

## APPEALS POLICY



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Approved by Council: 4 Dec 2013

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### 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 8 Members of the University

### 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 8 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, as set out in Schedule A to this 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. The Chancellor must also appoint an Alternate Panel Chair, to undertake this function if the Panel Chair is unavailable under section 5.2.
  - 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 has or becomes aware of a conflict of interest in an appeal or is otherwise unable to act, the Alternate Panel Chair must undertake the relevant duties.
- 5.3 If the Alternate Panel Chair (when required to act as 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 or committees 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. If the appeal relates to a determination made under Stage 1 (6.2.1(a)), the Panel Chair is considered to have a Conflict of Interest and the Alternate Panel Chair must undertake the Panel Chair's duties for Stage 2.

6.2.3 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 an Appeal Notification Form.

- 6.2.4 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.
- 6.2.5 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.
- 6.2.6 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.
- 6.2.7 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 grounds 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.

**SCHEDULE A**  
**APPEALS PROCESSES UNDER OTHER UNIVERSITY POLICIES**

Approved by Vice-Chancellor: 14 Aug 2024

<b>Policy Reference</b>	<b>What can be appealed?</b>	<b>Appeal Process</b>
Academic Integrity Policy 11.	Finding of breach of academic integrity	Direct to Appeals Policy
Academic Staff Policy 15.1	Staff classification / promotion application outcome	Direct to Appeal Policy
Admissions Policy 10.	Decision not to admit	Initial review request submitted to Dean of Academic Programs. Recourse to the Appeals Policy only on grounds that process in Admissions Policy was not observed.
Assessment Policy 15.	Grade of assessment task or unit	Initial review request submitted to Academic Dean of College. Process is outlined for first and second review of result. Recourse to the Appeals Policy only on grounds that process in Assessment Policy was not observed.
Credit Policy 13.	Decision to refuse application for credit.	Initial review request submitted to Dean of Academic Programs or Chair of Academic Board. Recourse to the Appeals Policy only on grounds that process in Credit Policy was not observed.
Election and Nomination Policy 9.	Outcome of appointment or election: outcome may only be appealed on grounds that due process was not observed.	Direct to Appeals Policy
Enrolment Policy 13.	Any decision made under the Policy	Direct to Appeals Policy
Graduation Eligibility Policy 9.	Decision that student is ineligible to graduate.	Initial review request submitted to Dean of Academic Programs. Recourse to the Appeals Policy only on grounds that process in Graduation Eligibility Policy was not observed.
Fees Policy 5.8	Refunding of fees or recrediting FEE-HELP balances	Direct to Appeals Policy

HDR Policy 5.8	Decision not to admit	Initial review request submitted to Chair of Academic Board
HDR Policy 8.2	Decision of Confirmation Panel	Initial review request submitted to Dean of SGR
HDR Policy 13.5.4	Discontinuation of enrolment due to unsatisfactory progress	Direct to Appeals Policy (within 14 days of notice of discontinuation)
HDR Policy 10.22	Examination: Outcome of examination may be appealed only if the candidate is able to provide evidence of clearly incorrect claims regarding the thesis that go beyond matters of opinion, or failure to comply with the examination procedures.	Direct to Appeals Policy
Human Research Ethics Policy	Decision of HREC.	Initial review request submitted to Chair of HREC. Recourse to the Appeals Policy only on grounds that process in Human Research Ethics Policy or National Statement was not observed.
Minor Thesis Policy 11.	Final grade	Initial review request submitted to Dean of SGR. Recourse to the Appeals Policy only on grounds that process in Minor Thesis Policy was not observed.
Research Grants Policy 8.	Decision of Research Grants Panel: outcome may only be appealed on grounds that due process (Policy and DRS directives) was not observed.	Initial Review Request submitted to Chair of Academic Board.
Support for Students Policy 8.2	Decision of Student Progress Panel	Direct to Appeals Policy (within 14 days of notice of discontinuation)
Transfer Between Registered Providers Policy 5.1.7 and 5.1.8	Application for Letter of Release refused.	Direct to Appeals Policy (within 10 working days of notification)
Unit Policy 9.7	Decision by Dean of Academic Programs not to approve unit.	Initial review request submitted to Chair of Academic Board. Recourse to Appeals Policy if decision upheld.
University Employment Policy 7.9	Employee reclassification: outcome may only be appealed on grounds that due process was not observed.	Direct to Appeals Policy