

## Student Review and Appeal Policy

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### 1. Purpose

This policy outlines the key principles that will be applied in:

- a. receiving, assessing and hearing requests for reviews of a University decision; and
- b. receiving, assessing and hearing eligible appeals against review decisions.

### 2. Scope

- a. A student may request a review of a University decision made under the following policies:
  - i. Student Complaints
  - ii. Assessment
  - iii. Academic Integrity
  - iv. Admissions
  - v. Enrolment
  - vi. Higher Degrees by Research
  - vii. Student Progress
  - viii. Other policies, not listed above, which provide for recourse to the Student Appeals Committee.
- b. A student may apply to have an appeal heard by the Student Appeals Committee, where relevant grounds are met, of a review decision.
- c. The Student Appeals Committee will also hear appeals on committee decisions relating to other academic matters, after a review has taken place.
- d. The Student Appeals Committee will not hear appeals on the outcomes of matters that are dealt with under [Statute 6.4–Student Conduct](#) or staff disciplinary processes.
- e. Decisions of the Academic Senate and the Council are not subject to review or appeal under this policy.

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### **3. Policy statement**

#### **3.1. General principles**

- a. The University will treat all reviews and appeals by students seriously and with proper regard to the rights of all parties.
- b. Reviews and appeals must be lodged, assessed, and heard in a timely manner, in accordance with internal and/or external timelines, processes and requirements that are relevant to the subject of the matter (e.g. census date, professional registration).
- c. No cost will be charged to a student for requesting a review or lodging an appeal.
- d. The review and appeals process will be administered in a timely manner and in accordance with principles of procedural fairness.

#### **3.2. Review**

- a. Students dissatisfied with a decision should in the first instance discuss the matter with the decision-maker. The decision-maker will inform the student of the reasons for the decision.
- a. A student who remains dissatisfied may request a review of the decision.
- b. The person conducting the review may consider any facts they consider relevant to the matter, including facts not presented in evidence in the original determination.
- c. The reviewer may:
  - i. uphold the original decision without amendment
  - ii. uphold the original decision but amend one or more of the outcomes
  - iii. set aside the original decision and refer it back for new investigation, or
  - iv. set aside the original decision and substitute a different decision.
- d. Where the reviewer upholds the original decision in whole or in part, or affirms any sanction imposed, a student may proceed to an appeal if they satisfy one or more grounds (see s.3.4).

#### **3.3. Appeal**

- a. An appeal may not be lodged until a review of the decision has been undertaken by an appropriate senior officer of the University.
- b. Each party involved in an appeal may be accompanied and assisted by a support person at any relevant meeting or hearing.
- c. All parties involved in an appeal must be kept informed regularly, in writing, of progress or outcomes, including the reasons for the outcome.
- d. A student may remain enrolled in their course of study pending the outcome of an appeal, including enrolment in any topic for which the topic under appeal is a prerequisite. However, this will not apply if it is demonstrated to the satisfaction of the Deputy Vice-Chancellor (Students) that the student's continued enrolment poses a risk to the safety of themselves or others.
- e. If the appeal is denied, the student will be required to withdraw from any topic for which the topic under appeal is a prerequisite, or to withdraw from the entire award course if failure in the topic under appeal makes them ineligible for re-enrolment in the course.
- f. Implementation of any decision and/or corrective and preventative action prescribed by the Student Appeals Committee must be immediate.

#### **3.4. Grounds for appeal**

- a. An appeal against a University review decision under this policy may be lodged only on one or more of the following grounds:

- i. that new and relevant material exists that was not reasonably available to the student before the review decision was made and that would have a significant impact on the decision
- ii. that there was a misapplication of policy or procedure resulting in some real disadvantage to the student
- iii. that the sanction applied was manifestly excessive, or
- iv. that there was a bias or a conflict of interest on the part of the reviewer.

### 3.5. Student Appeals Committee

- a. The composition of the Student Appeals Committee is specified in the [Student Review and Appeal Procedures](#).
- b. No member of a Student Appeals Committee may sit on an appeal hearing if they were involved at any previous stage in the decision under appeal.

## 4. Definitions

<b>Procedural fairness</b>	<p>Specifically, this means:</p> <ul style="list-style-type: none"> <li>• The right to be treated fairly</li> <li>• The right for an individual to be informed of allegations made against them</li> <li>• The right to respond</li> <li>• The right to an unbiased decision-maker</li> <li>• The right to not have irrelevant matters considered, and</li> <li>• The right to review or appeal.</li> </ul>
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## 5. Legislation

This policy complies with the requirements of:

- Higher Education Standards Framework (Threshold Standards) 2015
- Education Services for Overseas Students Act 2000 (ESOS Act)
- National Code of Practice for Providers of Education and Training to Overseas Students 2018

## 6. Supporting procedures

Supporting procedures are part of this policy and provide additional detail to give practical effect to the policy principles.

[Student Review and Appeal Procedures](#)

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\* Unless otherwise indicated, this procedure will still apply beyond the review date.

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