

# University Appeal Procedure



## 1 Purpose

To establish the process for review of a University Appeal lodged by a Student.

## 2 Scope

This procedure applies to all Appeals by Students, or their Authorised Representative, in relation to Decisions made by:

- the Academic Appeals Committee;
- the Non-Academic Appeals Committee; or
- any other Appeals committee of the University which provides for recourse to the University Appeals Panel.

### Inclusions:

This procedure applies to Appeals by other eligible appellants who have recourse through the Academic Appeal Procedure and Non-Academic Appeal Procedure.

### Exclusions:

This procedure is limited to Appeals on the grounds set out in Section 4.1.

## 3 Procedure Overview

The University Appeal Procedure establishes the process for University Appeals lodged by Students in line with the University's commitment to natural justice and procedural fairness. The University Appeals Panel will conduct all Appeals according to the Terms of Reference of the University Appeals Panel.

## 4 Procedures

### 4.1 Grounds for Appeal

The University Appeal process will be administered in accordance with the principles of natural

justice and fairness to all parties. Grounds for a University Appeal are limited to the following:

1. The appropriate policy or procedure was not adhered to or correct procedures were not followed in considering or handling the original Appeal; and/or
2. The original Appeal Decision was made without appropriate regard to the facts, and circumstances; and/or
3. The original Appeal Decision was manifestly incorrect or unjust or the penalty, where applicable, is excessive in view of the nature and circumstances of the offence; and/or
4. The original Appeal Decision or the process leading to it did not comply with the principles of natural justice; and/or
5. The original Appeal committee did not have jurisdiction to make the Decision appealed against.

## 4.2 Seeking help and support services

Students who are considering lodging a University Appeal may seek assistance and support from University support services or Student representative organisations. These include, but are not limited to:

1. a Psychologist, Counsellor or Disability Support Officer from Student Services
2. an Advocacy Officer from the Student Guild
3. a language interpreter
4. a Student Relationship Officer.

## 4.3 Lodging an Appeal

Students will receive Notice of the Decision made in relation to their Appeal to the Academic Appeals Committee, the Non-Academic Appeals Committee, or any other University Appeals committee which provides for recourse to the University Appeals Panel. Students whose Appeals have been rejected will also receive Notice as to the process to follow if they wish to consider making an Appeal to the University Appeals Panel.

A University Appeal must be lodged using the University Appeal Form and must be lodged within 20 University Business Days of the Student having received Notice of the original Appeal outcome/decision. University Appeals lodged after the time limit, or after any extension which may be granted by the Vice-Chancellor, will not be considered. Extensions are not typically given for University Appeals, however the Vice-Chancellor will have the sole discretion to

determine if any extension is to be given.

## 4.4 Receipt of Appeals

Receipt of a formal University Appeal will be acknowledged by Notice from the Vice-Chancellor or their delegate within 10 University Business Days of receipt by the University of the University Appeal. All reasonable measures will be taken to finalise the process as soon as practicable. Should the matter be unresolved after 20 University Business Days from the date of receipt by the University of the University Appeal, the Student will be kept appropriately informed by the Vice-Chancellor or their delegate of the process and its progress.

## 4.5 Appeals Process

1. The Vice-Chancellor or their delegate will determine whether the Appeal meets the criteria set out in Sections 4.1 and 4.3.
2. Where the Vice-Chancellor or their delegate determines that a submitted Appeal does not meet the criteria to be reviewed by the University Appeals Panel, the Vice-Chancellor will give the Student Notice to that effect, normally within 10 University Business Days of the receipt by the University of such an Appeal.
3. Where the Vice-Chancellor or their delegate determines that the Appeal meets the criteria, the Vice-Chancellor will give the Student Notice to that effect, normally within 10 University Business Days of the receipt by the University of such Appeal and that a University Appeals Panel will be constituted.
4. The Vice-Chancellor will appoint a University Appeals Panel with membership as provided in the Terms of Reference of the University Appeals Panel.
5. The Chair of the University Appeals Panel will give the Student Notice of:
  1. their right to attend the review, to be represented by an Authorised Representative, or to bring with them to the review a Student Support Person or Student Advocate;
  2. the date upon which the Appeal review will be reviewed; and
  3. the location of the review, including options for alternate methods of participation (e.g. teleconference).
6. The Appeal review will be conducted in accordance with the Terms of Reference for the University Appeals Panel.
7. The Chair of the University Appeals Panel has the authority to call for any documentary or other related evidence.

8. The University Appeals Panel will recommend to the Vice-Chancellor that the University Appeal be upheld if the University Appeals Panel is satisfied that the grounds of Appeal (limited to those set out in Section 4.1) have been proven on the balance of probabilities.
9. If the University Appeals Panel is not so satisfied, then the University Appeals Panel will recommend to the Vice-Chancellor that the University Appeal not be upheld.
10. Where the Vice-Chancellor accepts the recommendation of the University Appeals Panel that the University Appeal be upheld, the Vice-Chancellor or their delegate shall give Notice to the Student that their Appeal has been successful and that the original Decision made in relation to the original Appeal will be reviewed by the committee initially hearing the Appeal, or on the recommendation of the University Appeals Panel, a differently constituted committee.
11. Where the Vice-Chancellor accepts the recommendation of the University Appeals Panel that the University Appeal not be upheld, the Vice-Chancellor or their delegate shall give Notice to the Student that their Appeal was not successful.

All Decisions of the Vice-Chancellor in relation to University Appeals are final.

## **4.6 Referral to an external agency**

Students have the right to refer their issue to an external agency at any stage of the Appeal process. However, this should normally only be done after exhausting all of the avenues of resolution available within the University.

## **4.7 Rights and Responsibilities**

The Panel must ensure that all parties' rights and responsibilities are recognised.

The Vice-Chancellor may reject University Appeals that are vexatious or malicious.

Confidentiality and privacy are to be maintained at all times by all parties wherever possible.

The University is not liable for any expenses incurred by the Student or any Student Support Person or Student Advocate assisting the Student, Employees or other attendees at meetings of the Appeals Panel.

Students will have the right, at any time, to withdraw an Appeal which they have lodged as specified in the Notice provided by the Vice-Chancellor or their delegate.

## **4.8 Impact on Enrolment**

A Student may remain Enrolled in their course of study pending the outcome of a University Appeal, including Enrolment in any Course for which the Course under University Appeal is a

prerequisite, unless it is demonstrated to the Academic Registrar's satisfaction that the Student should not be permitted to continue their Enrolment.

If a University Appeal is in relation to a determination of misconduct that has resulted in the emergency exclusion of the Student from the University, the Student's Enrolment will have already been cancelled.

In determining the matter of Enrolment, the Vice-Chancellor or their delegate will take into account material presented by the Academic Division and the Student.

If the University Appeal is denied, the Student's Enrolment will be adjusted accordingly.

## 4.9 Post Appeal

The Chair will ensure the implementation of any Decision and/or corrective and preventative action arising from a University Appeal in accordance with the University's policies and procedures. This must be completed as soon as possible after the University Appeal Decision. The Chair will monitor and report back to the Vice-Chancellor on any actions.

All parties involved in a University Appeal must receive regular Notice from the Chair, of progress or outcomes, including the reasons for the outcome.

## 4.10 Reporting

The Vice-Chancellor will prepare an annual summary (de-identified) on the work of the University Appeals Panel.

## 5 References

Nil.

## 6 Schedules

This procedure must be read in conjunction with its subordinate schedules as provided in the table below.

## 7 Procedure Information

<b>Subordinate Schedules</b>	
<b>Accountable Officer</b>	Vice-Chancellor
<b>Responsible Officer</b>	Deputy Vice-Chancellor (Academic)

<b>Policy Type</b>	University Procedure
<b>Approved Date</b>	6/7/2015
<b>Effective Date</b>	20/7/2015
<b>Review Date</b>	20/7/2018
<b>Relevant Legislation</b>	<a href="#">Education Services for Overseas Students Act 2000</a> <a href="#">Electronic Transactions Act 1999</a> <a href="#">Higher Education Administrative Information for Providers</a> <a href="#">Higher Education Support Act 2003</a> <a href="#">University of Southern Queensland Act 1998</a>
<b>Related Policies</b>	<a href="#">Academic Integrity Policy</a> <a href="#">Admissions Policy</a> <a href="#">Assessment Policy</a> <a href="#">Award Eligibility and Graduation Policy</a> <a href="#">Enrolment Policy</a> <a href="#">Records and Information Management Policy</a> <a href="#">Research Code of Conduct Policy</a> <a href="#">Student Complaint and Appeal Policy</a>
<b>Related Procedures</b>	<a href="#">Academic Appeal Procedure</a> <a href="#">Academic Integrity Procedure</a> <a href="#">Admissions Procedure</a> <a href="#">Assessment Procedure</a> <a href="#">Credit and Exemption Procedure</a> <a href="#">Enrolment Procedure</a> <a href="#">Formal Examinations Procedure</a> <a href="#">Non-Academic Appeal Procedure</a>

<b>Related forms, publications and websites</b>	<a href="#">Feedback, Complaints and Appeals</a> <a href="#">University Appeals Panel Terms of Reference</a>
<b>Definitions</b>	<p><b>Terms defined in the Definitions Dictionary</b></p> <p><a href="#">Academic Appeal</a></p> <p>A formal, written request made by a Student to the Academic Appeals Committee to have a Decision, in relation to an academic matter, overturned.</p> <p><a href="#">Academic Registrar</a></p> <p>The Pro Vice-Chancellor (Student Services) including a person acting in that position.</p> <p><a href="#">Appeal</a></p> <p>A formal, written request made by a Student or Employee to a higher authority to have a Decision overturned.</p> <p><a href="#">Authorised Representative</a></p> <p>A representative who has been authorised to represent or act on behalf of a Student and acknowledged as such by the University in writing and in compliance with relevant University policy.</p> <p><a href="#">Complaint</a></p> <p>A Complaint is an “expression of dissatisfaction made to or about the University, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required”.</p> <p><a href="#">Course</a></p> <p>The basic unit of study and assessment for which a Student may be awarded a grade, and may accumulate credit units towards completion of a Program.</p> <p><a href="#">Decision</a></p> <p>A determination made by an Employee, contractor or other authorised delegate in the course of their duties on behalf of the University.</p> <p><a href="#">Employee</a></p> <p>A person employed by the University and whose conditions of</p>

employment are covered by the USQ Enterprise Agreement and includes persons employed on a continuing, fixed term or casual basis. Employees also include senior Employees whose conditions of employment are covered by a written agreement or contract with the University.

### [Enrolment](#)

The process of admitting Students to one or more Courses for the current Academic Year.

### [General Misconduct](#)

Behaviour or conduct by a Student which: is deemed to be serious in nature; and is a deliberate failure to comply with the specific provisions of the Student Code of Conduct; and/or is persistent or negligent behaviour in breach of the Student Code of Conduct; and does not constitute as Academic or Research Misconduct, including a breach in research or failure to implement the Research Code of Conduct.

### [Non-Academic Appeal](#)

A formal, written request made by a Student to a higher authority to have a Decision, in relation to a non-academic matter, overturned.

### [Notice](#)

A Notice from the University is a document, whether physical or electronic. A Notice may be: given by hand to the addressee or delivered to the address provided by the addressee to the University; or sent by registered or pre-paid mail to the address provided by the addressee to the University; or sent by electronic communication to the University-issued email account provided by the University to a Student during the period of Enrolment until the completion of their program; or sent by electronic communication to the email address provided to the University by an addressee not enrolled at the University. A Notice is taken to be received if: given by hand to the addressee or delivered to the address provided to the University by the addressee; or sent by registered or pre-paid mail - three University Business Days after the date of posting; or sent by electronic communication - at the time that would be the time of receipt under the Electronic Transactions Act 1999 or its succeeding legislation. A Notice that would be deemed to have been received out of business hours or on a non-University Business Day will instead be deemed received on the next University Business Day.

### [Student](#)



A person who: has been Admitted or Enrolled in an Academic Program at the University, but has not yet graduated from the program; or has been Enrolled in a Course at the University but has not yet completed the Course.

#### [Student Advocate](#)

A Student Support Person who has the permission of a Student who has lodged an Appeal or made a Complaint, to communicate on their behalf, including to seek clarification.

#### [Student Support Person](#)

A person who can provide support to a Student who has lodged an Appeal or made a Complaint. The Student Support Person may attend any meeting with that Student as an observer but may not, unless they are the Student Advocate, participate in or express opinions at the meeting.

#### [University](#)

The term 'University' or 'USQ' means the University of Southern Queensland.

#### [University Appeal](#)

A formal, written request made by a Student or other eligible appellant who has recourse through the Academic Appeal Procedure and Non-Academic Appeal Procedure to the University Appeals Panel, to appeal a Decision made by any University committee which provides for recourse to the University Appeals Panel.

#### [University Business Days](#)

The days of Monday to Friday inclusive between 9am and 5pm Australian Eastern Standard Time (AEST), with the exclusion of gazetted Public Holidays for the relevant campus location, plus the closure of the University between 25 December and 1 January in the following year inclusive as specified in the USQ Enterprise Agreement, as well as any closure of the University either at one or several campuses in accordance with a direction of the Crisis Management Team.

#### **Definitions that relate to this procedure only**

#### **Keywords**

