

# Non-Academic Appeal Procedure



## 1 Purpose

To establish the process for management of Non-Academic Appeals lodged by Students.

## 2 Scope

This procedure applies to all Appeals by Students, or their Authorised Representative in relation to Decisions and/or penalties relating to non-academic matters.

### Exclusions:

This procedure does not apply to:

- Appeals by Students in relation to academic matters. Please refer to the Academic Appeal Procedure
- Appeals by Employees in relation to employment matters. Please refer to the relevant human resource policy or procedure
- Library and Parking fines
- A Review of Decision in relation to waiving academic and financial penalty
- A Review of Decision in relation to a breach of rules of University accommodation
- A Review of Decision in relation to a breach of Scholarship or Bursary requirements.
- A Review of Decision in relation to the denial of Admission to a University program.

## 3 Procedure Overview

The Non-Academic Appeal Procedure establishes the process for Non-Academic Appeals lodged by Students about Decisions relating to non-academic matters in line with the University's commitment to natural justice and procedural fairness. The University will uphold appropriate standards throughout the Complaint Management process.

## 4 Procedures

## 4.1 Types of Appeal

The Non-Academic Appeals Committee will hear Appeals lodged by Students against Decisions relating to non-academic matters, usually arising from, but not limited to:

1. policies and procedures that provide for recourse to the Non-Academic Appeals Committee; and/or
2. Committee Decisions on non-academic matters other than where a different Non-Academic Appeal process is specified in the relevant University policy; and/or
3. Decisions relating to non-academic matters that normally relate to one or more of:
  1. General Misconduct; and/or
  2. International Student transfer between providers requests; and/or
  3. Disability support/adjustments.

## 4.2 Grounds for Appeal

The Non-Academic Appeal process will be administered in accordance with the principles of natural justice and fairness to all parties. Grounds for a Non-Academic Appeal include one or more of the following situations:

1. The appropriate policy or procedure was not adhered to or correct procedures were not followed in considering or handling the matter (i.e. procedural irregularity); and/or
2. The Decision was made without due regard to facts, evidence or circumstances; and/or
3. The Decision, was manifestly incorrect or unjust or the penalty, where applicable, exceeds the nature of the offence.

## 4.3 Consultation and informal resolution process

Prior to lodging a Non-Academic Appeal, Students must demonstrate they have engaged in either a consultation or informal resolution process.

To initiate consultation or informal resolution, Students should contact the original Decision maker to see if an informal resolution can be reached. Should local procedures be in place for consultation and informal resolution with respect to a particular matter, these must be followed.

Students must demonstrate that they have undertaken the following actions as applicable:

1. requested the relevant Decision maker to check that no administrative error has occurred; and/or
2. discussed with the Decision maker the grounds upon which the Student, or resident of the residential colleges, considers that decision is incorrect or the penalty is excessive; and/or
3. discussed with Decision maker or other appropriate person, such other issue of concern set out in 4.1 above.

If an administrative error has occurred, the Decision must be adjusted accordingly.

## **4.4 Seeking help and support services**

Students who are considering lodging a Non-Academic Appeal may seek assistance and support from University support services, Student representative organisations or Mediation services. 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
5. Mediation support. Independent Mediation is available through the Dispute Resolution Branch, Queensland Department of Justice and Attorney-General.

## **4.5 Authority to Act**

Students who would like an Authorised Representative to act on their behalf in relation to lodging a Non-Academic Appeal must arrange official permission with the University in accordance with the Student Authority to Act Procedure.

## **4.6 Lodging an Appeal**

If the consultation or informal resolution process does not resolve the matter, a Non-Academic Appeal may be lodged using the University's Non-Academic Appeal Form. Such Non-Academic Appeal must be lodged within 20 University Business Days of receipt of advice or Notice upon which the Student intends to Appeal, or within other legislative timeframe requirements as applicable.

Extensions are not typically given for Non-Academic Appeals. The Chair of the Non-Academic

Appeals Committee will determine if an extension is to be given. Non-Academic Appeals lodged after the time limit, or after any extension which may be granted, will not be heard.

## 4.7 Receipt of Appeals

Receipt of a formal Non-Academic Appeal will be acknowledged by Notice from the Secretary of the Committee within 10 University Business Days of receipt by the University of the Non-Academic 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 Non-Academic Appeal, the Student will be kept appropriately informed by the Committee Secretary of the process and its progress.

## 4.8 Appeals process

1. The Chair of the Non-Academic Appeals Committee will determine whether the Appeal meets the criteria as set out in Sections 4.1, 4.2, 4.3 and 4.6 of this procedure. Where it is determined that a submitted Appeal does not meet the criteria to be heard by the Non-Academic Appeals Committee, the Student will be given Notice to that effect by the Committee Secretary, normally within 10 University Business Days of the receipt by the University of such an Appeal.
2. All such preliminary Decisions, and the rationale upon which they are based, must be reported at the next meeting of the Non-Academic Appeals Committee.
3. Where the Chair of the Non-Academic Appeals Committee determines that the Appeal meets the criteria, the Student will be given Notice, normally within 10 University Business Days of the receipt by the University of such Appeal, of:
  1. their right to attend the hearing, to be represented by an Authorised Representative, or to bring with them to the hearing a Student Support Person or Student Advocate;
  2. the date upon which the Appeal hearing will be heard; and
  3. the location of the hearing, including options for alternate methods of participation (e.g. teleconference).
4. The Appeal hearing will be conducted in accordance with the Terms of Reference for the Non-Academic Appeals Committee.
5. The Non-Academic Appeals Committee will uphold the Non-Academic Appeal if members are satisfied that:
  1. there has been a breach of the University's policies or procedures sufficient to cause disadvantage to the Student.

2. the Student has been unfairly treated in the process of applying any policy and/or procedure which provides for recourse to the Non-Academic Appeals Committee.

6. In the case of a Non-Academic Appeal being upheld as above:

1. The Chair of the Non-Academic Appeals Committee shall give Notice to the Student that their Appeal has been successful and that the disputed Decision or penalty will be adjusted or withdrawn as appropriate.
2. The Chair of the Non-Academic Appeals Committee shall advise the relevant Accountable Officer that a breach of the University's policies or procedures has occurred.
3. The Accountable Officer will take appropriate steps to ensure that any effects of the breach on other Students are minimised.

7. Students whose Appeals have been rejected by the Non-Academic Appeals Committee will be advised in writing by the Chair, and of their right, within 20 University Business Days of receipt of the written advice, of Appeal to the University Appeals Panel on the grounds of:

1. procedural irregularity; and/or
2. manifestly incorrect Decision and/or unfair penalty; and/or
3. new evidence not available at the time of the original Appeal which may have material impact on the outcome.

The University Appeals Panel is the highest Appeal body of the University and matters may only be referred to the University Appeals Panel if all other avenues of Appeal have been exhausted.

Appeals to the University Appeals Panel are to be made in accordance with the University Appeal Procedure.

Decisions of the Vice-Chancellor, based on recommendations from the University Appeals Panel, are final.

## **4.9 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 would normally only be done after exhausting all avenues for resolution available within the University.

## **4.10 Rights and responsibilities**

Students should make Non-Academic Appeals responsibly and the University will treat them seriously and with regard to the rights of all parties. Students normally will not suffer any form of disadvantage as a result of making a Complaint or Appeal. However, there will be provision to protect the University and its Employees from vexatious or malicious Non-Academic Appeals.

The University will aim to resolve all Complaints and Appeals in a fair, impartial, consistent, respectful and timely manner.

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

Students have the right, at any time, to withdraw an Appeal which they have lodged by providing such advice in writing to the Secretary of the Non-Academic Appeals Committee via [non-academicappeals@usq.edu.au](mailto:non-academicappeals@usq.edu.au).

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 Appeals Committees.

#### **4.11 Impact on Enrolment**

Students may remain enrolled in their Course of study pending the outcome of a Non-Academic Appeal unless it is demonstrated to the satisfaction of the Academic Registrar that the University's duty of care to the public is such that the Student should not be permitted to continue their Enrolment.

Students will not be allowed to remain Enrolled if they are subject to an emergency exclusion by the Vice-Chancellor or relevant delegate in accordance with the Student Code of Conduct Policy.

#### **4.12 Post Appeal**

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

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

#### **4.13 Record keeping**

The Committee Secretary will be responsible for ensuring complete and accurate recording of all material in accordance with University Policy and regulatory obligations. Records will be kept of the Appeal process and outcome.

## 4.14 Reporting

The Pro Vice-Chancellor (Student Services) will prepare an annual report of the work of the Non-Academic Appeals Committee and submit the report to the Vice-Chancellor through the Vice-Chancellor's Executive (VCE).

## 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>	Pro Vice-Chancellor (Student Services)
<b>Responsible Officer</b>	Director (Student and Academic Support)
<b>Policy Type</b>	University Procedure
<b>Approved Date</b>	27/7/2016
<b>Effective Date</b>	27/7/2016
<b>Review Date</b>	20/7/2018
<b>Relevant Legislation</b>	<a href="#"><i>Education Services for Overseas Students Act 2000</i></a> <a href="#"><i>Electronic Transactions Act 1999</i></a> <a href="#"><i>Higher Education Support Act 2003</i></a> <a href="#"><i>Higher Education Administrative Information for Providers</i></a> <a href="#"><i>University of Southern Queensland Act 1998</i></a>
<b>Related Policies</b>	<a href="#">Enrolment Policy</a> <a href="#">Records and Information Management Policy</a> <a href="#">Student Code of Conduct Policy</a>

	<p><a href="#">Student Complaint and Appeal Policy</a></p> <p><a href="#">Students with a Disability Policy and Procedure</a></p>
<b>Related Procedures</b>	<p><a href="#">Alcohol and Drugs on University Sites Procedure</a></p> <p><a href="#">Assessment of Compassionate and Compelling Circumstances Procedure</a></p> <p><a href="#">Enrolment Procedure</a></p> <p><a href="#">Transfer Between Providers Procedure</a></p> <p><a href="#">Review of Decision Procedure</a></p> <p><a href="#">Student Authority to Act Procedure</a></p> <p><a href="#">Student General Misconduct Procedure</a></p> <p><a href="#">University Appeal Procedure</a></p>
<b>Related forms, publications and websites</b>	<p><a href="#">Accommodation</a></p> <p><a href="#">Disability Resources</a></p> <p><a href="#">Feedback, Complaints and Appeals</a></p> <p><a href="#">Forms &amp; Useful Information</a></p> <p><a href="#">Non-Academic Appeal Form</a></p> <p><a href="#">Non-Academic Appeals Committee Terms of Reference</a></p> <p><a href="#">Residential Colleges Handbook</a></p> <p><a href="#">Residential Colleges - Conditions of Residency</a></p>
<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>

### [Accountable Officer](#)

The person or entity accountable for the Policy or Procedure including development, implementation, monitoring and review. The Accountable Officer may nominate a Responsible Officer to manage this on their behalf.

### [Admission](#)

The process of submission and assessment of applications for entry to study at the University.

### [Applicant](#)

A person who applies for any program or Course of study offered by the University whether the application is made through the Queensland Tertiary Admission Centre (QTAC) or directly to the University.

### [Authorised Representative](#)

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.

### [Authority to Act](#)

An Authority to Act is an official permission given by a person to another person and/or entity to act on certain matters, or granted to a person or entity to act on behalf of another person through an existing legal instrument for a certain period of time. An Authority to Act can be given in relation to all business transactions with the University, or extended in relation to certain matters only.

### [Bursary](#)

A type of financial grant provided to certain Students to assist with the costs associated with attending the University. A Bursary is a monetary grant provided to Students based on financial need and/or academic performance. A Bursary is provided to the Student by the University.

### [Course](#)

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.

### [Decision](#)

A determination made by an Employee, contractor or other authorised delegate in the course of their duties on behalf of the University.

### [Employee](#)

A person employed by the University and whose conditions of 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.

### [International Student](#)

A Student who is not an Australian citizen, a New Zealand citizen, an Australian Permanent Resident or the holder of an Australian permanent humanitarian visa.

### [Mediation](#)

A process in which parties to a dispute, with the assistance of a neutral third party ('the Mediator'), identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The Mediator has no advisory or other determinative role with regard to the content of the dispute or the outcome of its resolution, but may advise on or determine the process of mediation whereby resolution is attempted.

### [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.

### [Higher Degree by Research \(HDR\)](#)

A Research Doctorate or Research Masters program for which at least two-thirds of the Student load for the program is required as research work.

### [Review of Decision](#)

A merits review of a Decision made by the University in relation to a Student matter where the relevant policy or procedure relating to the matter allows for a review of Decision. The Review of Decision will be undertaken in accordance with the Review of Decision Procedure.

### [Scholarship](#)

A Scholarship is Student recognition, typically based on Academic Merit, which provides a financial grant to a Student to undertake or complete a program of study at the University over a nominated period of time, in accordance with the selection criteria. A Scholarship may take the form of periodic payments to the Student or a reduction in specified costs, such as tuition fees for the duration of the Scholarship.

### [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**

