

# University Student Appeals Policy

## Section 1 - Purpose

(1) This policy and the associated [University Student Appeals Procedure](#) are designed for students of Charles Sturt University (the University) that wish to either appeal or review a decision made by the University. This will include:

- a. an appeal or review of an academic decision of the University in accordance with a student's studies at the University, and
- b. an appeal or review of an administrative decision of the University in accordance with a student's lifecycle at the University.

(2) The purpose of this policy is to establish the expectations and the approach that the University will take when reviewing and assessing students' appeal applications in alignment with the [Higher Education Standards Framework \(Threshold Standards\) 2021](#), [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) and the Australasian Best Practice Guidelines for Complaint Handling at Universities by the NSW Ombudsman.

### Scope

(3) This policy applies to all students and staff of the University, including:

- a. students in courses of the University delivered by partner institution or organisation (subject to clause 6), and
- b. staff of a partner institution or organisation that delivers a course for the University (subject to clause 6).

(4) This policy applies to students, in that it defines processes and guides students seeking an appeal or review of a decision made by the University against students.

(5) This policy applies to staff, in that it defines processes that staff must follow when a student is seeking an appeal or review of a decision made by the University against students.

(6) Where a partner to the University or a location in which the University is operating has student appeal requirements in addition to or at variance with this policy and the University has agreed to abide by these alternative processes, students and staff will be directed to an alternative appeals process. Examples include specific progress requirements for students at the Goulburn campus, under the Associate Degree in Policing Practice.

## Section 2 - Policy

### Grounds for appeal

(7) The grounds for appeal of a decision under this policy are that:

- a. there is evidence that there has been a failure to provide procedural fairness in hearing and/or making a decision, and/or
- b. there is new evidence of factors outside the student's control, which:

- i. the student could not reasonably have been expected to provide at the time the original decision was made, and
- ii. would have been a significant factor in the original decision.

(8) Notwithstanding subclause 7b., where there is new evidence available, the student may be required to apply through the original decision making process rather than submit an appeal. See the [University Student Appeals Procedure](#).

## Limitations

(9) Failure to read and act upon a notice or correspondence sent to the student's University email or nominated primary email account are not grounds for an appeal.

(10) A student may only submit an appeal on their own behalf, not on behalf of a group or any other student. Group appeals will not be accepted.

(11) Graduates may not apply for review of, or appeal against an academic decision that was made before their graduation.

(12) Graduation from an award course will extinguish any existing or future right or avenue of review or appeal against an academic decision.

## Expectations for students

(13) All students of the University:

- a. have the right to request for an appeal or a review of a decision made by the University in accordance with this policy and the [University Student Appeals Procedure](#), without fear of reprisal,
- b. will be afforded procedural fairness by an original decision-maker as outlined in this policy and the [University Student Appeals Procedure](#),
- c. have a fair opportunity to present their case (including to respond to any material that is before the original decision-maker),
- d. have the right to have a decision made by an unbiased original decision-maker,
- e. will act in accordance with the [Student Charter](#) and not submit an appeal application or seek a review of decision for frivolous or vexatious reasons, and
- f. when submitting an appeal application or seeking a review of decision, provide a rationale or argument and/or factual evidence in support of their application.

## Expectations for staff

(14) Original decision-makers, appeal decision-makers and committee members must always:

- a. act fairly, reasonably and without bias,
- b. disclose promptly any actual or potential conflict of interest and manage that conflict in accordance with the [Code of Conduct](#) and [Conflict of Interest Procedure](#), and
- c. treat any application, submission, review or decision under this policy as strictly confidential and only discuss them with another person to the extent that this is necessary for the purposes of applying this policy, or to seek legal or other professional advice.

(15) Original decision-makers, appeal decision-makers and committee members should act as quickly as possible, but in accordance with this policy.

(16) Wherever possible, an appellant student must be notified promptly of delays in or making a decision in relation to their appeal application.

## **Appealing and reviewing decisions**

(17) There are a number of decisions on matters in the University that do not allow for internal appeal by students. A list of University decisions that can be appealed under this policy is located in the [University Student Appeals Procedure](#).

(18) The decision of the appeal decision-maker or University Student Appeals Committee is final and overrules any previously made decision. There is no further avenue of internal review or appeal against the decision within the University, nor can the decision be overruled or overturned by any other internal policy or procedure.

(19) The decision of the appeal decision-maker or University Student Appeals Committee takes effect on the date deemed appropriate by the appeal decision-maker or the University Student Appeals Committee.

(20) The appeals process within the University should be exhausted before a complaint is lodged to the New South Wales Ombudsman.

(21) Where an appellant remains dissatisfied with the outcome of a final decision under this policy, the appellant may seek external avenues of review, including lodging a complaint to the New South Wales Ombudsman.

## **Onus of proof**

(22) In applying for an appeal of a decision, the student bears the onus of proof and is responsible for establishing that they meet the grounds for appeal.

(23) It is the responsibility of the student to identify all the grounds for appeal they believe they meet and provide all relevant evidence from the beginning of the appeal process.

(24) The student must present their case in writing and provide the appeal decision-maker or University Student Appeals Committee with all information relevant to the decision.

(25) The appeal decision-maker and University Student Appeals Committee may only make their decision based on the material before them.

(26) The appeal decision-maker and University Student Appeals Committee may decide to assess an appeal on any ground stated in the [University Student Appeals Procedure](#) in addition to the ground identified in the appeal application.

## **Support people and advocates**

(27) An appellant student:

- a. may bring a support person or an advocate to speak on their behalf at an appeal hearing. The support person or advocate cannot be a currently practising barrister or solicitor, and must be available at the date and time specified in the notice of hearing, and
- b. cannot send a representative in their place.

## **Student enrolment**

(28) A student will remain enrolled in their course of study at the University whilst the internal appeals process or external appeals is ongoing unless:

- a. it is likely to put the student's health or wellbeing, or the wellbeing of others, at risk,
- b. the student behaves in a way that tends to harm or undermine the good order and governing of the University,
- c. the student unreasonably hinders others in their University studies or in participating in the life of the University,
- d. the student fails to pay an amount that they are required to pay the University to undertake or continue their course of study as stated in a written agreement, or
- e. the student damages the reputation of the University or hinders its ability to comply with legislative requirements,

or as otherwise determined by the appeals decision-maker or University Student Appeals Committee.

(29) In the case where a student's enrolment is suspended in the above cases and the appeals process finds in favour of the student, the student's enrolment in their course of study is to be reinstated as soon as practicable.

(30) A student is prohibited from making a special consideration application for a subject while the internal appeal process is ongoing if the student's subject is involved or implicated in the decision under appeal.

(31) A decision made in accordance with this policy and the [University Student Appeals Procedure](#) will overrule any prior decision made in regards to a special consideration application for a subject if the student's subject is involved or implicated in the decision under appeal.

## **Privacy and confidentiality**

(32) Appeal applications under this policy are confidential and must be conducted in private.

(33) All documentation relating to student appeals and reviews will be kept confidential and shall be disclosed only to those persons who have a right to the information by virtue of their role in the appeal or review process, or as required by any internal rule, policy, procedure, or as required by law.

(34) The Executive Director, Safety, Security and Wellbeing or their nominee will, as required by relevant policies, and without identifying individual appellants or providing details of circumstances that would allow them to be identified:

- a. provide reports of data on appeal applications and outcomes, to governance committees, and
- b. publish data on appeal applications and outcomes to the University community.

(35) The Executive Director, Safety, Security and Wellbeing or their nominee and the University Student Appeals Officer are responsible for advising relevant staff or units of the University, or officers of a club or society, of any action they need to carry out as a result of an outcome of a student's appeal application.

(36) Information from a student's appeal application may be disclosed where the University's Privacy Officer has approved the extent and wording of the disclosure, or if it is required by law to do so.

## **Authority and delegations**

(37) The appeals decision-maker and University Student Appeals Committee:

- a. has the authority to hear and decide an appeal and change a penalty,
- b. has the authority to place a student's academic record on hold, until the outcome of the appeal application is made,
- c. has the authority to quash, vary, or replace an original decision made by the University,
- d. has the authority to summon any document that was previously before the original decision-maker,
- e. may summon any staff member or student to provide information for any hearing,

- f. may obtain advice or help from another person, or authorise another person to assess an appeal application, but will remain responsible for the assessment and/or decision, and
- g. may do other things necessary to prepare for or support a decision delegated to them.

## Complaints

(38) A student submitting an appeal application may also have a complaint about their treatment, quality of a service or conduct of staff or students. In such instances, the student may make a complaint in accordance with the [Complaints Management Procedure](#), which will be considered separately from the appeal of the original decision.

(39) As there is no further internal avenue for appeal or review after the appeals process is complete, should an appellant student wish to make a complaint about the appeals process they will need to seek external avenues of review, including but not limited to, lodging a complaint to the New South Wales Ombudsman.

## Section 3 - Procedures

(40) See the [University Student Appeals Procedure](#).

## Section 4 - Guidelines

(41) See the University Student Appeals Guideline, [University Student Appeals Guideline - Students](#) and University Student Appeals Guideline - Staff.

## Section 5 - Glossary

(42) For the purpose of this policy, the following terms have the definitions stated:

- a. Academic decision - means a decision made by the University that affects the academic assessment or progress of a student within their enrolment at the University.
- b. Administrative decision - means a decision made by the University, usually through the application of policy or process, that affects the student's lifecycle at the University.
- c. Appeal application - means an appeal form, document or submission a student will put forward against a decision made by the University.
- d. Appeal decision maker - means the person nominated to hear an appeal application, or as defined in clauses 53 to 56 of the [University Student Appeals Procedure](#).
- e. Appellant - means a student who is submitting an appeal against a decision that was made by the University.
- f. Balance of probabilities - means the standard of proof required to determine whether there is sufficient evidence to substantiate an allegation or finding.
- g. Business days - means Monday to Friday inclusive, other than:
  - i. public holidays in New South Wales or,
  - ii. any other day when the University is closed for business as published on the University's website.
- h. Original decision maker - means a staff member of the University that has made either an academic decision or administrative decision.
- i. Procedural fairness - means the state of a process that gives the parties reasonable notice of the matter to be considered, an opportunity to give their side of the matter, and ensures that decisions are made without bias on the basis of the facts presented.
- j. Student - means a person who is enrolled in a course or subject offered by the University or a partner

institution or organisation, or who is given permission to audit a course or subject offered by the University or a partner institution or organisation; it includes a candidate for a higher degree by research award.

k. University - means Charles Sturt University.

l. University Student Appeals Committee - means a committee convened under the [University Student Appeals Committee Membership and Terms of Reference](#).

m. University Student Appeals Committee panel - means a list of staff members and students who can be selected to serve on a University Student Appeals Committee.

## Status and Details

<b>Status</b>	Current
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