Student Appeals Procedure

Section 1 - Governing Policy

(1) This Procedure is governed by the Student Appeals Policy.

Section 2 - Procedural Fairness and Conduct of Proceedings

(2) To ensure that the conduct of a review or appeal can be procedurally fair, a student's application for review or appeal must state the grounds on which their application is made, document their case in full and provide all relevant evidence.

(3) When handling an application for review or appeal, the responsible officer or committee must proceed in a manner that is procedurally fair. The responsible officer or committee will:

a. act fairly, without bias and in accordance with the Student Appeals Policy and this Procedure;
b. determine the matter on the basis of evidence brought forward by the student and/or the University;
c. give all relevant parties a copy of, or an opportunity to inspect, all documentation relevant to the subject matter of the application;
d. give the student the opportunity to respond to any new evidence that they have not previously seen that will be relied on in making a decision;
e. give the parties at least five working days written notice of the date, time and place of a University Appeals Committee hearing or any meeting a student is invited to attend regarding their application;
f. permit a student, and any support person whom a student appoints under Section 8 of the Student Appeals Policy, to be present at any meeting or hearing regarding the application, except where members of a committee wish to confer privately among themselves or to consider their decision;
g. treat the application and any submission to a person or committee in strict confidence, except as necessary for the discharge of that person's or committee's responsibilities, or as otherwise required by law.

(4) A student must be given the opportunity to attend any hearing of a University Appeals Committee.

(5) Failure of the student and/or the student's support person to meet for discussion of any request for review or any appeal or to appear before any University officer or committee, at the time notified to them, will not prevent the relevant officer or committee from proceeding to investigate and determine the matter.

Section 3 - Lodging an Application for Review or Appeal

(6) Schools must maintain a lodgement email account with the common naming convention: SchoolLocation.appeals@acu.edu.au

(7) Any formal application for review or appeal should be lodged by the student within 20 working days of notification of any decision in respect of which the application for review or appeal is lodged.

(8) A formal application for review or appeal must:

a. be submitted using the relevant form;
b. provide the student number and contact details of the student;
c. set out the grounds for the application for review or appeal under Section 6 of the Student Appeals Policy;
d. provide details of the decision for which the application for review or appeal is being made;
e. state clearly how the University regulation or policy was not adhered to or the correct procedures were not followed;
f. in the case of lodgement after 20 working days of the notification of the decision, provide evidence of any compassionate or compelling circumstances which prevented submission in accordance with clause (7) of this Procedure; and
g. include evidence in support of the application. Normally certified copies of original documents should be submitted.

(9) An application which does not satisfy the grounds for review or appeal will be dismissed.

(10) As identified in clause (7) of the Student Appeals Policy, no new evidence or grounds for appeal based on such evidence, may be submitted during an appeal process, unless:

a. there has been a major change in circumstance following the lodging of the initial application which, in the view of the officer or committee handling the application, justifies the subsequent, exceptional submission of the evidence; and
b. the information or evidence has a significant bearing on the application and that information or evidence was not reasonably available at the time the appeal was first lodged.

(11) An application for formal review of a decision should be submitted on an Application for Review under Student Appeals Policy form by email to the relevant School's Student Appeals Lodgement Email Addresses or the Manager in the relevant organisational unit.

(12) Schedule 1 of this Procedure identifies matters that may give rise to a review or appeal, and the responsible officers for each level of the process.

(13) A student must complete the review process and then exhaust any lower level of appeal before proceeding to the next higher level.

(14) A procedural appeal against a review decision of a senior officer conducted under Section 6 of this Procedure should be submitted on an Application for Appeal under Student Appeals Policy form by email to:

a. the relevant Executive Dean's Student Appeals Lodgement Email Addresses in the case of an academic matter; or
b. the relevant Director in the case of an administrative matter.

(15) Resubmission of the original case for review as an application for procedural appeal without stating how the Student Appeals Policy and/or this Procedure have not been followed during the formal review will not normally be accepted.

(16) An appeal to the University Appeals Committee must be submitted on an Application for Appeal under Student Appeals Policy form by email to the Academic Registrar's Student Appeals Lodgement Email Addresses or by mail to

PO Box 968 North Sydney NSW 2059.

(17) Consistent with clause (10) of this Procedure, failure by the student to make available to any stage of a review or appeal all relevant material reasonably available at the time is not adequate grounds for appeal against the decision on that application.

Section 4 - Preliminary Assessment

(18) In any case where a student's application for review or appeal includes specific allegations against the conduct of a member of staff which might be in contravention of the Code of Conduct for Staff, the officer receiving the application should refer to the relevant Executive Dean, or Academic Registrar, for a decision as to whether the matter should be considered under the Student Appeals Policy, the Student Complaints Policy or the relevant People and Capability policy.

(19) A School, organisational unit or reviewing officer may undertake a preliminary assessment of an application for review. Any preliminary assessment must be undertaken within 5 working days of receipt of the application and will be limited to whether:

a. the application provides an explanation of the matter for formal review and provides the necessary documentary evidence;
b. the application identifies the grounds for review set out in Section 6 of the Student Appeals Policy;
c. the application has been lodged after 20 days from the date of notification of the decision and does not provide an explanation for the delay in lodgement;
d. the matter has been the subject of a prior student appeal; or
e. the matter has already been resolved.

(20) Where the application for review has been assessed as complete, the application will proceed to formal review in accordance with Section 5 of this Procedure.

(21) Where the application for review has been assessed as incomplete in clause (19) of this Procedure, the student will be granted 5 working days to provide further information and/or documentation.

(22) If the application remains incomplete following the request for further information and/or documentation, a recommendation can be made to the relevant senior officer that the review or appeal should be dismissed.

(23) On receipt of the recommendation from the preliminary assessment, the senior officer may:

a. determine that the application should proceed to formal review in accordance with Section 5 of this Procedure; or
b. notify the student that the application is dismissed in accordance with Section 9 of this Procedure.

Section 5 - Conduct of a Formal Review

(24) Any formal review will be conducted in accordance with the procedural fairness and conduct of proceedings provisions of Section 2 of this Procedure.

(25) A reviewing officer may consider an application for review which has not been lodged within 20 working days from the date of notification of the decision where there is evidence of compassionate or compelling circumstances which demonstrates that the student could not submit the application within the 20 working days.

(26) The reviewing officer, or nominee, will conduct the review. If that officer had previously been involved in the decision to which the review relates, the material will be referred to another staff member or other appropriate person nominated by that officer's supervisor.

(27) Within 10 working days of receipt of the application for formal review:

a. receipt of the application must be acknowledged in writing, outlining the process for the conduct of the review. In the case of an international student this is also a requirement of the Education Services for Overseas Students Act 2000 (Cth) (ESOS Act) and National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (National Code); and
b. action will be initiated by the reviewing officer, or nominee to consider the application.

(28) The reviewing officer, or nominee may:

a. interview staff involved in the decision-making;
b. interview the student, whether at the initiative of the officer or in response to the student's written application for review.

(29) The reviewing officer, or nominee may seek advice from other relevant staff and/or access advice and/or expertise from such other person(s) as they deem appropriate.

(30) The reviewing officer will provide a report to the senior officer documenting the review to date together with a recommendation for decision. The senior officer is usually the Head of School, or equivalent, or Senior Manager in the relevant organisational unit.

(31) Following receipt of the reviewing officer's report, the senior officer will consider:

a. the report provided by the reviewing officer;
b. whether the application for review satisfies the grounds for review set out in Section 6 of the Student Appeals Policy; and
c. whether there has been a failure of regulation, policy or procedure or that an error has been made.

(32) The senior officer will determine whether the review is:

a. upheld;
b. upheld in part; or
c. dismissed.

(33) The senior officer will notify the student of the decision in accordance with Section 9 of this Procedure.

Section 6 - Conduct of a Procedural Appeal Against a Review Decision

(34) Any procedural appeal will be conducted in accordance with the procedural fairness and conduct of proceedings provisions of Section 2 of this Procedure.

(35) An Executive Dean or Director may consider an application for procedural appeal which has not been lodged within 20 working days from the date of notification of the decision where there is evidence of compassionate or compelling circumstances which demonstrates that the student could not submit the application within the 20 working days.

(36) Within 10 working days of receipt of the application for procedural appeal:

a. receipt of the application must be acknowledged, advising that the matter is under consideration. In the case of an international student this is also a requirement of the ESOS Act and National Code; and
b. action will be initiated by the Executive Dean or Director to consider the application.

(37) The Executive Dean or Director may conduct the appeal solely on the basis of the application and any material accompanying it, but may conduct any further investigations as the Executive Dean or Director considers appropriate.

(38) The Executive Dean or Director may seek advice from other relevant staff and/or access advice and/or expertise from such other person(s) as they deem appropriate.

(39) If the Executive Dean or Director considers that the student's appeal does not satisfy the grounds for appeal set out in Section 6 of the Student Appeals Policy, or does not establish that there has been a failure of regulation, policy or procedure or that an error has been made, the Executive Dean or Director may dismiss the appeal and will notify the student accordingly.

(40) If the Executive Dean or Director considers that the subject matter of the appeal falls within the scope of the Student Appeals Policy, satisfies the grounds for appeal set out in Section 6 of the Student Appeals Policy or establishes that there has been a failure of regulation, policy or procedure or that an error has been made, the Executive Dean or Director may uphold the appeal and either:

a. set aside the review decision and substitute a new decision; or
b. refer the matter back to the senior officer to reconsider the review decision, including where the appeal introduces new evidence or new ground for appeal.

(41) If the Executive Dean or Director considers that the procedural appeal introduces new evidence or new grounds for appeal and the associated information or evidence should be taken into consideration, the matter will be referred back to the level of the officer who undertook the initial review, for further consideration.

(42) Following a determination on the procedural appeal, the Executive Dean or Director will notify the student of the decision on the appeal in accordance with Section 9 of this Procedure.

(43) Subject to Section 7 of the Student Appeals Policy, in the majority of cases the decision of the Executive Dean or Director will be final.

Section 7 - Conduct of the University Appeals Committee

(44) Any appeal to the University Appeals Committee will be conducted in accordance with the procedural fairness and conduct of proceedings provisions of Section 2 of this Procedure.

(45) If the Academic Registrar considers that the student's appeal does not fall within the scope of the Student Appeals Policy, satisfy the grounds for appeal set out in Section 6 of the Student Appeals Policy or does not establish that there has been a failure of regulation, policy or procedure, or that an error has been made, the Academic Registrar may dismiss the appeal and will notify the student accordingly.

(46) If the Academic Registrar considers that the subject matter of the appeal does satisfy the grounds for appeal set out in Section 6 of the Student Appeals Policy and does establish that there has been a failure of regulation, policy or procedure or that an error has been made on a subject matter under Section 2 of the Student Appeals Policy then:

a. if the Academic Registrar considers the appeal introduces new evidence or new grounds for appeal under clause (10) of this Procedure, they may refer the matter back to a lower level for determination;
b. if the Academic Registrar considers that that the appeal warrants reconsideration at a lower level, they may be refer it back to that lower level for determination;
c. in all other cases, they will refer the matter to a University Appeals Committee.

(47) Action will be initiated in response to any application for appeal within 10 working days of receipt of the application by the Academic Registrar.

(48) In all cases the Office of the Academic Registrar will acknowledge receipt of the appeal and notify the student of the course of action being followed in writing within 10 working days. In the case of an international student this is also a requirement of the ESOS Act and National Code.

(49) The University Appeals Committee will comprise:

a. the Chair, appointed by the Chair, Academic Board;
b. two members of staff, at least one of whom must be an academic staff member, appointed by the Chair, Academic Board, or nominee;
c. one student appointed by the Director, Student Experience;
d. Normally a postgraduate student will be appointed in relation to an appeal by a postgraduate student, and an undergraduate student will be appointed in relation to an appeal by an undergraduate student.

(50) The quorum for a meeting of a University Appeals Committee will be three persons including the student member.

(51) A University Appeals Committee will not include any person who:

a. lodged a report which led to an investigation into the matter;
b. conducted any investigation or made any decision on the matter;
c. is responsible for any program or unit which is the subject of the appeal;
d. is responsible for any organisational unit providing administrative services of the type to which the appeal relates;
e. is otherwise directly involved in the circumstances of the matter under appeal; or
f. has given advice to the student in relation to the subject matter of the appeal.

(52) A University Appeals Committee will:

a. be convened and conduct such investigations as it deems appropriate as expeditiously as possible, consistent with the requirement to act fairly;
b. proceed in a way that is appropriate to the circumstances of the case;
c. have access to all documentation used in the review and appeal processes and determine either to deal with the matter or to make some other recommendation(s) to the University.

(53) Where the University Appeals Committee decides to deal with the matter under clause (52) of this Procedure, the committee will:

a. provide the student with the opportunity to respond in writing and to appear before the committee; and
b. reconsider the information and documentation used in the review and appeal processes, together with evidence presented by the University and/or the student, excluding any new evidence.

(54) In the case of an appeal to the University Appeals Committee against a decision under the Student Conduct Policy:

a. The support person appointed by the student in relation to an appeal may be a person with a qualification in law. In such proceedings, the support person may make submissions on the student's behalf unless, in the opinion of the Chair of the University Appeals Committee, the making of any such submission is or might be disruptive to, or may unreasonably extend, the proceedings.
b. The Academic Registrar on General Counsel's advice may appoint a person with a qualification in law or a member of the staff of the University to represent the University at the hearing. The person appointed may call and examine witnesses and may also make legal and/or other submissions unless, in the opinion of the University Appeals Committee, the making of any such submission is or might be disruptive to, or may unreasonably extend, the proceedings.

(55) A University Appeals Committee may:

a. confirm or vary the decision appealed;
b. confirm or vary any penalty appealed;
c. determine that the appeal is upheld in whole or in part and refer the matter back to a lower level;
d. uphold the appeal in whole or in part; or
e. dismiss the appeal in whole or in part.

(56) The Chair of the University Appeals Committee will provide a report on the University Appeals Committee's deliberations and decision to the Office of the Academic Registrar who will advise the student in writing of the decision on the appeal.

(57) The decision of a University Appeals Committee is final and there is no avenue of appeal against the decision to any other person or body within the University.

Section 8 - Management of Unreasonable Appellant Conduct

(58) Any staff member involved in the management of a student review or appeal that is subject to behaviour that may constitute unreasonable appellant conduct may refer the matter to the Academic Registrar.

(59) The Academic Registrar will determine whether the appellant's behaviour constitutes unreasonable appellant conduct in accordance with Section 10 of the Student Appeals Policy.

(60) Where the Academic Registrar determines that the behaviour constitutes unreasonable appellant conduct, the Academic Registrar may respond by taking any or all of the following actions:

a. limit contact with an appellant to a sole staff member;
b. limit or modify the forms and/or frequency of contact that the appellant can have with the University;
c. limit the length of documentation that will be accepted;
d. advise the student that the outcome is final, that the matter will not be investigated further, and no further correspondence on the matter will be responded to; and/or
e. prohibit further action on any review of appeal from the student without prior approval from the Academic Registrar.

(61) Any action under clause (60)d. or (60)e. should only be taken after consultation with the Office of General

Counsel.

(62) The Academic Registrar may refer the matter for consideration under the Fitness to Study Policy or the Student Conduct Policy.

Section 9 - Notification and Recording of Decisions

(63) The student will be notified of the decision on any application for review or any level of appeal under the Student Appeals Policy and this Procedure normally within 20 working days of the student's lodgement of the application for review or appeal at that level.

(64) The student will be notified of:

a. the process undertaken to consider the application;
b. the decision on the application;
c. the reason(s) for that decision and any associated recommendation(s);
d. any penalty imposed and any conditions thereon;
e. the avenue of appeal available to the student.

(65) In any case in which the matter has been referred to a University Appeals Committee, the student will be provided with a copy of the summary report of that Committee.

(66) In the case of an international student whose enrolment has been terminated, the student will also be notified of the possible implications of the decision on the student's visa.

(67) All documentation submitted by a student and all correspondence between the University and a student will be placed on the student's file and will be disposed of according to the Records Retention and Disposal Schedule.

(68) A copy of the decision on any application for review or any appeal will be provided, as relevant, to the decision maker(s) and/or such other officer(s) as may need to take action as a result of the decision.

(69) Any action required of the University as a result of an outcome of an appeal must be initiated within 10 working days of the notification.

(70) An annual summary and analysis of appeals must be tabled at the Student Administrative Lifecycle and Policy Committee (SALPC) for noting by Academic Board.

Section 10 - Schedules

Schedule 1

(71) The following tables detail the type of review and/or appeals covered by the Student Appeals Policy for academic and administrative matters, and the responsible officer for each level of the review and appeal. The review stage must be completed before proceeding to the appeal stage, and each appeal stage must be completed before proceeding to the next higher level of appeal.

Table 1: Academic Matters

Type of Review and/or Appeal	Application for Review Responsible Officers		Procedural Appeal Responsible Officer	Further Appeal
	Reviewing Officer	Senior Officer		

Administrative error in the determination of a final result under the Academic Regulations	Course Coordinator[1]	Head of School, or equivalent[2]	Executive Dean	na
Conduct of an assessment task under the Assessment Policy	Course Coordinator[1]	Head of School, or equivalent[2]	Executive Dean	na
Granting of credit under the Academic Regulations	Course Coordinator	Head of School, or equivalent	Executive Dean	na
Recognition of prior learning under the Recognition of Prior Learning Policy	Course Coordinator	Head of School, or equivalent	Executive Dean	na
Rejection of an application for an extension of time for submission of an assessment task, a deferred examination or for special consideration	Lecturer in Charge	Head of School, or equivalent	Executive Dean	na
An assessment decision regarding an Honours classification under the Academic Regulations	Course Coordinator	Head of School, or equivalent	Executive Dean	na
Termination of enrolment for unsatisfactory academic progress under the Academic Regulations	Academic staff member at Course Coordinator level who has not been involved in decision	Head of School, or equivalent	Executive Dean	na
Program completion under the relevant program rules	Course Coordinator	Head of School, or equivalent	Executive Dean	na
A decision of an Academic Integrity Officer under the Student Academic Integrity and Misconduct Policy	Another Academic Integrity Officer who has not been involved in decision	Head of School, or equivalent	Executive Dean	na
A decision by a Faculty Academic Misconduct Committee under the Student Academic Integrity and Misconduct Policy	na	na	na	University Appeals Committee
Breach of the Student Conduct Policy	na	na	na	University Appeals Committee

[1] In the case of service taught units, this should be a staff member at Course Coordinator level from the teaching school.

[2] In the case of service taught units, this should be the Head of School, or equivalent from the teaching school.

Table 2: Administrative Matters

Type of Review and/or Appeal	Application for Review Responsible Officers		Procedural Appeal Responsible Officer	Further Appeal
	Reviewing Officer	Senior Officer		
Administration of the Commonwealth Government's Higher Education Loan Program (eg HECS-HELP, FEE-HELP)	National Manager, Academic Progress and Fees	Associate Director, Enrolment, Progression, Completion	Academic Registrar	na

Administration of the Commonwealth Government's Higher Education Loan Program OS-HELP	Manager, Global Learning	Associate Director, Global Marketing and Partnerships	Director, Global Engagement	na
Admission to a program under the Admission to Coursework Programs Policy for current ACU domestic students	National Manager, Direct Admissions Services (direct applicants); National Manager, TAC Admissions (direct applicants);	Associate Director, Student Administrative Services	Academic Registrar	na
Admission to a program under the Admission to Coursework Programs Policy for current Global and Education Pathways students	Manager, International Admissions	Associate Director, Strategic Support and Operations	Director, Global Engagement	na
Award of Commonwealth Scholarships	Coordinator, Scholarships	Associate Director, Enrolment, Progression, Completion	Academic Registrar	na
Enrolment (administrative decisions)	National Manager, Enrolments and Student Records	Associate Director, Enrolment, Progression, Completion	Academic Registrar	na
Fees/financial liability including re-credit of unit/s and refund of fees in special circumstances for domestic students	National Manager, Academic Progress and Fees	Associate Director, Enrolment, Progression, Completion	na	na
Fees/financial liability including re-credit of unit/s and refund of fees in special circumstances for international students	National Manager, Academic Progress and Fees	Associate Director, Enrolment, Progression, Completion	Academic Registrar	na
Fee for late enrolment or late payment of fees	National Manager, Academic Progress and Fees	Associate Director, Enrolment, Progression, Completion	Academic Registrar	na
Notification of cancellation of Confirmation of Enrolment (COE) to the relevant Australian Government department	Senior Compliance Coordinator	Associate Director, Strategic Support and Operations	Director, Global Engagement	na
Refusal to grant a letter of release to an international student prior to the expiration of six calendar months in the student's principal course of study	Senior Compliance Coordinator	Associate Director, Strategic Support and Operations	Director, Global Engagement	na

Section 11 - Associated Information

(72) For related legislation, policies, procedures and guidelines and any supporting resources please refer to the Associated Information tab.

Status and Details

Status	Historic
Effective Date	19th December 2023
Review Date	30th April 2024
Approval Authority	
Approval Date	19th December 2023
Expiry Date	21st July 2024
Responsible Executive	Helen Murnane Academic Registrar
Responsible Manager	Gerard Goodwin-Moore National Manager, Student Policy and Appeals
Enquiries Contact	Catherine McKiver Senior Policy Officer Student Administration