

## Student Review and Appeal Procedures

### 1. Governing Policy

Student Review and Appeal Policy

### 2. Purpose

These procedures describe the processes that will be applied in receiving, assessing and hearing reviews and appeals of a University decision, as specified in the [Student Review and Appeal Policy](#).

### 3. Procedures

#### 3.1. Reviews

- a. Students dissatisfied with a decision of the University should in the first instance discuss the matter with the decision-maker. The decision-maker will inform the student of the reasons for the decision.
- b. A student who is dissatisfied may request a review of the decision via the University's [lodgement](#) process.
- c. Students must request a review in writing within 20 University business days of being advised of the decision in their matter, unless the University considers that there are exceptional or compelling circumstances.
- d. Students may obtain assistance in preparing a request for a review from Student Assist or from any other third party of their choosing (e.g. advocacy groups, legal representatives, friends or family members). However, a written request for a review of decision must be lodged in a student's own words and under their own name.
- e. When lodging a request for review, a student should provide as much detail as possible, including:
  - i. the nature and details of the original decision and any facts or documentation regarding it
  - ii. the written decision of the decision-maker
  - iii. their reasons for requesting the review, which may include disagreement with either the decision itself or with any consequence applied as a result of the decision.
- f. Requests for review will be acknowledged in writing as soon as possible following receipt.
- g. When a request for a review is lodged, a preliminary assessment and triage is performed by Student Policy and Integrity Services. This involves:
  - i. prioritising requests for review
  - ii. assessing the nature and substance of the request for a review

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- iii. ensuring that a request for a review does not duplicate or substantially overlap with any legal action underway on the same matter
  - iv. determining the referral point for the request for a review.
- h. In undertaking the preliminary assessment and triage, Student Policy and Integrity Services may:
- i. manage the matter as a complaint if there has not been an original decision
  - ii. refer the matter to a different University process or service where appropriate
  - iii. liaise with the student and original decision-maker to clarify information relevant to the matter and request further documentation.
- i. Student Policy and Integrity Services may dismiss a request for a review where it:
- i. concerns a decision that is not reviewable (e.g. a decision to instigate an investigation into a student conduct matter, or a decision that is the automatic consequence of a course rule, policy, or external requirement). Note: concerns raised about a non-reviewable decision or associated circumstances may be treated as a complaint or referred to another University process or service for resolution
  - ii. is frivolous (e.g. where the request for review has no basis or where there is no disadvantage to the student)
  - iii. is out of time
  - iv. is incomplete and the student does not provide requested material in the required timeframe
  - v. is vexatious, or otherwise represents an abuse of process.
- j. Preliminary assessment of a request for a review will be done in a timely fashion, and will be completed in not more than five University business days of the receipt of the request for a review.
- k. The review will generally be performed by the next most senior officer in the relevant area (i.e. the position above the position of the decision-maker), unless that person has a conflict of interest or previous involvement in the matter. Where such a conflict exists, an appropriate alternative reviewer will be identified.
- l. Students will be notified of the outcome of the review within 15 University business days of the request being referred to the reviewer. If there is to be any delay in completing the review within this timeframe, the student will be informed of the reasons for the delay and the expected timeframe for completing the review.
- m. The officer conducting the review may consider any facts they consider relevant to the matter, including facts not presented in evidence in the original determination.
- n. In conducting the review the reviewer may:
- i. consult with the student, the original decision-maker, and any other person they consider may be relevant to the matter
  - ii. re-examine any documentary evidence considered by the original decision-maker
  - iii. consider any new documentary evidence provided by the student in their request for a review, and
  - iv. consider the original decision or any sanctions applied in light of decisions in other comparable matters.
- o. As an outcome of their review the reviewer may decide to:
- i. uphold the original decision without amendment
  - ii. uphold the original decision but amend one or more of the outcomes
  - iii. set aside the original decision and refer it back for new investigation, or

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- iv. set aside the original decision and substitute a different decision.
  - p. The outcome of the review must be communicated in writing to the student and to Student Policy and Integrity Services as soon as is practicable after being decided.
  - q. If the student is not satisfied with the outcome of the review, and has relevant grounds, they may appeal to the Student Appeals Committee via the process described below.

### 3.2. Eligible Appeals

- a. The Student Appeals Committee will hear appeals, where relevant grounds are met, arising from reviews of decisions under the policies on:
  - i. Student Complaints
  - ii. Assessment
  - iii. Student Progress
  - iv. Enrolment
  - v. Student Academic Integrity
  - vi. Higher Degrees by Research
  - vii. Other policies, not listed above, which provide for recourse to the Student Appeals Committee.
- b. The Student Appeals Committee will also hear appeals on committee decisions relating to other academic matters (not related to the policies listed at s.3.2.a). Examples of such applications are: credit transfer, permission to exceed the specified time limit on a program of study.
- c. Appeals against decisions of the University under one of the nominated policies, or against an academic committee decision, must meet one or more of the grounds for appeal specified at s.3.3 of the Student Review and Appeal Policy.

### 3.3. Student Appeals submission process

- a. Students may lodge an appeal against a review decision if grounds are met.
- b. Students may obtain assistance in preparing an appeal from Student Assist or from any other third party of their choosing (e.g. advocacy groups, legal representatives, friends or family members). However, an appeal must be lodged in a student's own words and under their own name.
- c. Appeals must be lodged in writing via the University's lodgement process within 20 University business days of notification of the outcome of the review, unless the University considers that there are exceptional or compelling circumstances.
- d. When lodging an appeal, a student should provide as much detail as possible, including:
  - i. a copy of the written notice of the outcome of the review
  - ii. specifying the ground(s) for appeal, in accordance with s.3.4 of the Student Review and Appeal Policy
  - iii. outlining a case in support of the ground(s) for appeal, including any evidence
  - iv. all supporting documentation.
- e. When an appeal is received, Student Policy and Integrity Services will:
  - i. check that the documentation is correctly completed and contains all required supporting evidence
  - ii. confirm that the review of the original decision has been completed
  - iii. liaise with the student if any errors of documentation require correction

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- iv. determine if the matter is eligible for appeal to the Appeals Committee and advise the student if the matter is not an eligible decision for appeal under this process (e.g. a student misconduct decision)
  - v. assess whether the appeal, as written, meets one or more grounds for consideration by the Student Appeals Committee (see procedure 3.2.c above) and advise the student whether their appeal has grounds to be heard by the Student Appeals Committee within 10 University business days after the appeal is received.
  - f. If the appeal is deemed to meet grounds, Student Policy and Integrity Services will convene the Student Appeals Committee. A hearing of the Committee will be scheduled within 30 University business days of this determination. If there is to be any delay in scheduling a hearing within this timeframe, the student will be informed of the reasons for the delay and the expected timeframe for scheduling a hearing.
  - g. If a student is advised that their appeal does not meet any grounds for appeal, they may request a review of the dismissal of the appeal by the Deputy Vice-Chancellor (Students) or nominee. This request must be lodged within 10 University business days of the notification and the review will only consider the question of whether one or more grounds for appeal are properly provided in the appeal application.
  - h. The outcome of the review of the dismissal by the Deputy Vice-Chancellor (Students) will be communicated to the student in writing. Where the Deputy Vice-Chancellor (Students) confirms that the grounds for appeal have not been met, the notice will inform the student that if they are not satisfied with the outcome, they may lodge a complaint or appeal with a relevant external agency.

### **3.4. Student Appeals Committee composition**

- a. The Student Appeals Committee will comprise:
  - i. A senior member of academic staff or one of two alternates, all of whom are appointed by the Deputy Vice-Chancellor (Students), as the Chair. Chairs are appointed for a two-year term
  - ii. one member of academic staff drawn from the panel appointed by Academic Senate, and
  - iii. the President of the Student Council or an alternate (as specified below).
- b. No member of a Student Appeals Committee may sit on an appeal hearing if they were involved at any stage in the decision under appeal.
- c. The Academic Senate will appoint:
  - i. from its own membership, a panel of:
    - six academic staff members (one from each College), of whom one will sit in each appeal
    - six alternate academic staff members (one from each College) to sit when other members are not available or have been involved in the decision under appeal
  - ii. a panel of alternate student members consisting of:
    - from its own membership, the Education Officer to sit when the President of the Student Council is unavailable or has been involved in the decision under appeal
    - from the Student Council, two members nominated by the President of the Student Council in consultation with the Manager, Student Engagement, one of whom will sit when the Education Officer is unavailable or has been involved in the decision under appeal.

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- d. The panel of Academic Senate members will be appointed for a two-year term.
  - e. The Academic Senate, in establishing the membership of the panel, must ensure a suitable gender balance is maintained.
  - f. A member of the Committee may continue to act as a member for the duration of an appeal even if he or she loses the status which was the qualification for membership.
  - g. The Committee may continue to hear an appeal even if one member is no longer able to serve on it, provided the quorum is maintained.
  - h. Except where it is necessary to maintain the quorum, a new committee member whose term of office commences during the course of an appeal hearing should not participate in that particular hearing.
  - i. The quorum of the committee is two persons, one of whom must be the Chairperson.
  - j. The Senior Student Policy and Integrity Advisor must appoint a non-voting secretary to the committee. The secretary must keep confidential minutes of all committee meetings concerned with appeals and is responsible for ensuring that these are retained securely.

### **3.5. Prior to Student Appeals Committee hearings**

- a. Before the Student Appeals Committee meets to consider the appeal, the Chair, in consultation with the Deputy Vice-Chancellor (Students), may make interim directions. In particular, the Chair may, pending the final determination of the matter and having regard to the need for fairness to all parties, do one or more of the following without prejudice:
  - i. suspend the implementation of the review decision that is the subject of the appeal
  - ii. temporarily withdraw permission for the student to participate in a University activity or use or enter all or particular University premises or facilities, or
  - iii. make any other direction that may be reasonable in the circumstances.
- b. Where the student's visa could be affected by the outcome, the student's enrolment must be maintained pending the completion of the appeal process.
- c. The student must be informed of the proposed composition of the Committee and be given the opportunity to raise an objection to the inclusion of any member on grounds of conflict of interest.
- d. Any allegation that a conflict of interest relating to any member of the Student Appeals Committee exists, will be considered by the Chair. If the allegation relates to the Chair, it will be considered by the other two members of the Committee. If a conflict of interest is established, the relevant Committee member will stand down from the Committee and be replaced in accordance with Procedure 3.4 above.
- e. The reviewer will be invited to submit a written response to the appeal.
- f. Prior to the hearing, the Chair of the Student Appeals Committee may allow the parties to the matter to submit additional documentation that either was not included with the original appeal lodged by the student, or the reviewer's written response to the appeal, if one is submitted. Any written material or evidence that may be relied upon during the hearing must be provided in advance of the hearing via Student Policy and Integrity Services.

### **3.6. Notice of Hearing**

- a. Unless agreed otherwise, at least 10 University business days' notice of the hearing will be provided to the student, along with all available relevant documentation. Other relevant parties, including the original decision-maker and the reviewer, will also be notified of the hearing and may be asked to attend.
- b. In the notice of the hearing the Secretary for the Student Appeals Committee will:

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- i. inform the parties of their right to attend the hearing and provide oral evidence to the Committee
  - ii. inform the student of their right to bring a support person to the hearing
  - iii. include the names of the Committee members
  - iv. include all relevant written documentation pertaining to the appeal, including the student's appeal application and any supporting documentation and any written response to the appeal submitted by the reviewer.

### **3.7. Conducting Hearings**

- a. In determining an appeal, the Student Appeals Committee:
  - i. will make a majority rule decision. Where the Committee is comprised of only two due to the absence of one member, the prevailing decision will be that made by the Chair.
  - ii. act fairly and impartially in all the circumstances
  - iii. may follow any procedurally fair process it considers appropriate to the nature of the matter
  - iv. will not be bound by legal rules of evidence, technicalities or legal forms, and may inform itself in relation to any matter in any manner it thinks fit
  - v. will consider all material presented or made available to it, and
  - vi. will allow a student to have a support person, who may be any person of their choosing other than a practicing legal practitioner. The support person will not be allowed to present the student's case unless prior permission has been sought from and granted by the Chair.
- b. If the student has accessibility needs, they should advise the secretary for the Student Appeals Committee in order that these needs can be accommodated.
- c. If the student chooses not to attend or participate in the hearing process, the Student Appeals Committee may proceed with the hearing and make a determination in their absence.
- d. The Chair of the Student Appeals Committee may allow more than one support person to be present and may exclude any person who disrupts or unreasonably impairs the conduct of the hearing, including the student who is the subject of the appeal.

### **3.8. Outcomes of Appeals**

- a. The Student Appeals Committee will either:
  - i. allow the appeal in whole or in part, or
  - ii. dismiss the appeal.
- b. If the appeal is dismissed, the Student Appeals Committee must confirm the review decision.
- c. If the appeal is allowed in whole or in part, the Student Appeals Committee must, wherever possible, remit the decision to the original decision-maker for the matter to be reconsidered in the light of the Committee's findings.
- d. Where the Student Appeals Committee considers that it is not appropriate to remit the decision, they may:
  - i. set aside any decision or sanction, or
  - ii. substitute or vary any decision or sanction.
- e. Circumstances where it will not be possible and/or appropriate to remit the matter to the original decision-maker will include situations where:
  - i. a bias or conflict of interest has been established
  - ii. the original decision-maker and / or the reviewer are no longer with the University, or

- iii. the situation requires a decision to be made as a matter of urgency.
- f. Where the Student Appeals Committee proposes to set aside, substitute or vary the original decision or sanction, it should ensure that:
  - i. the substituted decision or sanction is one that would have been reasonably available to the original decision-maker and the reviewer, and
  - ii. wherever practicable, they have heard from the original decision-maker regarding the proposed course of action.
- g. The decision should be made as soon as practicable after the hearing.
- h. The decision of the Student Appeals Committee will finalise the University's internal review and appeals procedures.

### 3.9. Notice of decision

- a. The secretary of the Student Appeals Committee must communicate the decision in writing, with reasons, to the:
  - i. student or eligible person
  - ii. reviewer, and
  - iii. original decision-maker.
- b. The notice from the secretary of the Student Appeals Committee will inform the student that if they are not satisfied with the outcome, they may lodge a complaint or appeal with a relevant external agency.
- c. Where the matter is remitted back to the original decision-maker, they must review the Student Appeals Committee's findings and reconsider their decision in the light of those findings within 10 University business days.
- d. Once the decision has been reconsidered, the original decision-maker must as soon as practicable give notice of their decision in writing to the student.
- e. If the decision involves altering or reversing a course of action already underway, or imposing a different course of action, this must be implemented by the original decision-maker without undue delay.

## 4. Responsibilities and Authorities

<b>Student</b>	<ul style="list-style-type: none"> <li>a. Provides a statement of the nature of the review or appeal, alleged grounds, and previous steps taken to address the matter, giving as many details as possible.</li> <li>b. Co-operates with the review and appeal process as required and acts in a respectful and courteous manner during the review and appeal process.</li> </ul>
<b>Student Policy and Integrity Services</b>	<ul style="list-style-type: none"> <li>c. Receives and assesses student reviews and appeals.</li> <li>d. Provides the matter for review to the relevant senior officer.</li> <li>e. Provides relevant information to both staff and students.</li> <li>f. Facilitates the hearing of appeals and provides administrative oversight of the referral process.</li> <li>g. Where grounds for appeal are not met, advises the student that the appeal will not be heard by the Committee.</li> </ul>

<b>Deputy Vice-Chancellor (Students)</b>	<p>h. Conducts reviews of preliminary determination by Student Policy and Integrity Services that appeal grounds are not met.</p> <p>i. Approves requests for a review or an appeal after 20 University business days on the basis that exceptional or compelling circumstances have been demonstrated.</p>
<b>Other Senior Executive Member</b>	<p>j. In circumstances where the Deputy Vice-Chancellor (Students) was involved in the original decision or the review of the matter to be appealed, conducts review of preliminary determination by Student Policy and Integrity Services that appeal grounds are not met.</p>
<b>Senior Officer</b>	<p>k. Conducts reviews of decisions as required.</p>
<b>Senior Student Policy and Integrity Advisor</b>	<p>l. Oversees student appeals processes.</p> <p>m. Convenes the Student Appeals Committee.</p> <p>n. Appoints a secretary of the Student Appeals Committee.</p>
<b>Secretary, Student Appeals Committee</b>	<p>o. Ensures full and accurate records of appeals are made and maintained.</p> <p>p. Advises student of outcomes of the appeal.</p>

