



**RCSI**  
FACULTY of  
RADIOLOGISTS  
and RADIATION  
ONCOLOGISTS

## Appeals Process

A trainee has a right to appeal. The trainee must apply in writing requesting an appeal within 30 days of their review. The trainee should address their appeal in the first instance to the Fellowship Advisory Committee (FAC) (of which the **Grounds to Proceed Committee** form part) who will review same to see if it warrants consideration by the Appeal Committee.

An appeal will be considered if there is evidence of apparent substantive procedural irregularity on the part of the Faculty. A trainee may appeal a decision if they possess evidence of exceptional circumstances relevant to any decision taken, which was not available to the original decision makers when its decision was reached. The trainee must have a valid reason for not having provided this evidence previously. Failure to disclose known illness or other factors likely to have adversely affected a trainee's performance prior to the original decision will normally rule out their consideration, unless the trainee can provide a valid reason within the terms above to explain why such information was not previously disclosed. It is a trainee's responsibility to describe and provide *prima facie* evidence of any / all relevant circumstances. Each trainee must submit original supporting evidence with each application. Trainees should note that information previously disclosed about factors which may have adversely affected their performance cannot be re-submitted.

### Grounds to Appeal

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 Honorary Secretary and two senior members of Faculty. Members of the original assessment panel must not take part in the appeals process.

The decision will be based on whether the appeal satisfies the criteria e.g. it relates to procedures rather than the questioning of academic judgement and *prima facie* evidence has been provided; or that *prima facie* evidence has been supplied to substantiate claims for exceptional circumstance. The Honorary Secretary will inform the trainee if an application to appeal the decision has been granted or refused to proceed.

### Procedures of Appeals Committee

Following the formation of the **Appeals Committee**, the Honorary Secretary will gather the relevant papers and documentation and may confer confidentially with any third party who may be of assistance to the appeal.

A copy of the trainee's written appeal, including any documentary evidence will be provided to the Committee. All documentation provided to the Committee will also be provided to the trainee. A committee meeting will be convened and the trainee informed of the date and time of the meeting. The trainee has the right to present their appeal at the hearing and will be

invited to attend by the Honorary Secretary. Attendance in person by the trainee at the hearing is compulsory unless otherwise agreed in writing in advance by the Chair of the Committee. A trainee who has previously indicated that they will attend, and who fails to appear, will have their case dismissed. The trainee will be advised in advance of the hearing of the right to be accompanied by another trainee, Union representative, legal representative or member of staff of choice from RCSI (such as Personal Tutor, Welfare Officer) to support the trainee. Alternatively, a parent, guardian, family member or sponsor may be invited by the trainee to attend. If the trainee does not nominate somebody in advance to attend then the Dean of the Faculty will nominate a trainee advocate to attend e.g. the Student Welfare Officer. It should be made clear to all present however, that the appeal hearing is not a court of law and the appeal panel governs its own procedures, including the questioning to be allowed of others by those present.

The Appeals Committee may:

- ❖ Uphold the appeal. This may result in: The trainee being re-examined at the next available opportunity (which may include repeating the year); or the decision returned to the Board of Faculty for a reassessment
- ❖ Seek further information and reconvene
- ❖ Reject the appeal

### **Outcome**

The outcome of the appeal hearing will be communicated in writing to the Dean of the Faculty of Radiologists and Radiation Oncologists, RCSI within one week of the appeal hearing.

The trainee will be notified in writing of the outcome of the appeal hearing within two weeks of the hearing.

The appeal process described above is the final avenue of appeal within the Faculty of Radiologists and Radiation Oncologists, RCSI.

### **Confidentiality and Data Protection**

A record of all decisions made under this Policy will be kept for eight (8) years following the decision.