

# Student Appeals procedure

## Section 1 - Preamble

(1) This Procedure is effective from 15 March 2019.

(2) This Procedure is pursuant to the following:

- a. [Regulation 4.1\(1\) - General Misconduct](#)
- b. [Regulation 4.1\(2\) - Academic and Research Integrity](#)
- c. [Regulation 5.3\(1\) - Assessment and Academic Progress in Higher Education Award Courses](#)
- d. [Regulation 5.3\(3\) - Assessment and Academic Progress in Higher Degrees by Research.](#)

## Section 2 - Purpose

(3) This Procedure documents the appeals processes for students under the relevant academic progress, assessment, academic integrity, research integrity and general misconduct procedures relating to students enrolled in the University's higher education award courses.

## Section 3 - Scope

(4) This Procedure applies to appeals by students in relation to the decisions and outcomes made under the regulations set out at clause 2.

## Section 4 - Policy

(5) Refer to the Regulations listed in clause 2.

## Section 5 - Procedure

### Appealing a decision

(6) A student can appeal to the University Appeals Committee (the 'Committee') against a decision or outcomes made according to the grounds provided in the following policy documents:

- a. [Student Academic Integrity procedure](#)
- b. [Academic Progress procedure](#)
- c. [Higher Degrees by Research \(HDR\) Academic Progress procedure](#)
- d. [Higher Degrees by Research \(HDR\) Assessment procedure](#)
- e. [Research Integrity Breaches procedure](#)
- f. [Student General Misconduct procedure.](#)

(7) A student will remain enrolled during the appeal process unless the emergency powers in section 8 of [Regulation 4.1\(1\) - General Misconduct](#) apply or where a Student Misconduct Committee Chair determines that a penalty of suspension or exclusion should be implemented immediately according to the [Student General Misconduct procedure](#).

(8) To start an appeal, the student must submit the following documents:

- a. a written notice of appeal
- b. a copy of the original decision they are seeking to appeal
- c. details of the grounds for the appeal and an explanation of how it applies to their case
- d. any supporting materials or documents.

(9) The student must submit the documents to the Committee Secretary within 20 working days of being notified of the initial decision.

(10) The student may apply in writing to the Committee Chair to appeal after the deadline specified in clause 9. Late applications will be accepted only where the student can provide supporting material or documents to show how exceptional circumstances prevented them from applying by the deadline. Failure to check email or advise the University of a change of address are not exceptional circumstances. The Chair will decide whether the application shows exceptional circumstances and advise the student whether their application can be accepted.

### **Prior to the hearing**

(11) The Committee Chair considers the appeal documents listed in clause 8 and may decide to dismiss the appeal if it:

- a. does not meet the minimum threshold to proceed to hearing
- b. lacks substance in relation to the grounds for appeal.

Where the Chair has a conflict of interest, the Deputy Chair or a member of the Committee nominated by the Chair will make this decision.

(12) If the appeal is dismissed the student must be notified within five working days of the decision being made and the reasons for the decision.

(13) If a clear misapplication of procedure has occurred in the determination of the original decision, the Chair, on advice from the General Counsel, may request the Faculty Committee to withdraw its decision.

(14) The appeal process must commence within 10 working days of receipt of the application to appeal.

(15) The student must be given at least five working days notice of:

- a. the date of the hearing and location of the hearing
- b. their right to provide additional relevant information to their written submission and the deadline for this
- c. their right to attend and speak at the hearing in person or via telephone or other communication means and to call witness/es to the hearing
- d. their right to bring a support person to the hearing according to clause 19, provided the person is not a practicing lawyer
- e. their opportunity to ask questions of the Committee and answer questions asked by the Committee
- f. the fact that the hearing will still be held even if they do not respond or attend the hearing and that a decision (and outcome or penalty if appropriate) will be made in their absence.

(16) Committee members must declare any [conflict of interest](#) to the Chair prior to hearing the case. The Chair, or the

full Committee if the conflict relates to the Chair, will decide on an appropriate action.

(17) A person who is excluded from the Committee due to a [conflict of interest](#) may still provide supporting material or documents or provide information relevant to an appeal.

## **At the hearing**

(18) At least three members of the Committee must be present to hear the appeal. Where the appeal involves research students or research integrity, at least one of the members apart from the Chair must be a supervisor of higher degree by research student/s.

(19) Where a student brings a support person to the hearing and the support person has expertise likely to assist the Committee on procedural, technical or factual matters or if the student has additional support requirements, the Committee will allow the support person to speak on the student's behalf.

(20) At the hearing, the Committee will:

- a. give the student the opportunity to be heard and to ask questions of the Committee and answer questions asked by the Committee
- b. interview any staff, students or other relevant people as required
- c. act fairly and impartially
- d. exercise independent judgement
- e. conduct themselves in an unbiased, professional and courteous manner.

(21) The Committee may adjourn a hearing at any time but must continue to hear the matter in person or by circulation as soon as possible afterwards. The membership of the Committee must remain the same throughout the hearing.

## **Decision**

(22) The Committee will privately consider all the information presented at the hearing and make a decision on whether it is more likely than not that the student has established the grounds of appeal. The decision is reached by a simple majority of Committee members with the Chair having the casting vote.

(23) The Committee will make a decision at the end of the hearing or as soon as possible afterwards.

(24) The Committee decides whether to:

- a. uphold, vary or set aside the original decision; and
- b. uphold, vary or set aside the original outcome. Where the only successful ground of appeal is excessive penalty, the Committee is restricted to varying the outcome.

(25) If setting aside the original decision and/or outcome, the Committee determines whether to:

- a. determine a new decision and/or outcome during the current hearing of the appeal; or
- b. schedule a re-hearing of the original matter, to be conducted by the Committee at a future date, in line with the requirements of the Regulation under which the matter was heard; or
- c. direct the original decision maker to rehear the matter.

(26) The Committee can make recommendations or require conditions on enrolment including that students access support services.

(27) In appeals against academic progress decisions, the Committee may also require that failure to comply with any condition imposed will result in the student being excluded.

(28) The Committee may also make recommendations to the Faculty or University on quality improvement and preventative or corrective actions.

(29) The Committee Chair will provide their decision in writing to:

- a. the student, together with a statement of reasons for the decision and any recommendations, within five working days of the decision
- b. the original committee or panel whose decision was subject of the appeal
- c. the Deakin International Compliance Group where the student is an international student and an outcome might affect the student's enrolment
- d. the Deputy Vice-Chancellor Research and Deakin Research where the student is a higher degree by research student.

(30) The Committee Secretary will coordinate the implementation of the decision and record the decision and outcome.

(31) Any decision by the Committee on appeal is final and binding.

(32) The Committee will report on its decisions three times a year to the Academic Board.

(33) The decision of the Committee will be implemented immediately, subject to the provisions under clause 35.

(34) The Committee Secretary will notify the student that they can seek an external review of final University decisions by the [Victorian Ombudsman](#). Students may also access other external organisations such as the [Victorian Equal Opportunity and Human Rights Commission](#) and the [Australian Human Rights Commission](#).

(35) The student's enrolment will be maintained:

- a. until the end of the University's appeal process, except where an immediate suspension or exclusion has been determined under clause 7.
- b. for student appealing decisions about unsatisfactory academic progress, until the conclusion of an external appeal where the decision of the University is upheld.

## **Written notifications**

(36) All written notifications made under this Procedure will be by email to the student's Deakin and last known private email address.

## **Section 6 - Definitions**

(37) For the purpose of this Procedure:

- a. faculty: includes any Institute that is approved under University Regulations to offer courses.
- b. non-award courses: a unit or course delivered through the University that does not lead to an award of the University.
- c. notify: all correspondence under this Procedure will be sent to the student's Deakin and last known private email address
- d. student: as defined in the regulation under which the original decision was made:

- i. Academic progress matters: [Regulation 5.3\(1\) - Assessment and Academic Progress in Higher Education Award Courses](#) or [Regulation 5.3\(3\) Assessment and Academic Progress in Higher Degrees by Research](#)
- ii. Academic and Research Integrity matters: [Regulation 4.1\(2\) - Academic and Research Integrity](#)
- iii. General Misconduct matters: [Regulation 4.1\(1\) - General Misconduct](#).

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	15th March 2019
<b>Review Date</b>	1st March 2020
<b>Approval Authority</b>	Academic Board
<b>Approval Date</b>	25th February 2019
<b>Expiry Date</b>	To Be Advised
<b>Responsible Executive</b>	Liz Johnson Deputy Vice-Chancellor Education +61 3 92468303
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