

# Academic Appeals Procedure

## Section 1 - Purpose

(1) The document sets out the procedure for an appeal by a student against certain academic decisions of the University.

### Scope

(2) This Procedure applies to an appeal by a student against a decision made by the University about:

- a. Admission and Readmission contemplated by the [Admission Policy](#);
- b. Academic integrity breaches or a sanction decision in accordance with the [Academic Integrity Policy](#) and [Academic Integrity Breach Procedure](#);
- c. Special Consideration contemplated by the [Special Consideration Policy](#);
- d. Recognition of Prior Learning in accordance with the [Recognition of Prior Learning Policy](#);
- e. Suspension and Exclusion contemplated by the [Academic Progression Policy](#);
- f. Exclusion under the [General Coursework Rules](#) (Clause 10(7));
- g. Termination of Higher Degree Research Candidature in accordance with the [Higher Degree Research Rules](#) (Clause 14(5));
- h. Decisions relating to the award of PhD, MPhil or MRes degree in accordance with the [Higher Degree Research Thesis Preparation, Submission and Examination Policy](#);
- i. Fitness to Practice requirements in accordance with the [Fitness to Practice Procedure](#);
- j. Procedural irregularities in the outcome of final grade appeals in accordance with the [Assessment Procedure](#); and
- k. Enrolment, leave of absence, suspension of studies, and withdrawal decisions in accordance with the [Enrolment Policy](#), [Leave of Absence and Suspension of Studies Procedure](#), and [Withdrawal Procedure](#).

(3) This document does not apply to general or serious misconduct (see [Student Discipline Rules](#) and [Student Discipline Procedure](#)) or other complaints or grievances (see [Complaints Resolution Policy for Students and Members of the Public](#)).

## Section 2 - Policy

(4) Refer to the [Academic Appeals Policy](#).

## Section 3 - Procedures

### Responsibilities and Required Actions

(5) There is an [Academic Appeals Procedure Flowchart](#) available for this Procedure.

(6) A student may appeal against an applicable decision of the University which affects him or her, on a ground

specified in clause seven.

(7) An appeal against an applicable decision may only be made on the grounds that:

- a. the procedure for dealing with the matter was unfair in the circumstances because one or more of the following things occurred:
  - i. the student affected was not given a reasonable opportunity, appropriate to the circumstances, to present his or her case or provide an explanation, before the decision was made;
  - ii. the decision maker in making the decision was biased or there was a reasonable apprehension of bias, against the student affected;
  - iii. the decision maker in making the decision, took an irrelevant consideration into account;
  - iv. the decision maker in making the decision, failed to take a relevant consideration into account;
  - v. the decision maker in making the decision, acted dishonestly or for an improper purpose;
  - vi. there was no evidence to justify the decision made by the decision maker;
  - vii. the decision was so illogical or unreasonable that it could not have been rationally made;
  - viii. the decision was made in accordance with a guideline or direction from the University of general application without regard to the merits of the particular case;
  - ix. the decision maker made the decision in the particular case in accordance with the wishes of another person;
  - x. the required procedure for making the decision was not followed; and
- b. as a result, the student affected suffered substantial injustice.

(8) The merits of the decision (that is to say, whether the correct or preferable decision was made) cannot be appealed.

(9) An appeal must:

- a. be made in writing via the University's online system ([AskMQ - Academic Appeals Form](#));
- b. set out the details of the grounds for the appeal;
- c. be lodged by the student not later than, in the case of an applicable decision relating to:
  - i. admission and re-admission contemplated by the [Admission Policy](#) - ten (10) working days;
  - ii. a breach or a sanction decision made in accordance with the [Academic Integrity Policy](#) and [Academic Integrity Breach Procedure](#) - twenty (20) working days;
  - iii. special consideration contemplated by the Special Consideration Policy - five (5) working days;
  - iv. recognition of prior learning contemplated by the [Recognition of Prior Learning Policy](#) - ten (10) working days;
  - v. suspension and exclusion contemplated by the [Academic Progression Policy](#) - twenty (20) working days;
  - vi. exclusion contemplated by clause 10(7) of the [General Coursework Rules](#) - twenty (20) working days;
  - vii. termination of Higher Degree Research Candidature contemplated by clause 14(5) of the [Higher Degree Research Rules](#) - twenty (20) working days;
  - viii. decisions relating to the award of PhD, MPhil or MRes degree in accordance with the [Higher Degree Research Thesis Preparation, Submission and Examination Policy](#) - twenty (20) working days;
  - ix. fitness to practice requirements in accordance with the [Fitness to Practice Procedure](#) - twenty (20) working days;
  - x. procedural irregularities in final grade appeal decisions made under the [Assessment Procedure](#) - twenty (20) working days;
  - xi. enrolment, leave of absence, suspension of studies, and withdrawal decisions in accordance with the

[Enrolment Policy](#), [Leave of Absence and Suspension of Studies Procedure](#), and [Withdrawal Procedure](#) – twenty (20) working days,

after being notified of the decision which is being appealed; and

d. be lodged with the Registrar.

(10) A decision which is appealed has immediate effect notwithstanding that:

- a. the period within which an appeal may be lodged has not expired; or
- b. if an appeal is made, a final decision on the appeal has not been made (which may be a decision that the appeal has been abandoned).

(11) The Registrar must, within ten (10) working days of receiving the notice of appeal, appoint a chair of an Academic Appeals Panel to hear and determine the appeal.

(12) The chair of the Academic Appeals Panel must within five (5) working days of being appointed review the notice of appeal and either:

- a. dismiss the appeal if satisfied that it is frivolous, vexatious, misconceived or lacking in substance; or
- b. request the Registrar to appoint the remaining two members of the appeal panel.

(13) If the chair dismisses an appeal pursuant to clause 12, he or she must, within five (5) working days after the decision to dismiss it, provide the student with a written notice of the chair's decision.

(14) If the chair determines that the appeal will be heard by the Academic Appeals Panel pursuant to clause 12(b), he or she must within five (5) working days of the determination provide the student with a written notice that the appeal will be heard.

(15) The Academic Appeals Panel must consider the appeal within twenty (20) working days of the remaining two members of it being appointed.

(16) The decision of a majority of the members of the Academic Appeals Panel is the decision of the appeal panel.

(17) The procedure for the calling of meetings of the Academic Appeals Panel and for the conduct of business at those meetings, may be determined by the chair.

(18) The chair may extend or shorten any time fixed by this document or by any decision of the chair and may do so as many times as the chair thinks appropriate.

(19) The chair may extend any such time before or after the time expires whether or not an application for the extension is made before the time expires.

(20) If no time is fixed by this document for the doing of anything in or relating to any proceeding before the appeal panel, the chair may fix the time within which that thing must be done.

(21) Any act or proceeding of the Academic Appeals Panel may not be called into question merely because of:

- a. any vacancy or change in the membership of the Academic Appeals Panel; or
- b. any defects in the appointment of any member of the Academic Appeals Panel; or
- c. any irregularity in the manner in which any meeting of the Academic Appeals Panel has been convened or conducted; or
- d. the presence or participation at any meeting of the Academic Appeals Panel of any person not entitled to be

present or to participate at those meetings.

(22) The student must be given a reasonable opportunity to provide:

- a. any relevant written material to the Academic Appeals Panel; and
- b. a written submission to the Academic Appeals Panel.

(23) The student may be given an opportunity to address the Academic Appeals Panel if the Academic Appeals Panel is satisfied it is appropriate to do so in the circumstances.

(24) The Academic Appeals Panel may:

- a. dismiss the appeal by affirming the decision of the decision maker; or
- b. uphold the appeal by setting aside the decision and referring the matter to a decision maker for reconsideration of the decision.

(25) The chair of the Academic Appeals Panel must, within five (5) working days of the decision being made, notify the student of the decision of the Academic Appeals Panel and, if the appeal is dismissed, give a short written statement of the reasons for the applicable decision.

(26) The student is bound by the decision of the Academic Appeals Panel.

(27) If the appeal is upheld, the Registrar may appoint a decision maker who is to reconsider the applicable decision.

(28) If, pursuant to 24(b) the matter is referred to a decision maker for reconsideration, the decision maker must reconsider the applicable decision and inform the student of the result of that reconsideration as soon as practicable after the matter is referred to them.

(29) In this document, a reference to a "working day" is to any day other than:

- a. a Saturday, a Sunday or a public holiday in Sydney; or
- b. 27, 28, 29, 30 or 31 December in Sydney.

(30) The Registrar may authorise any person to carry out any of his or her functions relating to this document.

(31) A reference in this document to the Registrar, if the context permits, includes any person authorised to carry out any of his or her functions relating to this document.

## **Section 4 - Guidelines**

(32) Nil.

## **Section 5 - Definitions**

(33) Commonly defined terms are located in the University [Glossary](#). In this document a reference to:

- a. an applicable decision is to a decision which may be appealed pursuant to the procedure set out in this document; and
- b. a student is to a student enrolled in or seeking enrolment in a coursework or research course/program\* of the University and includes a student undertaking or seeking to undertake research for the purpose of obtaining an academic award from the University (irrespective of whether the research is supervised).

\*Note - In accordance with the Curriculum Architecture Policy, from 1 January 2020 'programs' are known as 'courses'.

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	21st February 2022
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<b>Approval Authority</b>	Academic Senate
<b>Approval Date</b>	30th November 2021
<b>Expiry Date</b>	24th July 2022
<b>Responsible Executive</b>	Rorden Wilkinson Deputy Vice-Chancellor (Academic)
<b>Responsible Officer</b>	Leanne Piggott Dean of Students
<b>Enquiries Contact</b>	Kane Murdoch Manager, Complaints, Appeals and Misconduct