

# Student Appeals Procedure

## 1 Purpose

To provide a timely and consistent approach for Students to appeal academic and administrative Decisions.

## 2 Scope

This procedure applies to Stage 3 Appeals lodged by Students under the Student Grievance Resolution Procedure and to findings in relation to Student General Misconduct and Student Academic Misconduct.

## 3 Procedure Overview

Under this Procedure, Students may lodge an Appeal against any Decision made pursuant to a Stage 2 review under section 4.4 of the Student Grievance Resolution Procedure, including Exclusion Decisions following an unsuccessful Show Cause submission, or against any Decision made in relation to Student General Misconduct or Student Academic Misconduct, subject only to the terms of any other applicable policy or procedure.

The University will uphold the principles of Procedural Fairness throughout the Appeal process.

Students involved in the resolution of a formal Grievance may be accompanied and assisted by a Student Support Person at any relevant meeting or interview.

## 4 Procedure

### 4.1 Grounds for Appeal

An application must set out one or more of the following grounds of Appeal:

1. The existence of substantial new evidence relating to the original Student Grievance that was not reasonably available during the Stage 2 Review and would likely have resulted in a different Decision.
2. There was a misapplication of Policy or Procedure resulting in some real disadvantage to the Student.
3. The Decision was manifestly incorrect or unjust, or the penalty, where applicable, was

disproportionate to the nature of the Student conduct the subject of the Decision.

4. There was a failure on the part of the Decision-maker to afford the Student Procedural Fairness.

The Student may request assistance from the Student Guild Advocacy Team to prepare an Appeal application. The Student Guild is independent of the University.

## 4.2 Lodging an application

An Appeal application must be submitted within 20 University Business Days of notification of the relevant Decision, except where otherwise prescribed in a Policy or Procedure, or in the event of Special Circumstances.

Students must submit their application and all relevant supporting documentation online, in accordance with the instructions set out on the University's webpage.

Appeal applications should clearly set out the grounds of Appeal (refer to Section 4.1) and contain as much detail as possible, including:

1. the chronology of events relevant to the Appeal;
2. what action has been taken to resolve the Grievance to date;
3. the evidence (including, where relevant to a ground of Appeal, the substantial new evidence) available to support the Appeal;
4. the outcome the Student is seeking; and
5. where applicable, additional supporting material or evidence relating to the original Decision that was not reasonably available during the Stage 2 review, or Show Cause or a misconduct process and would likely have affected the outcome.

Appeal applications will be acknowledged by the Student Grievance Resolution Unit within five (5) University Business Days of receipt.

When an Appeal application is lodged, a preliminary assessment will be undertaken to consider whether the application meets the grounds of Appeal set out in section 4.1 and, where applicable, includes sufficient evidence to support the application.

If the Student's application does not meet the grounds for Appeal or does not include sufficient and relevant supporting evidence, the Student will be given 10 University Business Days to amend their application or to provide a statement advising why, in the Student's view, the application meets the grounds of Appeal or contains sufficient evidence. After having allowed

the Student 10 University Business Days (or such later date as may be permitted by reason of Special Circumstances) to amend their application or provide a statement, the Appeal application will be forwarded to the relevant responsible officer or committee Chairperson for consideration.

### **4.3 Applications referred to a responsible officer**

The relevant responsible officer will commence consideration of the Appeal normally within 10 University Business Days of receipt of the application.

The Student will be regularly updated by the Student Grievance Resolution Unit as to the progress of the Appeal application during the consideration process.

In considering the Appeal, the responsible officer may undertake one or more of the following actions:

1. interview (or take written statements from) the Student, the Relevant Party and other relevant individuals, including those who considered the Decision at earlier stages
2. review all relevant documents
3. consider the Appeal in the context of University Policy
4. seek advice from any individual that the responsible officer deems appropriate
5. dismiss the Appeal on the grounds that:
  - a. the application does not assert any of the grounds of Appeal required by section 4.1; or
  - b. the request is Vexatious, without merit or is otherwise considered an abuse of process.

Prior to a Decision being made in relation to the Appeal, the Student must be given access to or the opportunity to inspect any material they have not previously seen that may be relied upon in determining the Appeal and afforded a reasonable opportunity to provide any additional written submissions in relation to that new material.

The responsible officer will consider the Appeal with due regard to Procedural Fairness, timeliness and the safety and wellbeing of all Relevant Parties.

### **4.4 Applications referred to the Student Academic Appeals Committee**

The Student Academic Appeals Committee (SAAC) is a standing committee of Academic Board, with Terms of Reference and composition approved by Academic Board.

The SAAC will consider Appeals relating to academic matters including, but not limited to:

1. unsatisfactory Academic Progress for Coursework Students, including denial of a readmission application following a period of Exclusion
2. unsatisfactory progression of Higher Degree by Research (HDR) candidature or Exclusion from Enrolment
3. discontinuation or termination of HDR candidature
4. Final Grades
5. Credit and Exemption assessments
6. award of Honours.

The Chairperson of the SAAC will consider whether an application properly claims any of the grounds set out in section 4.1 above. If the Chairperson is not satisfied that the Appeal discloses one or more such grounds, the Chairperson will refer the Appeal to the SAAC which may reject the Appeal without further consideration.

If the SAAC determines there are no grounds for Appeal, the Student will be notified, normally within 10 University Business Days, of the receipt of the application by the Chairperson, and advised of reasons for the Decision and options for external review.

When an appeal is referred to the SAAC for consideration, the Secretary will contact the Decision-maker or reviewing officer whose Decision is being appealed and invite them to submit a response to the Student's Appeal application, including any information and documentation relevant to the Appeal, within the time limit set by the Chairperson.

Any information provided by the Decision-maker or reviewing officer in response to the Committee Services Officer's invitation will be shared with the Student. The Student will be given an opportunity to provide a counter response to the information provided. If no response is received from either the Decision-maker, reviewing officer or the Student within the specified time limit, the SAAC meeting will proceed.

The SAAC will be provided with a full copy of the Student's Appeal submission, the response provided by the Decision-maker whose Decision is being appealed and the Student's counter response, and all other relevant material. The SAAC may call for and consider any additional material, however, the SAAC must ensure that the Student is given an opportunity to comment on all material considered by the SAAC and relevant to the subject matter of the Appeal. The Student's written comments will be made available to the SAAC for consideration.

The SAAC will hear and determine the Appeal in accordance with the principles of Procedural Fairness

Students do not normally attend meetings of the SAAC, however where the Chairperson thinks fit the Student may be invited to attend the meeting (for example where the Chairperson determines that the case is sufficiently complex). When a Student is invited to attend a meeting of the SAAC, the provisions of section 4.5 will apply.

Except as provided above, the Appeal will be heard according to the procedures which may be determined by the Chairperson from time to time.

## **4.5 Applications referred to the Student Academic Misconduct Appeals Committee and Student General Misconduct Appeals Committee**

In the case of Appeals referred to the Student Academic Misconduct Appeals Committee or the Student General Misconduct Appeals Committee, the Student will be provided with the opportunity to attend the meeting, in person or by electronic means, at the sole discretion of the Chairperson. The Committee Services Officer will notify the Student in writing at least 10 University Business Days prior to the relevant committee meeting, confirming:

1. names of committee members
2. the committee's role and responsibilities
3. time and location of the meeting
4. information regarding the Student's right to address the committee
5. information regarding the Student's right to be accompanied by a Student Support Person.

Students who are not able to attend may make written submissions.

If the Student chooses not to attend or participate in the committee meeting, the Student Academic Misconduct Appeals Committee or the Student General Misconduct Appeals Committee (as relevant) may meet and make a determination in the absence of the Student.

A Student who appears before the Student Academic Misconduct Appeals Committee or the Student General Misconduct Appeals Committee may be accompanied and assisted by a Student Support Person.

At the discretion of the Chairperson, individuals relevant to the Appeal may be invited to attend the meeting in order to clarify information for the relevant committee. The Committee Services officer must notify the Student at least five (5) University Business Days prior to the meeting of the names of any individuals the committee has invited to speak. In the event that those invitees are likely to present new evidence, the Student must be advised of the substance of such evidence (if available) and afforded a reasonable opportunity to respond.

The Student may, through the Chairperson, ask questions of any person the committee has invited to speak to the meeting. The Student may invite persons relevant to the Appeal, subject to the Chairperson's approval, and must notify the Secretary at least three (3) University Business Days prior to the hearing of the names and contact details of the invited people.

The Student and, where applicable, the Student Support Person may remain in the meeting during the presentation of all evidence to the Student Academic Misconduct Appeals Committee or the Student General Misconduct Appeals Committee (as relevant), but must leave the meeting when the relevant committee is deliberating.

The Student may notify the Committee Services Officer prior to the meeting that they plan to attend. However, the Student is not obliged to attend the meeting or to notify the Committee Services Officer of their intention to attend or otherwise.

Except as provided above, the Appeal will be heard according to the procedures which may be determined by the Chairperson from time to time.

## **4.6 Appeal outcomes**

At the end of the investigation, the responsible officer or the relevant Appeals committee may make one of the following Decisions:

1. dismiss the Appeal
2. uphold the Appeal and set aside the original Decision or penalty
3. uphold the Appeal, set aside the original Decision and refer it back to the original Decision-maker to make a new Assessment
4. uphold the Appeal, set aside the original Decision and substitute a different Decision or penalty.

Circumstances where it will not be possible or appropriate to remit the matter to the original Decision-maker include:

1. when a bias or Conflict of Interest has been identified by the relevant Appeals Committee; or
2. if the original decision-maker is no longer employed by the University, in which case the Student Academic Misconduct Appeals Committee or the Student General Misconduct Appeals Committee (as the case may be) must refer the matter to another Decision-maker with appropriate authority.

Once a Decision relating to an Appeal is made, the Grievance Resolution Unit will advise the Student in writing of the outcome, normally within 10 University Business Days. The Decision letter will set out:

1. the reasons for the Decision;
2. any implications for International Students (e.g. visa considerations)
3. that there is no further right of Appeal within the University and, if the Student is not satisfied with the outcome, advise on avenues of external review; and
4. support services available for the Student.

Where the matter is referred back to the original Decision-maker, they must review the findings of the responsible officer or those of the relevant Appeals committee and reconsider their Decision in the light of those findings within 10 University Business Days.

If the Decision involves altering or reversing a course of action already underway, or imposing a different course of action, this must be implemented by the original Decision-maker without undue delay.

The responsible officer may draw to the attention of the original Decision-maker any apparent problems arising from the administration of relevant University Policies and Procedures or other operational processes in order to facilitate improvement activities.

## **4.7 Application to external agencies**

A Student who has exhausted the University's internal resolution processes may apply to external agencies, such as the Queensland Ombudsman, for an external review.

The University will fully cooperate with external agencies investigating any such Student Grievance however the University is committed at all times to facilitating the resolution of Grievances without the need to have recourse to external agencies.

If any external complaint handling process results in a Decision that supports a Student, the University will implement any required corrective or preventive measure immediately and advise the Student of the outcome.

### **4.7.1 International Students seeking external review of Decisions to cancel their Enrolment**

To maintain their status as an enrolled Student, International Students seeking an external review of a Decision to cancel their Enrolment must:



1. advise the UniSQ International Office via email of their intention to apply for an external review within 10 University Business Days of receiving the outcome of their Stage 3 Appeal;
2. provide evidence of the lodgement of their request for external review, including the name of the external agency, within 20 University Business Days from the date of the Stage 3 outcome; and
3. notify the UniSQ International Office via email of the outcome of the external review within 10 University Business Days of having received it.

The University will:

1. maintain the Student's Confirmation of Enrolment (CoE) until the conclusion of the external review, unless the CoE has lapsed;
2. cancel a Student's CoE if they do provide written notice of their intention to apply for an external review within 10 University Business Days of the Stage 3 Appeal Decision. This may result in the cancellation of a Student's visa by the relevant government department; or
3. immediately cancel a Student's CoE if an external review is denied. This may result in the cancellation of a Student's visa by the relevant government department.

## **4.8 Other matters**

### **4.8.1 Withdrawal of Student Appeals**

At any stage during the Appeal process, a Student may withdraw an Appeal by following the instructions set out on the University's website. In most instances, the University will then deem the matter resolved unless the seriousness of the matters raised warrants the University continuing to review the matter.

### **4.8.2 Confidentiality and privacy**

Appeals must be treated by all parties as strictly confidential. This means that information about the Appeal will only be discussed with, or made available to, a person who:

1. is a party to the Appeal;
2. is or has been legitimately involved in the management of the Appeal; or
3. has a formal management role in following up the consequences or implications of the Appeal.



Relevant parties to the Appeal, Student Support Persons or any other observers must refrain from discussing the Appeal with each other or with other parties unless those discussions have been ordered or approved by the person managing the Appeal.

## 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>Accountable Officer</b>	Provost
<b>Responsible Officer</b>	Dean (Students)
<b>Policy Type</b>	University Procedure
<b>Policy Suite</b>	<a href="#">Student Grievance Resolution Policy</a>
<b>Subordinate Schedules</b>	
<b>Approved Date</b>	10/8/2023
<b>Effective Date</b>	10/8/2023
<b>Review Date</b>	15/11/2026
<b>Relevant Legislation</b>	<a href="#">Education Services for Overseas Students Act 2000</a> <a href="#">Education Services for Overseas Students Regulations 2001</a> <a href="#">Higher Education Administrative Information for Providers</a> <a href="#">Higher Education Support Act 2003</a> <a href="#">Human Rights Act 2019</a> <a href="#">National Code of Practice for Providers of Education and Training to Overseas Students 2018</a>
<b>Policy Exceptions</b>	<a href="#">Policy Exceptions Register</a>
<b>Related Policies</b>	<a href="#">Accountable Advances Policy</a>

	<p><a href="#">Admissions Policy</a></p> <p><a href="#">Enrolment Policy</a></p> <p><a href="#">Enterprise Risk Management Policy</a></p> <p><a href="#">Fraud and Corruption Management Policy</a></p> <p><a href="#">Handling Personal Student Information Policy and Procedure</a></p> <p><a href="#">Harassment and Discrimination Complaint Resolution for Students Policy and Procedure</a></p> <p><a href="#">Privacy Policy</a></p> <p><a href="#">Records and Information Management Policy</a></p> <p><a href="#">Refund of Student Fees Policy and Procedure</a></p> <p><a href="#">Right to Information Policy</a></p> <p><a href="#">Scholarships, Bursaries and Prizes Policy</a></p> <p><a href="#">Student Advice, Student Welfare and Pastoral Support Policy and Procedure</a></p> <p><a href="#">Student Communication Policy</a></p> <p><a href="#">Student Expectations and Responsibilities Policy</a></p> <p><a href="#">Student General Conduct Policy</a></p>
<p><b>Related Procedures</b></p>	<p><a href="#">Accountable Advances Procedure</a></p> <p><a href="#">Admissions Procedure</a></p> <p><a href="#">Enrolment Procedure</a></p> <p><a href="#">Higher Degree by Research Student Admissions and Enrolments Procedure</a></p> <p><a href="#">Right to Information Procedure</a></p> <p><a href="#">Student Academic Progress Procedure</a></p> <p><a href="#">Student Communication Procedure</a></p> <p><a href="#">Student Debt Management Procedure</a></p>

<b>Related forms, publications and websites</b>	<p><a href="#">Australian Department of Education, Skills and Employment (DESE)</a></p> <p><a href="#">Feedback, Complaints and Appeals</a></p> <p><a href="#">Queensland Ombudsman</a></p> <p><a href="#">Study Abroad and Exchange Outbound website</a></p> <p><a href="#">Tables of Decision-Makers</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 Misconduct</a></p> <p>Academic Misconduct encompasses all behaviours, including doing as well as attempting to do, any of the acts, omissions or activities that constitute Academic Misconduct: involving the misrepresentation of academic achievement; or undermining the core values (honesty, trust, fairness and respect) of Academic Integrity; or breaching Academic Integrity; whether intentional or unintentional. Academic Misconduct includes, but is not limited to the following: Plagiarism and Self-Plagiarism; using (including for Assessment or review) the work prepared by another person or software, including generative artificial intelligence, as their own without appropriate attribution; Collusion, such as any unauthorised collaboration in preparation or presentation of work, including knowingly allowing personal work to be copied by others; all forms of Cheating in examinations and other Assessment tasks; Contract Cheating; Promoting ways to breach Academic Integrity or using University resources to support others in breaching Academic Integrity; offering or accepting bribes (money or other favours), e.g. for Admission or for Marks/Grades; and fabrication or falsification of information or Student identity (TEQSA Guidance Note: Academic Integrity, Version 1.2, 28 March 2019).</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="#">Assessment</a></p> <p>The process of evaluating the extent to which Students have achieved the Learning Outcomes of a Course.</p>

## [Conflict of Interest](#)

If a University Member has an interest that conflicts or may conflict with the discharge of the University Member's duties the University Member should Declare the nature of the interest and the conflict to the University Member's Supervisor as soon as practicable after the relevant facts come to the University Member's knowledge and must not take action or further action relating to a matter that is or may be affected by the conflict until authorised. An Executive Leader may direct a University Member to resolve a conflict or possible conflict between an interest of the University Member and the University Member's duties. A reference to an interest or to a Conflict of Interest is a reference to those matters within their ordinary meaning under the general law, and, in relation to an interest, the definition in the Acts Interpretation Act 1954, Schedule 1, does not apply. A Conflict of Interest will arise when a University Member's Private Interests conflict with their duty to the University or to serve the public interest as a University Member. The risk of having a conflict of interest increases where a University Member's responsibilities include the authority to make decisions. A conflict of interest may be potential, perceived or actual - when a University Member is in a role where future decision making may be influenced by their Private Interests if a certain condition is fulfilled, they have a potential conflict of interest; a perceived conflict of interest arises where it appears that decisions a University Member make in the course of their University employment may be influenced by their Private Interests, whether or not this is in fact the case; an actual conflict of interest exists where a University Member's actions could be unduly, improperly or excessively influenced by their Private Interests. Serious misconduct can occur when a conflict of interest is concealed, understated, mismanaged or abused.

## [Coursework](#)

A method of teaching and learning that leads to the acquisition of skills and knowledge and does not include a major research component.

## [Credit](#)

The number of units, up to a specified limit, granted towards a University Award on the basis of either previous Formal, Informal or Non-formal Learning. Credit reduces the number of Courses required to complete an Award Program.

## [Enrolment](#)

The process of admitting Students to one or more Courses for the

current Academic Year.

### [Exclusion](#)

Prohibition from enrolling in a Course or a program for a specified period.

### [Exemption](#)

The release from the requirement to complete a specific required Course but without reducing the overall number of Units required to complete the program.

### [Final Grade](#)

A Final Grade is a code that normally represents the outcome of the Assessment of a Student's performance against the learning objectives of a Course but may reflect the outcome of an applicable administrative process.

### [General Misconduct](#)

Behaviour or conduct which is contrary to expected Student conduct outlined in the Student General Conduct Policy.

### [Grievance](#)

Typically defined as a concern or Complaint raised by an Employee against a process, action, omission or Decision within the responsibility and control of the University which relates to employment or related internal People Portfolio matters, which has or is likely to have an unreasonable negative impact on the ability of an Employee to undertake their duties, or similar impact on their career.

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

A Student enrolled in an HDR program.

### [Policy](#)

A high level strategic directive that establishes a principle based approach on a subject. Policy is operationalised through Procedures that give instructions and set out processes to implement a Policy.

### [Procedural Fairness](#)

Has the meaning ascribed to it from time to time by the applicable common law of the State of Queensland.

## Procedure

An operational instruction that sets out the process to operationalise a Policy.

## Show Cause

The Show Cause process is a formal process that allows a Student to present their case as to why they should not be Excluded from their studies due to unsatisfactory Academic Progress.

## Special Circumstances

Matters which are, in most cases, beyond the control of the Student and which will impact their capacity to progress with their planned program of study or meet a submission deadline. In some legislation, Special Circumstances are referred to as “compassionate and compelling circumstances”.

## Student

A person who is enrolled in a UniSQ Upskill Course or who is admitted to an Award Program or Non-Award Program offered by the University and is: currently enrolled in one or more Courses or study units; or not currently enrolled but is on an approved Leave of Absence or whose admission has not been cancelled.

## University

The term 'University' or 'UniSQ' 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 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**

### **Relevant Party**

The person/s or unit the Student has a grievance with, including other Students.

	<p><b>Vexatious</b></p> <p>Means:</p> <ul style="list-style-type: none"> <li>• without merit;</li> <li>• the substance of which has already been considered by the University and satisfactory measures have been taken to resolve the matter;</li> <li>• is dishonest or contains intentionally misleading information;</li> <li>• pursued with undue persistence; or</li> <li>• pursued in a manner that harasses University Employees or fellow Students.</li> </ul>
<p><b>Keywords</b></p>	<p>Appeal, Academic Appeal, General Misconduct, Academic Misconduct, Student Grievance</p>
<p><b>Record No</b></p>	<p>20/531PL</p>