

APPEALS POLICY



Approved by Council: 4 December 2013

Revised by Council: 9 March 2016

Related documents

Higher Education Support Act 2003 division 19 section 45

Higher Education Standards Framework section 2.4

Grievances Policy

Appeal Notification Form

1. Scope

This policy applies to all enrolled students, all persons who apply for admission to the University, and to all staff of the University including accredited academic staff at its Colleges. This policy does not apply to matters previously dealt with or being dealt with under the Grievances Policy, which contains its own review procedures.

2. Definitions

- 2.1 An appeal is a matter in which a student, staff member, or applicant for admission to the University ('the appellant') seeks review of a decision made by the University or by one of its Colleges.
- 2.2 A University Officer is a person specified in Schedule A with responsibility for determining the outcome of an appeal.
- 2.3 An Appeals Panel ('the Panel') must have three members. The Chair of the Appeals Panel ('the Panel Chair') is a member of Council appointed annually by Council to serve in this role. The remaining members of a Panel are appointed by the Panel Chair and in the case of academic matters must include either a Chair or Deputy Chair of Examiners or a member of Academic Board.
- 2.4 An Appeals Officer is a person specified in Schedule A with responsibility for managing an appeal process and for assisting an appellant, a University Officer, the Panel Chair, or the Panel in application of this Policy. An Appeals Officer does not have authority to make a determination under this Policy.
- 2.5 Schedule A may be amended by the Council or by the Governance and Nominations Committee.

3. Conflict of interest or inability to act

If a University Officer or an Appeals Officer has a conflict of interest in an appeal or is unable to act, that conflict of interest must be reported to the Panel Chair who must appoint an alternate person to serve in the role. If the Panel Chair or a member of a Panel has a conflict of interest in an appeal or is unable to act that conflict of interest must be reported to the Chancellor who must appoint an alternate person to serve in the role.

4. Process

4.1 Stage 1: Lodgment of Appeal

An Appeal Notification Form is lodged with the appropriate University Officer specified in Schedule A. The University Officer must acknowledge receipt of the form in writing to the appellant within 5 working days, and provide a decision on the appeal in writing to the appellant within 20 working days.

4.2 Stage 2: Appeals Panel

4.2.1 An appeal proceeds to stage 2 when an appellant applies in writing to an Appeals Officer for a review of the decision made by the University Officer. The appellant must state the reasons for seeking a review.

4.2.2 The Appeals Officer advises the Panel Chair of the Appeal. The Panel Chair must determine if the reasons for the appeal are sufficient to proceed to a Panel. The appellant must be advised by the Appeals Officer of the outcome of the determination within 5 working days of receipt of the Appeal Notification Form.

4.2.3 If the Panel Chair determines that the matter does fall within this Policy, then the Panel Chair must constitute a Panel to investigate the grievance.

4.2.4 The Panel may take whatever steps it deems necessary to address the appeal. It must advise the appellant of the outcome of its deliberations within 30 working days of receipt of the form.

4.2.5 On completion of the investigation of an appeal the Panel Chair must lodge a confidential report with the Office of the Vice-Chancellor and provide a copy to the appellant. The report may, where appropriate, include recommendations for action. These recommendations should be written in a form that can be communicated to officers, boards or committees of the University without divulging the identity of the appellant.

4.3 Stage 3: External Review

An appeal proceeds to stage 3 if on completion of stage 2 an appellant writes to the Chancellor seeking an independent review on the grounds that the process has been flawed. The Chancellor must appoint an independent person to review the process and report in writing to the Chancellor. The Chancellor must communicate the findings of the review to the appellant within 30 working days of receipt of the appellant's written request for independent review.

5. Reporting

The Appeals Officer must report to Council through the Vice-Chancellor on the number of appeals which proceed to Stage 2 or Stage 3 in each calendar year.

6. Publication

This policy must be published on the University's website and be accessible by all members of the University.

Schedule A

1. University Officers

<i>Appeal type</i>	<i>University Officer</i>
Higher degree by research student disputes outcome of panel	Director of Research
Student appeals against examination of a thesis (including the 16,000 word Minor Thesis)	Director of Research
Student or staff member disputes decision of the Human Research Ethics Committee to refuse ethical clearance or to impose limitations on the research	Director of Research
All other appeals	Director of Academic Services

Contact details for University Officers

College Academic Dean: contact appropriate College

Director of Academic Services: Maggie Kappelhoff, mkappelhoff@divinity.edu.au

Director of Research: John McDowell, jmcdowell@divinity.edu.au

2. Appeals Officers

Primary: Anjali Antoniotti (University Secretary, Office of the Vice-Chancellor)
(03) 9853 3177 or aantoniotti@divinity.edu.au

Alternate: Damien Arnold (Chief Financial Officer, Office of the Vice-Chancellor)
(03) 9853 3177 or darnold@divinity.edu.au

APPEALS PROCEDURES



Approved by Vice-Chancellor: 31 December 2013

Revised by Vice-Chancellor: 4 March 2014, 10 March 2016, 6 October 2017, 27 July 2018

Procedures

These procedures establish rules for appellants and University Officers specified in Schedule A in respect of particular types of appeals made in accordance with the Appeals Policy and not covered by another Policy of the University. These procedures satisfy the requirements for Stage 1: Lodgment of Appeal as directed by the Appeals Policy. An appellant may, on conclusion of these procedures, seek review of the outcome by proceeding to Stage 2: Appeals Panel.

1. Higher degree by research student disputes outcome of Confirmation Panel

- 1.1 A student enrolled in a higher degree by research may dispute the outcome of a Confirmation Panel by lodging a completed Appeal Notification Form with the Director of Research within five working days of the student receiving written notice of the outcome of the panel.
- 1.2 The Director must acknowledge receipt of the appeal in writing to the appellant within five working days.
- 1.3 The Director must consult with the student's Supervisor or Supervisors, the Chair of the Research Committee of the Academic Board, and the Research Coordinator of the College through which the student is enrolled.
- 1.4 The Director must report the outcome of the appeal in writing to the appellant, the appellant's principal Supervisor, and to the Chair of the Research Committee within ten working days of receipt of the appeal.

2. Student appeals against examination of a thesis

- 2.1 A student enrolled in a higher degree by research or in a Research Essay unit may dispute the outcome of an examination of a thesis or Research Essay by lodging a completed Appeal Notification Form with the Director of Research within five working days of the student receiving written notice of the outcome of the examination.
- 2.2 The Director must acknowledge receipt of the appeal in writing to the appellant within five working days.
- 2.3 The Director must consult with the appellant's Supervisor or Supervisors and the Chair of Examiners.
- 2.4 If the Director determines that the result of the examination is upheld then the Director must report the outcome in writing to the appellant, the appellant's principal Supervisor, and to the Chair of the Research Committee within twenty working days of receipt of the appeal.
- 2.5 If the Director determines that the examination should be reviewed then the Director must consult with the Chair of Academic Board who together must determine a course of action, and report the outcome in writing to the appellant, the appellant's principal

Supervisor, and to the Academic Board within twenty working days of receipt of the appeal.

3. Student or staff member disputes decision of the Human Research Ethics Committee

- 1.1 A researcher who has applied to the Human Research Ethics Committee for ethical approval of a research project may dispute a decision of the Committee to refuse ethical clearance or to impose conditions upon the project that, in the view of the researcher, will negatively impact the quality and integrity of the research, by lodging a completed Appeal Notification Form with the Director of Research within five working days of receiving written notice of the Committee's decision.
- 1.2 The Director must acknowledge receipt of the appeal in writing to the appellant within five working days.
- 1.3 The Director must consult with the Chair of the Human Research Ethics Committee, the appellant's Supervisor (if relevant), and the Research Coordinator of the College with which the researcher is associated.
- 1.4 The Director must report the outcome of the appeal in writing to the appellant within ten working days of receipt of the appeal.