records will be made available to the Student Fitness to Practice Appeals Committee for review, ensuring that they have access to all necessary documentation from the original FtP process.

4.5.1 Storage

Records will be stored in a secure, access-controlled system in compliance with the university's data protection policies / procedures, and applicable laws and regulations (GDPR). Digital and physical records will be safeguarded against unauthorised access, alteration, or destruction.

4.5.2 Destruction

At the end of the retention period, records will be permanently deleted / securely destroyed, in line with the university's policy for data disposal.

4.5.3 Confidentiality

All records related to the FtP process are treated as strictly confidential. They will only be shared with individuals or bodies who have a legitimate need to access them, such as, members of the FtP Committee involved in the case, the Head of School/Faculty, programme or module coordinator(s), staff involved in implementing any recommendations, relevant university bodies (e.g. Registrar, legal advisers, appeals committee), and external professional accreditation bodies, where legally required.

4.5.4 Student Access

The student has the right to access the records pertaining to their case, in accordance with the university's policy on data access requests.

4.5.5 External Requests

Records will only be shared with external parties (e.g., employers, regulatory bodies) when:

- the student has provided explicit written consent,
- there is a legal obligation or a court order requiring the university to disclose the records, or
- the university deems it necessary to inform external professional bodies about an impaired fitness to practice issue, in which case the student will be notified prior to sharing the information.

4.6 Ombudsman and the Ombudsman for Children

Anyone who is dissatisfied with the outcome of the procedures or processes of the University has the right to recourse to the Ombudsman and/or the Ombudsman for Children.

The Ombudsman and the Ombudsman for Children Office function to protect the rights of individuals or groups by independently and impartially investigating complaints made about public bodies. Specifically, the Ombudsman for Children will investigate complaints made by or on behalf of children in relation to the administrative actions of public bodies like Atlantic Technological University.

The Office of the Ombudsman and the Ombudsman for Children Office typically expect any person making an allegation to have first taken reasonable steps to seek redress through the standard University procedures before being contacted. Additionally, the Ombudsman will typically only deal with complaints once all existing internal procedures have been exhausted. The Ombudsman provides an impartial, independent, and free dispute resolution service. The Ombudsman can examine complaints from students about various issues. These could include for example, general decisions students perceive to be unfair or the perception that incorrect information has been provided. The Ombudsman does not consider matters of academic judgment.

Correspondence with the Respondent shall include the following suggested text to aid students in contacting the Ombudsman and/or the Ombudsman for Children.

Ombudsman:

We hope that we have been able to resolve your complaint satisfactorily. However, if you remain unhappy with our response then you can refer your complaint to the Office of the Ombudsman. The Ombudsman is fair, independent, and free to use. The Ombudsman does not consider instances of academic judgement.

The Ombudsman will ask you for details of your complaint and a copy of this letter/email (our final response to your complaint). The best way to contact the Ombudsman is by:

- Clicking on the 'Make A Complaint' link at www.ombudsman.ie
- Writing to: Office of the Ombudsman, 6 Earlsfort Terrace, Dublin 2, D02 W773
- Calling the Ombudsman on 01 639 5600 if you have any queries or if you need help making your complaint.

Ombudsman for Children's Office:

The OCO investigates complaint about services provided to children by public organisations. The service is free and independent. The Ombudsman for Children's Office is a human rights institution that promotes the rights and welfare of young people under 18 years of age living in Ireland.

Millennium House, 52-56 Great Strand Street, Dublin 1, D01 F5P8, Ireland

Phone: +353 1 865 6800

Homepage: <http://www.oco.ie/>

Email: oco@oco.ie

5. Documents Related to this Procedure

AQAE016 Student Fitness to Practice Policy

AQAE052 Procedure for Student Fitness to Practice Committee

AQAE054 Procedure for Temporary Suspension (Student Fitness to Practice)

6. Measurement of Effectiveness of this Procedure

This procedure will be reviewed every three years or sooner if required, through an analysis of all data related to the *Student Fitness to Practice Policy* (AQAE016), retained by the Vice President Academic Affairs & Registrar (VPAAR). The analysis will involve an examination of key trends including numbers of cases, types of concerns, outcomes, and other data as required to assess the both the operation and outcomes of the process. Any recommendations for improvements based on the analysis will be considered.

7. Revision History

Revision No	Description of Change	Approval Date
000	New Procedure	17 Oct 2024