

Courts of First Appeal

Courts of First Appeal – Calendar Entry

69 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 §70 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 §68. 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 2024-25 – Part II, pp. 41-42)

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.

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 [Guidelines on Evidence in Support of an ad misericordiam Appeal](#)), which they consider as having an impact (past or future) on their academic performance or progress.

- 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 Appeals that the normal regulations applying to a student's progress be waived on *ad misericordiam* grounds. A successful appeal on *ad misericordiam* grounds 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 2024-25, Part II, Re-check/re-mark of examination scripts, Paragraph 68, p. 39 (<https://www.tcd.ie/calendar/undergraduate-studies/general-regulations-and-information.pdf>).

Appellants and their tutors should consult the relevant documentation on '[Guidelines on Exceptional Circumstances in support of an ad misericordiam appeal](#)' and the requirements for supporting evidence when bringing an ad misericordiam appeal.

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.