

PART VI

APPEALS PROCEDURE

ARTICLE 100 INSTITUTIONAL APPEALS COMMITTEE

§1. If students deem that a decision is detrimental to their interests due to a violation of their rights, they may file an appeal with the Institutional Appeals Committee. This applies to the following decisions:

- examination decisions, pursuant to articles 56, 65, 67, 71, 73, 81, 92, 95 and 96 of the present examination code;
- examination-related disciplinary decisions, pursuant to article 78 and 97bis of the present code;
- decisions pertaining to a request for an exemption, pursuant to article 29 of the present code;
- decisions related to taking a preparatory and/or linking course pursuant to article 6 §1 of the present code;
- decisions related to requests for exceptions to the access requirements concerning the learning account in accordance with article 11 of the present code;
- decisions involving the imposition of binding conditions or a refusal of enrolment pursuant to article 24 of the present code;
- decisions involving the early termination of a work placement or another practical course unit pursuant to article 24 §9 of the present code;
- decisions involving the refusal of education and examination facilities for students with a special status.

In doing so, students may seek assistance from a legal adviser, who is required to hold a written power of attorney on pain of inadmissibility of the appeal, except if s/he is registered with the Bar or the list of trainee lawyers.

§2. The appeal is filed by means of a signed and dated petition that is sent to the rector (Sint-Pietersnieuwstraat 25, 9000 Gent) by registered and signed post, on pain of inadmissibility of the appeal. At a minimum, this document is to specify the student's identity, the disputed decision(s) and a description of the facts and arguments on pain of inadmissibility. Any arguments that the student could only know after perusal of his/her file or after the feedback session need to be added in a supplementary note on pain of inadmissibility, either immediately after the perusal or feedback session or at least within 7 calendar days after the period of appeal has lapsed. At the same time, the student is to send an electronic version of the petition by e-mail to ombuds@ugent.be by way of information. The postmark of the recorded delivery serves as the date for the appeal.

For exam decisions, the appeal needs to be filed within the peremptory time limit of 7 calendar days, starting on the calendar day after the examination results announcement. If the official feedback has been planned later than these 7 calendar days, the student is still required to file an appeal within the peremptory time limit. If there was no public announcement of the challenged exam decision, the exam decision is deemed to have been publicly announced on the dates mentioned in article 69§1, second section, unless the student can prove that the exam decision was not announced until a later date.

With regard to the other decisions mentioned in §1, the peremptory time limit takes effect on the calendar day after the day on which the student was informed of the decision in question.

§3. The appeal is considered by the Institutional Appeals Committee, which is composed on an ad hoc basis by the rector and consists of the following people:

- the rector or the vice-rector;
- four professorial staff members with the rank of associate professor, full professor or senior full professor, belonging to at least two different Faculties, selected from the professorial staff members assigned for this purpose by the Faculty; each Faculty is to assign one male and one female professorial staff member of the aforementioned rank to sit on the Institutional Appeals Committee if required. Any successions or alterations of professorial staff members are communicated to the institutional ombudsperson;
- the Chief Academic Administrator or the Director of Educational Policy.

Maximum two-thirds of the members of this ad hoc Institutional Appeals Committee may be of the same sex.

Meetings are chaired by the rector or the vice-rector. If the latter is unable to attend the meeting or needs to abstain from considering a case for reasons of personal involvement, the following people will serve as acting chair in accordance with the following hierarchical ranking order: the Chief Academic Administrator or the Director of Educational Policy, or the eldest of the other members of the Institutional Appeals Committee who are present.

The University ombudsperson is welcome to attend the sessions of the Institutional Appeals Committee, but does not have the right to vote.

The Institutional Appeals Committee can only deliberate legitimately if at least two thirds of its members are present. Each member has one vote. In the event of a tie, the chair has the decisive vote.

§4. The Institutional Appeals Committee treats appeals on the basis of exhibits. However, the Commission may invite any person or party to be heard if they consider this to be useful.

The Institutional Appeals Committee is free to call up or request any information, records and documents it deems useful to treat the appeal. The members of the university community are obliged to provide the Commission with this information, records and documents at their first request.

The Institutional Appeals Committee is free to seek and gather all the advice it deems useful to treat the appeal. Amongst other parties, it may seek the assistance from a lawyer, who is allowed to attend the meetings, but does not have the right to vote.

The student or counsel may request perusal of the file that was compiled with regard to his/her petition. This question shall be formulated, either in the application itself or by email to ombuds@ugent.be, no later than five calendar days after the date on which the petition was lodged. The person who the Institutional Appeals Committee put in charge of the preparation of the file will then arrange a meeting with the applicant, so that s/he may peruse the file. If required, the applicant may then elaborate on his previous grievances in accordance with the stipulations of §2.

§5. At the chair's request and provided that each of the commission members agrees, the Institutional Appeals Committee is free to deliberate via e-mail in the following cases:

- if the appeal concerns the refusal of facilities for students with a special status due to a functional impairment;
- if the appeal is clearly inadmissible or unfounded;
- if a final decision is taken in a case in which an interim decision was taken at a previous meeting;
- if the appeal involves a limited degree of complexity and the decision is so obvious that a physical meeting of the members of the commission has no added value for the treatment of the appeal.

If the chair proposes to deliberate by e-mail, all exhibits of the case are to be made available to the members of the commission, preferably in electronic format.

§6. The Institutional Appeals Committee may decide:

- to reject the appeal, on the grounds of its inadmissibility or the Commission's lack of jurisdiction;
- or to confirm and uphold the challenged decision;
- or to review the challenged decision. To do so, the Institutional Appeals Committee has the same authority as the body that took the disputed decision. If an appeal has been instigated against an examination decision entailing a final evaluation of a course unit, and the Institutional Appeals Committee believes it has insufficient information to effectively reappraise the taken examination, it may decide to award the student a new exam opportunity. In doing so, the commission will determine the terms and conditions of any such examination.

If the appeal relates to an examination mark for a course unit that is part of a full deliberation set, the Institutional Appeals Committee will also decide whether or not the applicant passes the deliberation set and, if applicable, it will decide whether the applicant passed the study programme and what grade of merit is awarded. The Institutional Appeals Committee exercises this authority in consideration of the provisions in articles 67, 71 and 73. The decision also needs to state the reasons behind it. The decision of the Institutional Appeals Committee is served on the student within 20 calendar days, starting from the day after the day on which the appeal was instigated. All notifications are sent by e-mail and by registered post. If necessary, a copy of the decision will be sent to the student's legal counsel by email or regular post. If the Institutional Appeals Committee is unable to reach a decision on the petition in a timely fashion, the student and his counsel will be informed within 20 calendar days, in which case a deadline is set for the Commission to inform the parties involved of its decision.

Unless the Institutional Appeals Committee decides otherwise, its decision takes effect on the day it was taken. Decisions that declare a student to have passed a study programme take effect on the date of the examination results announcement of the study programme in the examination period in which the disputed decision was taken.

People who are not enrolled cannot partake in the educational activities. If they have filed an internal appeal against the refusal to enrol them on the basis of article 24 before 1 October (of the year in which the refusal took effect), they are allowed to partake in the educational activities until the Institutional Appeals Committee has reached a decision. If this decision is positive, the student can still partake in the educational activities until 5 working days after the decision, as long as the student has not (re-) enrolled.

§7. The decisions of the Institutional Appeals Committee are to specify the further appeals open to students against any decisions and the terms and conditions of any such appeals.