

# Review of Decision Procedure



## 1 Purpose

To establish the process and responsibilities for the Review of Decisions made by the University.

## 2 Scope

This procedure applies to all requests for a Review of Decision lodged by Students in relation to Decisions made by the University. The policy and/or procedure relevant to an original Decision must provide for recourse to the Review of Decision Procedure.

### Exclusions:

This procedure does not apply to Complaints or Appeals.

For Complaints refer to the Student Complaint Management Procedure.

For Academic Appeals refer to the Academic Appeal Procedure.

For Non-Academic Appeals refer to the Non-Academic Appeal Procedure.

## 3 Procedure Overview

This procedure establishes the process and responsibilities for undertaking a Review of Decision.

## 4 Procedures

### 4.1 Types of Decisions for review

If a Student is dissatisfied with a Decision made by the University, the Student is able to lodge a request to have the Decision reviewed. Requests for Review of Decision can be made in relation to:

- denial of Admission to a University program
- assessment of financial assistance scheme

- denial of a request for a Student financial loan
- cancellation of Enrolment due to not maintaining satisfactory attendance requirements for International Student visa holders studying a Non-Award Program
- breach of non-academic Scholarship or Bursary conditions
- Student fee refund
- waiving academic penalty and with fee reversal
- any Decision made by the University where the relevant policy or procedure allows for recourse to the Review of Decision Procedure.

## 5 Requesting a Review of Decision

### 5.1 Informal resolution process

The University encourages Students to try to resolve issues informally in the first instance.

If an attempt at informal resolution of an issue is not successful, or a Student does not feel comfortable seeking informal resolution, the Student may lodge a Review of Decision request.

### 5.2 Seeking help and support services

Students who are considering requesting a Review of Decision 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.

### 5.3 Grounds for Review of Decision

The Review of Decision process will be administered in accordance with the principles of natural justice and fairness to all parties. Grounds for a Review of Decision 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.

## **5.4 Assignment of reviewing officer**

The Accountable Officer for the relevant Decision about which a request for Review of Decision has been lodged will appoint a reviewing officer to undertake the Review of Decision process. Normally the reviewing officer will be the relevant Director of the person who made the original Decision.

## **5.5 Requesting a Review of Decision**

To request a Review of Decision a Student should write to the relevant reviewing officer as specified in the Decision outcome Notice.

The following information, as applicable, should be included in the request for a Review of Decision:

- full name of the person requesting the review of Decision
- contact details including phone number, email and mailing address
- Student number
- the details of the Decision about which the Review of Decision is being requested
- the reason for requesting the Review of Decision
- the names and positions of any Employees involved (if known)
- details of any steps taken to resolve the issue informally
- any relevant correspondence from the University including reference numbers
- any relevant evidence

- any special support services required such as translator or disability support
- any other relevant information.

A Review of Decision must be lodged within 20 University Business Days of the receipt of the advice or Notice upon which the Student intends to request a review, or within other legislated timeframes as applicable.

Extensions for a Review of Decision are not typically given. The relevant reviewing officer will determine if an extension is to be given.

Students will not normally suffer any form of disadvantage as a result of requesting a Review of Decision. The making of vexatious or frivolous requests for Review of Decision may however result in a Student's conduct being investigated, and may also result in disciplinary action, under the Student Code of Conduct Policy.

## **5.6 Receipt of a Review of Decision request**

Receipt of a Review of Decision request will be acknowledged by Notice, normally within five University Business Days of receipt by the reviewing officer.

The University will aim to resolve all requests to Review a Decision in a fair, impartial, consistent, respectful and timely manner. All reasonable measures will be taken to finalise the process as soon as reasonably possible and normally within 10 University Business Days from date of receipt. Should the matter be unresolved after the timeframe specified within the relevant policy or procedure for the Review of Decision request, the Student will be kept appropriately informed by the reviewing officer.

## **5.7 Initial assessment**

The relevant reviewing officer will undertake an initial assessment of all requests to Review a Decision received to determine if:

- the request constitutes a valid request for a Review of Decision
- if further information is required in order to address the issue raised
- if the request is vexatious or frivolous
- if the request should be dealt with as a Complaint or an Appeal in accordance with the University's Student Complaint and Appeal Policy.

## **5.8 Tracking of the request to Review a Decision**

The progress of a request to Review a Decision shall be recorded and tracked by the reviewing officer within the University's record keeping system.

Should the Review of Decision process take longer than the normal 10 University Business Days, Students who enquire will be kept informed as to the progress of their request for a Review of Decision and the steps being taken to resolve it.

Wherever possible, steps will be taken to safeguard the confidentiality of any information provided as part of the Review of Decision process.

## **5.9 Undertaking the review**

The merit review process is used for the Review of Decisions. This means that the original Decision is reviewed by a reviewing officer who is an independent Decision maker. The reviewing officer will place themselves in the position of the original Decision maker and reconsider the Decision using the same process as provided in the relevant policy or procedure. They will reconsider the evidence presented to determine whether the original Decision was fair and equitable.

### **5.9.1 Evidence**

Students who request a Review of Decision may provide new evidence not available at the time of the original Decision being made that may have material impact on the outcome.

## **5.10 Decision**

At the conclusion of the review process an outcome will be reached by the independent reviewing officer in relation to the original Decision. This will be made in accordance with the processes set out in the relevant policies and/or procedures for the relevant Decision type.

All requests to Review a Decision will be resolved as soon as reasonably possible and normally within 10 University Business days upon receipt of the request.

The University recognises that, in order to ensure a fair and equitable outcome is achieved, complex issues involving multiple parties normally take longer to resolve. Should the Review of Decision process take longer than the normal 10 University Business Days, Students who enquire will be kept informed as to the progress of their Review of Decision and the steps being taken to resolve it.

## **5.11 Communication of the outcome of the Review of Decision**

The reviewing officer will provide Students and other parties involved in a Review of Decision with a Notice stating the outcome of the Review of Decision. This will include a brief reason for

the outcome.

## **5.12 Closure of the Review**

Upon completion, the outcome of the review will be recorded in the University's record keeping system and the request for Review of Decision closed by the reviewing officer.

## **5.13 Record keeping**

The reviewing officer handling the Review of Decision is responsible for ensuring complete and accurate recording of all material in accordance with University Policy and regulatory obligations. Records will be kept of the Review of Decision process and outcome.

## **5.14 Implementation**

Unless otherwise determined and recorded, all Decisions in relation to a Review of Decision will be implemented with immediate effect and communicated in accordance with Section 5.11.

Where a Decision has been made by the University that supports the Student, the University will, as soon as reasonably practical, implement the Decision and/or corrective action required and advise the Student by Notice of the Decision.

Where a Decision has been made by the University that does not support the Student, the University will advise the Student by Notice of the Decision.

## **5.15 Options for external review or Appeal**

If a Student is dissatisfied with the outcome of the Review of Decision process, the Student has the right to refer their issue to an external agency. External agencies may include:

1. the Administrative Appeals Tribunal (AAT); or
2. the Office of the Information Commissioner; or
3. the State or Territory Ombudsman Office for Students studying within Australia or the Commonwealth Ombudsman or the Commonwealth Ombudsman's Office for Students studying internationally (in relation to the application of policies and procedures and administrative processes).

## **6 References**

Nil.

## 7 Schedules

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

## 8 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>	15/1/2016
<b>Effective Date</b>	15/1/2016
<b>Review Date</b>	20/7/2018
<b>Relevant Legislation</b>	<a href="#"><i>Administrative Appeals Tribunal Act 1975</i></a> <a href="#"><i>Anti-Discrimination Act 1991</i></a> <a href="#"><i>Disability Discrimination Act 1992</i></a> <a href="#"><i>Education Services for Overseas Students Act 2000</i></a> <a href="#"><i>Education Services for Overseas Students Regulations 2001</i></a> <a href="#"><i>Electronic Transactions Act 1999</i></a> <a href="#"><i>Evidence Act 1977</i></a> <a href="#"><i>Higher Education Administrative Information for Providers (AIP)</i></a> <a href="#"><i>Higher Education Support Act 2003</i></a> <a href="#"><i>Human Rights Act 2019</i></a> <a href="#"><i>Information Privacy Act 2009</i></a> <a href="#"><i>National Code of Practice for Providers of Education and Training to Overseas Students 2018</i></a> <a href="#"><i>Right to Information Act 2009</i></a>

<b>Related Policies</b>	<a href="#">Accountable Advances Policy</a> <a href="#">Admissions Policy</a> <a href="#">Enrolment Policy</a> <a href="#">Fraud Corruption and Control Management Policy and Procedure</a> <a href="#">Handling Personal Student Information Policy and Procedure</a> <a href="#">Harassment and Discrimination Complaint Resolution for Students Policy and Procedure</a> <a href="#">OS-Help Policy and Procedure</a> <a href="#">Privacy Policy</a> <a href="#">Records and Information Management Policy</a> <a href="#">Refund of Student Fees Policy and Procedure</a> <a href="#">Right to Information Policy</a> <a href="#">Risk Management Policy and Procedure</a> <a href="#">Scholarships, Bursaries and Prizes Policy</a> <a href="#">Student Advice, Student Welfare and Pastoral Support Policy and Procedure</a> <a href="#">Student Code of Conduct Policy</a> <a href="#">Student Communication Policy</a> <a href="#">Student Complaint and Appeal Policy</a> <a href="#">Student Expectations and Responsibilities Policy</a>
<b>Related Procedures</b>	<a href="#">Academic Appeal Procedure</a> <a href="#">Accountable Advances Procedure</a> <a href="#">Admissions Procedure</a> <a href="#">Enrolment Procedure</a> <a href="#">Non-Academic Appeal Procedure</a>



	<p><a href="#">Right to Information Procedure</a></p> <p><a href="#">Student Communication Procedure</a></p> <p><a href="#">Student Complaint Management Procedure</a></p> <p><a href="#">Student Debt Management Procedure</a></p>
<p><b>Related forms, publications and websites</b></p>	<p><a href="#">Feedback, Complaints and Appeals</a></p> <p><a href="#">OS-HELP website</a></p> <p>Review of Decision Form (to be developed)</p> <p><a href="#">Review of Decisions website</a></p> <p><a href="#">Student Financial Loans Information Sheet</a></p> <p><a href="#">Student Financial Loans</a></p>
<p><b>Definitions</b></p>	<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="#">Accountable Officer</a></p> <p>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.</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="#">Bursary</a></p> <p>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.</p> <p><a href="#">Complaint</a></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”.

### [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.

### [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.

### [Leave of Absence](#)

An approval granted to a Student to cease formal study as an enrolled Student for a specified period of time.

### [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.

### [Non-Award Program](#)

A sequence of study which does not lead to an Award.

### [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.

### [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.

#### [University](#)

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

#### [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**

<b>Keywords</b>	Review of Decision
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