



聖若瑟大學
UNIVERSITY OF
SAINT JOSEPH

APPEALS COMMITTEE

TERMS OF REFERENCE AND PROCEDURES

1. INTRODUCTION

1.1 The University of Saint Joseph (USJ) has established an Academic Integrity Committee and a Student Conduct Committee. In addition to promoting positive academic integrity and student conduct respectively, these two committees grant an automatic right of appeal against any penalties imposed for breaches of academic integrity and student conduct. The Appeals Committee is the Committee which handles such appeals. It hears and adjudicates appeals from students in respect of academic integrity and student conduct, and from staff members in respect of academic integrity, and is designed to ensure transparency and fairness not only in its own work but in that of the Academic Integrity Committee and the Student Conduct Committee.

1.2 The Appeals Committee hears and adjudicates appeals from staff and/or students with regard to the proceedings of the Academic Integrity Committee and/or Student Conduct Committee from:

- (a) Students: with respect to academic integrity and student conduct; and
- (b) Staff members: with respect to academic integrity.

2. THE APPEALS COMMITTEE

2.1 The Appeals Committee is a committee of the University under the Executive Council.

3. THE MEMBERSHIP OF THE COMMITTEE

3.1 Members of the Committee comprise, but are not limited to:

- (a) The Chair of the Appeals Committee, who is appointed by the Rector, and who has the casting vote;
- (b) Two academic staff members of the University appointed by the Chair of the Committee and who have no conflict of interest with the appellant.
- (c) Additionally, a non-voting minuting officer is appointed.
- (d) The Chair may appoint additional voting members of the committee if he/she deems it appropriate.



4. THE TERMS OF REFERENCE OF THE COMMITTEE

- 4.1 The Appeals Committee convenes whenever one or more appeals have been received from students and/or staff members of USJ and judged to be fitting for the Committee to hear (as defined in the Regulations for the Appeals Committee).
- 4.2 To hear and adjudicate appeals from staff and/or students with regard to the proceedings of the Academic Integrity Committee and/or Student Conduct Committee as stipulated in 1.2 above.
- 4.3 To review the student's/staff member's letter of appeal and decide whether an appeal should be heard, based on whether the appeals meets the grounds for appeal, whether a formal appeal has been lodged with the Appeals Committee, whether the appeal is deemed to be not misconceived and/or vexatious, and whether the appeal conforms to the Regulations of the Appeals Committee.
- 4.4 Should at least one member of the Committee consider that the allegations warrant a hearing, the student/staff member will be called for a hearing.
- 4.5 If the appeal does not meet the requirements set out in 4.4, it is automatically rejected.
- 4.6 If the appeal is heard, the Appeals Committee decides the outcome of the appeal, within its powers, which are:
- (a) to uphold the appeal and adjudicate on the outcome/consequent action;
 - (b) to reject the appeal and adjudicate on the outcome/consequent action;
 - (c) to grant a concession and adjudicate on the outcome/consequent action;
 - (d) to uphold or adjust any penalties awarded by the Academic Integrity Committee and/or Student Conduct Committee.
- 4.7 The duties of the Appeals Committee include, but are not limited to:
- (a) deciding whether or not to proceed with an appeal hearing;
 - (b) hearing the appeal and asking questions of the appellant;
 - (c) deliberating on the outcome of the hearing;
 - (d) reaching a judgment on the appeal (whether it is upheld or rejected);
 - (e) reaching a decision on:
 - (i) the outcome;
 - (ii) what is to be conveyed to the student/staff member;
 - (iii) the action to be taken respectively, as appropriate.
- 4.8 The Chair will decide whether a unanimous or majority decision is acceptable, and, in the case of a majority, what that majority should be.



4.9 If the appeal is rejected, the Appeals Committee will decide the penalty to be imposed if it varies from the original penalty imposed, taking account of the severity of the issue, the consequences to the student/staff member, and any other concerns it deems to be relevant, and within the laws of Macau; it is within its powers to impose penalties and to decide what those penalties should be.

5. LODGING THE APPEAL

5.1 The appeal request to the University must be made in the form of a written letter, addressed to the Chair of the Appeals Committee and submitted to the Rector's Office, stating the ground or grounds of the appeal in respect of one or more of Section (3) above, and setting out his/her case in detail.

6 THE INITIAL RESPONSE TO THE APPEAL

6.1 If the Chair of the Appeals Committee deems it to be appropriate, the Chair may treat the appeal as an application for a concession.

6.2 Normally within one week of the receipt of the letter of appeal, the Chair of the Appeals Committee shall decide whether the appeal is vexatious or misconceived. An appeal will be deemed to be misconceived if the grounds for the appeal are not made clear or are patently insufficient, or if they do not conform to one of the grounds for appeal set out in Section 3 above. An appeal will be deemed to be vexatious if it is judged to be both misconceived and designed to cause unsubstantiated or indefensible affront to, or, without evidence, to be prejudiced against, or to create indefensible action for, one or more individuals, or a University Committee or Office.

(a) If the appeal is deemed to be misconceived or vexatious then the appeal is rejected and the student/staff member is informed of this by the Chair of the Appeals Committee in writing within one week of the decision.

(b) If the appeal is deemed to be not misconceived or vexatious, or if (6.1) does not apply, then the appeal is heard in a meeting of the Appeals Committee.

6.3 The appeal hearing normally takes places within three weeks of the receipt of the student's/staff member's letter of appeal to the Chair of the Appeals Committee, and the student/staff member is given a minimum of one week's notice of that meeting.

7 MEETING TO HEAR THE APPEAL

7.1 At the hearing, the Appeals Committee interviews the student/staff member and, after discussion, proposes an outcome.

7.2 The procedures for the appeal hearing with the appellant are thus:

(a) Firstly, the appellant is invited into the Appeals Committee chamber in order to present his/her appeal in person.



- (b) Then the Chair will inform everyone present of the business and operation of the appeal, and the sequence of the procedure to be followed.
- (c) Then the appellant will have the opportunity to present his/her appeal.
- (d) Then the Chair will invite comments, questions and responses from any or all of the parties present, including the appellant, if they wish to speak. Nobody may speak without the permission of the Chair.
- (e) Then the Chair will invite the appellant to make any final comments that he/she may wish to make.
- (f) Then Chair will ask the appellant to leave the Appeals Committee chamber, and that is the end of his/her part of the appeal, so he/she is free to go. The Appeals Committee will not recall the appellant.
- (g) Following the appellant's departure, the Appeals Committee will consider the evidence placed before it, and will decide whether it needs further evidence or advice as appropriate. The Appeals Committee has the right to seek further advice from any member of the University concerned with the appeal. The Appeals Committee will deliberate on the evidence, it will judge whether to uphold or reject the appeal, and it will decide on action to be taken and, if appropriate, penalties to be imposed.

7.3 With regard to a student's grades If the appeal is upheld, the decision can be:

- (a) To require the examiner(s) to adjust the marks awarded;
- (b) To allow the student to retake the same examination under conditions specified by the University;
- (c) To declare the examination null and void and to order a new examination, with or without new examiners, ensuring that those examiners know as little as possible about the circumstances leading to the new examination.
- (d) To allow the student to revise or resubmit the piece of work in question (e.g. a thesis) and to receive a further oral examination.

Students may still request to re-take the module, or the exam, in an effort to improve their grade. The following guidelines will apply:

- (a) Requests will be approved according to the seat availability (priority will be given to students who have not yet taken the class);
- (b) Charges will apply, according to the tuition fee schedule at the time;
- (c) The final grade in these cases will be set as the highest between the original and the new grade.

7.4 If the appeal is upheld, the student/staff member can claim back the fees paid for the appeal process.

7.5 If the appeal is rejected, the Appeals Committee will decide the penalty to be imposed as stipulated in (4.9) above.



- 7.6 At all the meetings between the student/staff member and Appeals Committee University, the appellant shall have the right to present his/her case in person, and to be the first to speak after the opening remarks have been made.
- 7.7 At all the meetings, the Chair may request the presence of any other person(s) deemed to be relevant to the appeal and their right to speak is determined by the Chair. In the case of medical evidence or confidential evidence being presented, adherence will be to the laws of data protection, and the doctor may send a nominee to represent him/her at the meeting. Prior to any of the meetings, the Chair may obtain evidence from parties deemed appropriate and present this to the students before and/or at the meeting.

8. AFTER THE APPEAL HEARING

- 8.1 After the appeal is heard, the formal judgement and decision are conveyed in writing to the student/staff member, the relevant Dean(s), and the Rector's Office, normally within one week if the Appeals Committee decides that it does not require further evidence or advice. If the circumstances prevent the Appeals Committee from reaching a judgement and decision within one week (e.g. if it is waiting for further evidence to be submitted, as a consequence of matters raised in the appeal hearing), then it will inform the student in writing within one week of the appeal that this is the case.
- 8.2 After the meeting, if the Chair deems an important matter of principle to have arisen, she/he may report it to the Executive Council.
- 8.3 If the appeal is rejected, then the Chair of the Appeals Committee or his/her delegate informs the student/staff member of this and of further options.
- 8.4 If the appellant wishes to appeal further, i.e. after having the appeal dismissed by the Appeals Committee, then this shall be heard by the Rector or his/her nominee. In this case, the student/staff member shall send a letter to the Rector within two weeks of the date of the letter from the Appeals Committee, stating the ground or grounds of his/her subsequent appeal in respect of one or more of Section (3) above, and setting out his/her case in detail.
- 8.5 If the Rector or his/her nominee deems it to be appropriate, he/she may treat the appeal as an application for a concession.
- 8.6 The Rector is the final arbiter in any appeal made to him/her, and decides how the appeal made to him/her shall be conducted, what the outcome is, and what action should be taken as a consequence of the appeal process and/or decision.
- 8.7 Once the Rector's decision has been taken, the student/staff member is informed of this in writing normally within two weeks of the decision having been taken.



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