

Replaces, please remove, Section 5.11 issued 04/09

## 5.11 APPEALS

### POLICY

1. Applicants for admission to a program of the University who have not received an offer of a place in that program have a right to appeal against that decision.
2. Students who believe they have been unfairly disadvantaged by:
  - 2.1 denial of admission to a program; or
  - 2.2 the cancellation of admission to a program; or
  - 2.3 change to a program; or
  - 2.4 the failure to grant an exemption; or
  - 2.5 the award of a grade;
  - 2.6 a decision resulting in exclusion from one or more programs of the Universityhave a right to appeal that decision.
3. Appeals will be heard only when students have first attempted to resolve the dispute within guidelines set down in accordance with these regulations.
4. The University encourages students who are contemplating lodging an appeal under these regulations to seek advice from student support services in the first instance.
5. The hearing process will commence within twenty working days from the close of the appeals period.

Decisions by Appeals Committees normally should be communicated to the student within twenty working days.

### REGULATIONS

#### 1 Appeals Committees

- 1.1 The University Appeals Committee shall comprise:
  - 1.1.1 Deputy Vice-Chancellor (Scholarship) (Chair);
  - 1.1.2 Academic Registrar;
  - 1.1.3 One member of the Council who is neither a staff member nor a student of the University.
- 1.2 The Appeals Committee for a Faculty shall comprise:
  - 1.2.1 Deputy Chair, Academic Board (Chair);
  - 1.2.2 Dean, or their nominee;
  - 1.2.3 One of the elected student members of the Faculty Board (or, in the absence of any elected student member, a student co-opted by the Dean of the Faculty, or their nominee);
  - 1.2.4 One academic staff member elected by the Faculty Assembly (or, in the absence of an elected staff member, an alternative should be appointed in accordance with the Faculty's rules);
  - 1.2.5 A person nominated by the Student Guild.

At least one of the members of the Committee must be the same gender as the student appealing. The student member of the Committee (regulation 1.2.3) **or** the person nominated by the Student Guild (regulation 1.2.5) must be present at all meetings of the Committee. A non-voting Secretary to the Appeals Committee for the Faculty will be provided by that Faculty and all correspondence should be addressed to the Secretary.

- 1.3 Students who have been unsuccessful in an appeal to the Appeals Committee for the Faculty may lodge a written appeal, within twenty working days of notification of the decision, with

the Academic Registrar for consideration by the University Appeals Committee. Students may appeal to the University Appeals Committee only on the basis that the procedures in these regulations have not been followed.

- 1.4 The Academic Registrar shall determine, in the first instance, whether the student has provided evidence under regulation 1.3 for the appeal to proceed to the University Appeals Committee. Where the basis for the appeal is not substantiated, the Academic Registrar shall so inform the student. If the basis is substantiated, the University Appeals Committee should normally consider the matter within twenty working days.
- 1.5 Students may appear before the Appeals Committee for the Faculty or the University Appeals Committee and/or be represented by a nominated representative who must not be a legal practitioner, such as a representative from the Student Guild. Staff members may appear before the Appeals Committee for the Faculty or the University Appeals Committee either alone or accompanied by another staff member. The University shall not be liable for any expenses incurred by the appellant, University staff or other attendees at meetings of Appeals Committees.
- 1.6 Neither a student nor a staff member who is making an appeal, or being appealed against, or has any vested interest in the matter may sit on an Appeals Committee hearing the appeal.
- 1.7 If a student's appeal is upheld by the University Appeals Committee, it shall direct the Appeals Committee for the Faculty involved to reconsider the student's case, normally within twenty working days, using proper procedures.
- 1.8 A decision of the University Appeals Committee shall be final.

## **2 Admission**

An applicant for admission to a program may appeal if admission is denied.

- 2.1 An applicant who has been denied admission to a program may appeal in written format, within twenty working days of notification of the decision, to the Academic Registrar for reconsideration of the application. The appeal documentation must provide evidence that the applicant has met all published requirements for admission to the program.
- 2.2 The Academic Registrar may accept or reject the applicant's appeal. An applicant whose appeal has been rejected by the Academic Registrar will have twenty working days from receipt of the letter of notification to lodge an appeal in written format to the University Appeals Committee on grounds of process. Students who do not appeal within twenty working days will have no further right of appeal.

## **3 Cancellation of Admission**

Students may appeal the decision to cancel their admission to a program.

- 3.1 Students whose admission to a program has been cancelled may appeal in written format to the Academic Registrar for reconsideration of the decision to cancel. An appeal must be lodged within twenty days of notification of the decision.
- 3.2 The Academic Registrar may accept or reject the student's appeal. Students whose appeals have been rejected by the Academic Registrar will have twenty working days from receipt of the letter of notification to lodge an appeal in written format to the University Appeals Committee. Students who do not appeal within twenty working days will have no further right of appeal.

## **4 Change to a Program**

Students shall have the right of appeal to the Deputy Vice-Chancellor (Scholarship) on the grounds of educational or professional disadvantage as a result of a program change. Such an appeal will only be heard where students have first attempted to resolve the matter within the Faculty. The appeal must be lodged in written format with the Deputy Vice-Chancellor (Scholarship) within thirty days of notification of changes to a program. The decision of the Deputy Vice-Chancellor (Scholarship) shall be final.

## **5 Exemptions**

Students may appeal against the refusal of a Faculty to grant an exemption.

- 5.1 Appeals against the refusal to grant an exemption must be lodged in written format to the Appeals Committee for the Faculty offering the course. An appeal must be lodged within twenty working days of the receipt of the notice of the results of the claim for exemption(s) and must include the appropriate fee. Appeals lodged outside this period will not be heard.
- 5.2 The appeal documentation must include the reason for the appeal and must show that all relevant documentation in support of the exemption claim has been provided previously to the Faculty.
- 5.3 Students whose appeals have been rejected by the Appeals Committee will be so informed by the Chair via a letter sent by registered post to their mailing address on the University's records and of their right, within twenty working days of receipt of the letter:
  - 5.3.1 of appeal to the Academic Registrar; and
  - 5.3.2 to apply (in written format to the Dean of the Faculty offering the course, or the Dean's nominee) to seek to demonstrate by assessment (i.e. 'testing out') that they can satisfy the objectives of the course(s) involved.
- 5.4 The Academic Registrar may accept or reject the student's appeal.
- 5.5 Where an application for assessment is granted, the Dean of the Faculty offering the course, or the Dean's nominee, in consultation with the appropriate course team leader, shall determine the nature and timing of the assessment and provide such advice to the applicant.<sup>1</sup>

## 6 Final Grades

Students may appeal against the award of the final grade in a course.

- 6.1 Before lodging a formal appeal in written format against the final grade in a course, students must demonstrate that they have:
  - 6.1.1 requested the examiner of the course to check that no administrative error has occurred in the addition or recording of the marks gained for assessable components of the course or in recording the grade awarded; and
  - 6.1.2 discussed with the examiner or moderator of the course, the grounds upon which the student feels the grade awarded is incorrect.Students considering lodging an appeal should follow Faculty regulations and procedures in addition to those above.

If an administrative error has occurred, the student's grade must be adjusted accordingly. There is no onus on the examiner to remark assessable material as part of this pre-appeal process.
- 6.2 If the processes in 6.1 do not resolve the matter, a formal appeal against the award of the final grade in a course may be lodged. Appeals against the award of the final grade in a course must be lodged in written format to the Appeals Committee for the Faculty offering the course. Appeals must include the appropriate fee as determined by Council.<sup>2</sup> An appeal must be lodged within twenty working days of the release of official results, or such longer period of time as determined by the Faculty offering the course. Appeals lodged after the times stated, or not including the prescribed fee, will not be heard.
- 6.3 The appeal documentation must include the grounds for the appeal (see 6.4 below) and must show that a reasonable effort has been made to resolve the dispute in accordance with 6.1 above.
- 6.4 The Appeals Committee for the Faculty shall uphold the appeal if it can be demonstrated:
  - 6.4.1 that there has been a breach of the University's regulations, procedures or assessment policy, or failure to adhere to the approved assessment procedures for that course, sufficient to cause disadvantage to the student; or
  - 6.4.2 that the student has been unfairly treated in the process of assessment; or
  - 6.4.3 that the student has been unfairly treated by persons involved in the conduct of the examination.
- 6.5 In the case of an appeal being upheld under 6.4.1 above:

<sup>1</sup> Where an application for assessment is granted, students shall be charged the relevant fee per course.

<sup>2</sup> Refer to the fees and charges section of the Handbook.

- 6.5.1 the Chair of the Appeals Committee for the Faculty shall advise the Dean, or their nominee, that a breach of ‘the University’s assessment policy, procedures or regulations, or failure to adhere to the approved assessment procedures for that course’ has occurred;
- 6.5.2 the Dean, or their nominee, will take appropriate steps to ensure that the effects of the breach on all students in the course are minimised. With respect to actions taken under this clause, no student, as a consequence of the action, will receive a grade lower than that initially given.
- 6.5.3 the Dean, or their nominee, shall advise all students in the course of the course of action taken and its effect on them.
- 6.6 Students whose appeals have been rejected by the Appeals Committee will be so informed by the Chair by a letter sent by registered post to their mailing address on the University’s records and of their right, within twenty working days of receipt of the letter, of appeal to the University Appeals Committee on grounds of process, subject to regulation 1.3 above, and to representation by a nominated representative who must not be a legal practitioner, such as a representative of the Student Guild.
- 6.7 A student whose appeal has been successful shall be so advised by the Chair, Appeals Committee for the Faculty, the disputed grade will be appropriately adjusted by the examiner of the course involved and the appeal fee will be refunded as soon as practicable.
- 6.8 A student who has an appeal against a grade in a course under consideration by an Appeals Committee may enrol in other courses which have that course as a prerequisite until the appeal is resolved. The student’s enrolment in those courses will be cancelled without academic or financial penalty if the appeal does not result in a passing grade in the prerequisite course.

## 7 Exclusion from a Program

Students may appeal against a decision to exclude them from a program offered by the University in accordance with Section 5.9.

- 7.1 Students who do not lodge an appeal within twenty working days of receipt of the letter containing the Dean’s, or their nominee’s, decision to exclude them will be excluded and will have no further right of appeal.
- 7.2 Students must provide documentation with their appeal that shows that there were factors outside the student’s control which substantially contributed to the student’s failure to meet the required academic standard to date, and that those factors would be unlikely to affect the student’s performance in the future.
- 7.3 In consultation with appropriate Faculty staff, the Dean of the Faculty, or their nominee, will consider students’ appeals.
- 7.3.1 If the student’s appeal shows acceptable cause for not being excluded, that information will be circulated to the Appeals Committee for the Faculty for noting.
- 7.3.2 All other students’ appeals will be referred to the Appeals Committee for the Faculty for its consideration. The Appeals Committee for the Faculty normally should commence proceedings within twenty working days of the close of the appeals period.
- 7.4 Students whose appeals have been deemed by the Appeals Committee for the Faculty to show acceptable cause why they should not be excluded will be notified of this, and of any restrictions or conditions on their re-enrolment, by the Chair of the Appeals Committee for the Faculty as soon as practicable.
- 7.5 Students whose responses are deemed by the Appeals Committee for the Faculty not to show acceptable cause why they should not be excluded will be so informed by the Chair by registered post and of their right, within twenty working days of receipt of the letter, of appeal to the University Appeals Committee on grounds of process, subject to regulation 1.3 above, and to representation by a nominated representative who must not be a legal practitioner, such as a representative of the Student Guild.

## 8 Exclusion from all Programs

Students who have been excluded from two or more programs offered by the University will be given the opportunity to show cause why they should not be excluded from all programs offered by the University.

- 8.1 Students who are identified as subject to exclusion from all programs of the University will be requested by the Deputy Vice-Chancellor (Scholarship) to show cause why they should not be excluded. The letter will be sent by registered post to their mailing address on the University's records and the students will have twenty working days from the date of receipt of the letter in which to reply.
- 8.2 Students who do not reply within that twenty working days will be excluded forthwith and will have no further right of appeal.
- 8.3 Documentation provided by a student as a result of a request to show cause must attempt to show that there were factors outside the student's control which substantially contributed to the student's failure to meet the required academic standard to date, and that those factors would be unlikely to affect the student's performance in the future.
- 8.4 Students whose responses have been deemed by the Deputy Vice-Chancellor (Scholarship) to show acceptable cause why they should not be excluded will be notified of this, and of any restrictions on their re-enrolment, by the Deputy Vice-Chancellor (Scholarship) as soon as practicable.
- 8.5 Students whose responses are deemed by the Deputy Vice-Chancellor (Scholarship) not to show acceptable cause why they should not be excluded will be so informed by the Deputy Vice-Chancellor (Scholarship) by a letter sent by registered post to their mailing address on the University's records and of their right:
  - 8.5.1 to a review of the decision subject to new relevant information being provided in written format to the Deputy Vice-Chancellor (Scholarship) within twenty days of receipt of the letter; and
  - 8.5.2 of appeal to the Vice-Chancellor on procedural grounds and to representation by a nominated representative who must not be a legal practitioner, such as a representative of the Student Guild.
- 8.6 A student whose appeal has been rejected after review by the Deputy Vice-Chancellor (Scholarship) will be so informed by the Deputy Vice-Chancellor (Scholarship) via a letter sent by registered post to their mailing address on the University's records and of their right, within twenty days of receipt of the letter, of appeal to the Vice-Chancellor and to representation by a nominated representative who must not be a legal practitioner, such as a representative of the Student Guild.
- 8.7 The decision of the Vice-Chancellor will be final.