

APPEALS POLICY



Current version in effect from: 15 Jun 2023,

Approved by Council: 4 Dec 2013

Revised by Council: 9 Mar 2016, 19 Jun 2019, 9 Oct 2019, 14 June 2023

Related Documents

Higher Education Support Act 2003, Division 19 Section 45

Higher Education Standards Framework, Sections 2.4, 6.2, 6.3

Education Services for Overseas Students Act 2000

Education Services for Overseas Students Regulations 2019

National Code of Practice for Providers of Education and Training to Overseas Students 2018, Standards 9 and 10

Academic Integrity Policy

Admissions Policy

Appeal Notification Form

Regulation 82: *Code of Conduct*

1. Purpose

- 1.1 The Appeals Policy provides a framework for timely and fair resolution of an appeal by a member of the University about a decision of the University that affects them, or an appeal by a person who has applied for admission to the University.
- 1.2 This Policy complies with the Higher Education Standards Framework and the National Code of Practice for Providers of Education and Training to Overseas Students.

2. Scope

- 2.1 This Policy applies to all members of the University as defined in Regulation 82 and to persons who apply for admission to the University.
- 2.2 This Policy does not apply to appeals processes set out within a specific Policy. A person unsatisfied with the outcome of an appeal process in another Policy may nonetheless have recourse to this Policy for the purposes of appealing the initial appeal provided always that the appellant is able to demonstrate a deficiency in the application of the initial appeal process set out in another Policy.
- 2.3 This Policy does not apply to complaints. A formal complaint may be made in accordance with the University's Complaints Policy.

3. Definitions

- 3.1 **Appeal:** A matter in which a member of the University or applicant for admission to the University ('the appellant') seeks review of a decision made by the University.

- 3.2 **Appeals Officer:** The University Secretary, or in an appeal where the University Secretary has a conflict of interest, another person appointed by the Vice-Chancellor. The Appeals Officer is responsible for managing an appeals process and for liaising with an appellant, the Panel Chair and Appeals Panel. The Appeals Officer does not have authority to make a determination under this Policy.
- 3.3 **Appeals Panel:** A panel of three persons:
- a) The **Panel Chair** is a person appointed by the Chancellor to chair an Appeals Panel who does not have a conflict of interest. This is usually a person who holds a standing appointment as Panel Chair for a period of one year.
 - b) The other two members of an Appeals Panel are persons appointed by the Panel Chair with relevant expertise to a specific appeal who do not have a conflict of interest. These may be persons internal or external to the University.
- 3.4 **Appeal Notification Form:** The form approved by the Vice-Chancellor and published on the University's website. This form must be used to lodge an appeal under this Policy.
- 4. Principles**
- 4.1 All actions under this Policy are to be consistent with the mission and values of the University and underpinned by principles of mutual respect and procedural fairness for the parties involved.
- 4.2 Appeals are dealt with as expeditiously as possible, consistent with the need to act fairly.
- 4.3 The appellant is responsible for stating the grounds for the appeal fully on the Appeal Notification Form and for providing copies of relevant documentation.
- 4.4 The University must take all reasonable steps to prevent appellants suffering any disadvantage (including through victimisation) as a result of lodging an appeal.
- 4.5 If the appellant is a student appealing a decision by the University to amend or terminate the appellant's enrolment, the appellant has the right to continue to be enrolled at the University until all stages of the University's appeals process are concluded.
- 5. Conflict of Interest or Inability to Act**
- 5.1 If the Appeals Officer has a conflict of interest in an appeal or is otherwise unable to act that must be reported to the Vice-Chancellor who must appoint another person to serve in the role.
- 5.2 If the Panel Chair or a member of an Appeals Panel has or becomes aware of a conflict of interest in an appeal or is otherwise unable to act that must be reported to the Chancellor who must appoint an alternate person to serve in the role.
- 6. Process**
- 6.1 Stage 1: Lodgment of Appeal and Consultative Response**

- 6.1.1 Stage 1 applies to appeals against a decision of the University which are not covered by another policy of the University.
- 6.1.2 Stage 1 is initiated when an Appeal Notification Form is sent to the University Appeals Officer.
- 6.1.3 The Appeals Officer must acknowledge in writing to the appellant receipt of the form, normally within five working days.
- 6.1.4 The appeal may be referred by the Appeals Officer after consultation with the Panel Chair or the Vice-Chancellor to appropriate senior members of the University with relevant expertise but who were not involved in the decision being appealed. The purpose of this consultative response is either to resolve the matter to the appellant's satisfaction, or to provide advice and recommendations to the Panel Chair to make a determination.
- 6.1.5 The Panel Chair's determination may include:
 - a) affirmation of the original decision being appealed
 - b) revision of the original decision being appealed
 - c) escalation of the appeal to Stage 2.
- 6.1.6 The outcome of Stage 1. of the appeal must be recorded in writing and sent to the appellant. The Panel Chair has discretion to provide recommendations to other officers of the University involved in the original decision being appealed.
- 6.2 Stage 2: Appeals Panel**
- 6.2.1 An appeal proceeds to stage 2 when:
 - a) an appellant applies in writing to the Appeals Officer for a review of a decision made in stage 1 of this Policy using the Appeal Notification Form
 - b) an appellant applies in writing to the Appeals Officer seeking review of a decision made after an appeal process is completed under another Policy using the Appeal Notification Form
 - c) the Panel Chair escalates an appeal from Stage 1 to Stage 2.
- 6.2.2 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 convening an Appeals Panel. The appellant must be advised by the Appeals Officer of the outcome of the determination, normally within ten working days of receipt of this Appeal Notification Form.
- 6.2.3 If the Panel Chair determines that the reasons for the appeal are sufficient to proceed to convening an Appeals Panel, then the Panel Chair must constitute an Appeals Panel to investigate the matter.
- 6.2.4 The Appeals Panel may take whatever steps it deems necessary to address the appeal. It must aim to advise the appellant of the outcome of its deliberations within thirty working days of receipt of the Appeal Notification Form.

- 6.2.5 On completion of the investigation of an appeal, the Panel Chair must lodge a confidential report with the Vice-Chancellor. The report must record the Appeals Panel's decision and reasons for the decision and may, where appropriate, include recommendations for action. These recommendations should be written in a form that can be communicated to officers or committees of the University without divulging the identity of the appellant.
- 6.2.6 The Panel Chair must provide a statement of the outcome to the appellant within ten days of completion of the investigation of the appeal.

6.3 Stage 3: External Review

- 6.3.1 An appeal proceeds to stage 3 if, on completion of stage 2, an appellant writes to the Chancellor seeking an independent review on the ground that the process has been flawed.
- 6.3.2 The appellant must state in writing the reasons for believing that the process was flawed and provide evidence.
- 6.3.3 The Chancellor must appoint a person external to the University with relevant expertise to review the appeals process and report in writing to the Chancellor.
- 6.3.4 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. The communication must advise the appellant of the right to seek review of the University's decision from an external body such as a state Ombudsman or Human Rights Commission.

7. Reporting

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

8. Date of Next Review

- 8.1 This Policy must be reviewed no later than 31 December 2029.