

Version	16.1
Short description	This procedure outlines the processes which enable students to appeal against academic decisions.
Relevant to	All Higher Education and Vocational Education & Training students, Higher Degree Research candidates and prospective students. All academic and professional staff involved in the administration of appeals.
Authority	Academic Board
Policy owner	Provost
Responsible office	Office of the Provost
Date approved	11 July 2023
Date effective	20 July 2023
Review due	July 2027
Related Avondale documents	Academic Integrity Policy Academic Progression Policy and Rules Advanced Standing Policy Appeal Policy (Academic) Complaint Resolution Procedure Assessment Policy (HE Coursework) Examination Procedure Graduation & Award Conferral Policy Student Enrolment Policy & Procedure (VET) Study Load Policy Thesis Examination Guidelines VET Recognition of Prior Learning/Recognition of Current Competency Policy and Procedure Unit Enrolment Policy
Related legislation	Higher Education Standards Framework (Threshold Standards) 2021 National Code of Practice for Providers of Education and Training to Overseas Students 2018 Privacy Act 1988 Privacy Amendment (Private Sector) Act 2000 Standards for Registered Training Organisations (RTOs) 2015

Key words

academic, appeal, discontinuation, exclusion, HDR candidate, probation, progression, review of grade, show cause, student, VET

1. PURPOSE

1.1 This procedure supports the Appeal Policy (Academic) by documenting Avondale University's (Avondale's) student appeal process for review of academic decisions regarding grades, student progression, exclusion, and other academic matters. It also outlines the appeal process for prospective students.

2. SCOPE

2.1 This procedure applies to:

- HE and VET students and HDR candidates who wish to submit an appeal in regard to a decision about an academic matter. This includes students on intermission (leave) and discontinued students;
- prospective students who wish to submit an appeal in regard to the outcome of their application to enrol; and
- academic and professional staff involved in the administration of appeals.

2.2 Academic appeals include, but are not limited to, the following matters. Policies and Procedures for each of these matters are published on Avondale's website:

- course or unit enrolment
- status of probation
- study load
- assessment
- review of a grade
- advanced standing
- eligibility for graduation
- academic integrity
- exclusion
- thesis examination

2.3 This procedure does not apply to the submission of appeals in regard to:

- remarking of assessment tasks (which is covered by the Assessment Procedure (HE Coursework))
- general complaints regarding staff or student conduct
- non-academic matters such as a review of decisions about student conduct and misconduct, financial matters, and student residential matters. The processes for resolving non-academic appeals and general grievances are covered by the Complaint Resolution Procedure.
- refund of tuition fees (which is covered by the Refund Policy)

3. DEFINITIONS

3.1 **Academic encumbrance:** a sanction placed in a student's record which identifies a status of academic probation exists.

3.2 **Appeal:** a request for a decision to be reviewed and reversed or adjusted.

- 3.3 **Assessment task:** a learning activity which students are required to submit for marking as part of the final grade obtained for a unit.
- 3.4 **Decision-maker:** for the purpose of this Procedure, the person authorised at each stage of an appeal to respond to and determine the outcome of the appeal.
- 3.5 **Exclusion:** the situation where it has been determined that a student's enrolment in a course, or at Avondale, will be discontinued as a result of unsatisfactory academic progress. Also referred to as termination of enrolment.
- 3.6 **Grade or Final Grade:** the final result derived from the student's combined marks for the assessed learning tasks for a unit.
- 3.7 **Grounds for appeal:** acceptable reasons for requesting a review or reversal of a decision.
- 3.8 **Original decision-maker:** for the purpose of this Procedure, the person responsible for the decision being reviewed in the first stage of appeal.
- 3.9 **Review of Grade:** a request for a final Grade outcome and the process for determining this outcome to be reviewed, and for the Grade to be adjusted accordingly.
- 3.10 **Show cause:** where a student is required to outline to the relevant School Committee, in writing, why they consider enrolment in the course in which they are currently enrolled should not be discontinued (terminated) because of unsatisfactory academic progress.
- 3.11 **Statutory declaration:** A statutory declaration is a written statement which a person swears, affirms or declares to be true in the presence of an authorised witness – usually a Justice of the Peace (JP), a lawyer or a notary public. A NSW statutory declaration is made under the Oaths Act 1900.
- 3.12 **Student:** for the purpose of this Procedure, includes current students and HDR candidates, discontinued students, students on intermission, and prospective students who have applied for enrolment.
- 3.13 **Unreasonable student conduct:** any behaviour by a student which, because of its nature or frequency raises substantial health, safety, resource or equity issues for the University, staff, other student, or the student themselves.
- 3.14 **Working day:** any day other than:
- Saturday and Sunday;
 - any public holiday which is observed by Avondale; and
 - Avondale's nominated Christmas and New Year shut down period.

Standard working hours on a working day are normally Monday to Thursday 8.30am-5pm; Friday 8am-12pm.

4. PRINCIPLES

- 4.1 Avondale's appeal process will be conducted at no cost to the student.
- 4.2 Appeals must be made by the student, and cannot be made by a third party (e.g. friend, family member, or legal or other representative). Exceptions will be considered if evidence is provided of a student's incapacity to complete or submit their own appeal.
- 4.3 Students may withdraw an appeal at any time. In such circumstances, it is usual for the investigation into the appeal to cease.

- 4.4 Applications for appeal must be submitted through the Student Appeal Form relevant to the stage of appeal (a link is available with this Procedure in the Policy Repository).
- 4.5 Prospective students seeking to appeal against an academic decision must use the Non-Enrolled Student Academic Appeal Form, which can be found with this Procedure in the Policy Repository.
- 4.6 Students who are enrolled in an Avondale VET course through VET in Schools and who wish to appeal an academic decision may initiate the process through their school-nominated VET liaison who can contact the VET Coordinator by email at VETadmin@avondale.edu.au.
- 4.7 Students must ensure that they provide sufficient supporting documentation demonstrating at least one of the grounds for appeal stated below for the relevant stage appeal. Where obtaining evidence for some specific matter is impossible, a statutory declaration may be acceptable. The appropriate statutory declaration form and information about using a statutory declaration can be obtained from: <https://www.jp.nsw.gov.au/Pages/justices-of-the-peace/nsw-statutory-declaration.aspx>
- 4.8 If the necessary documentation is not included with the application, the application will not be considered.
- 4.9 An application which does not state the grounds for appeal included in this procedure will not be considered.
- 4.10 An application which does not satisfy the grounds for appeal included in this procedure will not be considered.
- 4.11 Failure by the student to make available to any stage of a review, all relevant material reasonably available at the time is not adequate grounds for appeal against the decision.
- 4.12 Students may seek confidential, independent advice from Student Life Services at any stage of the appeal process.
- 4.13 In an appeal relating to instructions given to students about an assessment task, the written guidelines in the relevant Unit Outline and Unit Information, or an assessment task update communicated in writing via the Learning Management System (Moodle) will be taken as definitive.
- 4.14 On the resolution of an appeal, a formal response will be provided to the student by the appeal decision-maker for the relevant stage.
- 4.15 In the case of an appeal against a grade, the result may be that the final grade is either retained, raised or lowered.
- 4.16 Appeals regarding administrative discontinuation and/or exclusion cannot be made during a show cause process.

5. STAGE 1 APPEAL PROCESS

Grounds for Stage 1 Review of Grade Appeal

- 5.1 A student may apply for a Review of Grade where:
 - a) the Unit Information, Unit Outline and/or LMS was not prepared in accordance with the Assessment Policy (HE Coursework);
 - b) the assessment requirements as specified in the Unit Information, Unit Outline and/or LMS were varied in an unreasonable way;

- c) assessment requirements specified in the Unit Information, Unit Outline and/or LMS were unreasonably or prejudicially applied to the student;
 - d) an error occurred in the computation of the grade; or
 - e) appropriate consideration has not been paid to the evidence of illness or misadventure that was previously provided to the University as part of an application.
- 5.2 An application for a Review of Grade will not be considered when one or more of the following apply:
- a) the student's grade for that unit has been applied as a result of a determination of Academic Misconduct under the Academic Integrity Policy; or
 - b) the student has not completed all the essential requirements of the unit (unless there are extenuating circumstances).

Grounds for Stage 1 Appeal of Other Academic Decisions

- 5.3 A student may appeal against an academic decision of the University such as (but not limited to) Admission, Assessment Special Provisions and Adjustments, Academic Misconduct, Probation, Recognition of Prior Learning, Leave of Absence, Suspension and Exclusion, and decisions regarding Higher Degree Candidature.
- 5.4 Individuals who are not enrolled at Avondale but are prospective students and who wish to appeal regarding their application for enrolment, advanced standing or other academic matters, may do so following the process outlined in this section.
- 5.5 Applications to appeal decisions other than Review of Grades, must be based on evidence that the original decision-maker:
- a) failed to follow Avondale policy and/or procedure; and/or
 - b) applied the policy or procedure to the student in an unreasonable or prejudicial manner; and/or
 - c) failed to consider relevant information which may have materially affected the decision.

Student Initiation of a Stage 1 Appeal

- 5.6 Where a student seeks to make a Stage 1 appeal, they must submit the appeal within 10 working days of the date on which the academic decision was communicated, unless there are extenuating circumstances, which must be documented.

Consideration of a Stage 1 Appeal

- 5.7 The appeal will be considered by the nominated Associate Dean (L&T) or VET Coordinator.
- 5.8 Depending on the nature of the appeal, the Associate Dean (L&T) or VET Coordinator may consult other staff as deemed appropriate.
- 5.9 The Associate Dean (L&T) or VET Coordinator will normally respond to the appeal within 15 working days.

6. STAGE 2 APPEAL PROCESS

Grounds for Stage 2 Appeal: Review of a Stage 1 Decision

- 6.1 If a student believes the outcome of a Stage 1 appeal warrants subsequent appeal on procedural grounds, they may lodge a Stage 2 appeal.
- 6.2 A Stage 2 appeal will not be considered if it simply consists of a re-submission of the appeal presented in Stage 1.
- 6.3 A Stage 2 appeal must outline the evidence that the Stage 1 decision-maker failed to either:
 - a) follow Avondale policy and/or procedure; and/or
 - b) consider relevant information available at the time of the Stage 1 appeal which may have materially affected the outcome.

Student Initiation of a Stage 2 Appeal

- 6.4 Where a student seeks to make an appeal against a decision of the Associate Dean (L&T) or VET Coordinator, they must submit the appeal within 10 working days of the date on which the outcome of their Stage 1 appeal was communicated, unless there are extenuating circumstances, which must be documented.

Consideration of a Stage 2 Appeal

- 6.5 The appeal will be considered by the Dean (L&T). Depending on the nature of the appeal, the Dean (L&T) will consult other staff as deemed appropriate.
- 6.6 The Dean (L&T) will normally make a determination on the matter within 15 working days of receiving the appeal.

7. STAGE 3 APPEAL PROCESS

Grounds for Stage 3 Appeal: Review of a Stage 2 Decision

- 7.1 If a student believes the outcome of a Stage 2 appeal warrants subsequent appeal on procedural grounds, they may lodge a Stage 3 appeal.
- 7.2 A Stage 3 appeal will not be considered if it simply consists of a re-submission of the appeal presented in Stage 2.
- 7.3 A Stage 3 appeal must outline the evidence that the Stage 2 decision-maker failed to either:
 - a) follow Avondale policy and/or procedure; and/or
 - b) consider relevant information available at the time of the Stage 2 appeal which may have materially affected the outcome.

Student Initiation of a Stage 3 Appeal

- 7.4 Where a student seeks to make an appeal against a decision of the Dean (L&T), they must submit the appeal within 10 working days of the date on which the outcome of their Stage 2 appeal was communicated, unless there are extenuating circumstances, which must be documented.

Consideration of a Stage 3 Appeal

- 7.5 The appeal will be considered by the Appeals Committee convened and chaired by the Provost. The Committee will normally comprise up to four members drawn from the Academic Board.

- 7.6 The function of the Appeals Committee is to:
- a) decide whether the appeal should be upheld or denied; and
 - b) if the appeal is upheld, decide what action(s) should be taken as a consequence.
- 7.7 The Appeals Committee will normally make a final determination on the matter within 15 working days of receiving the appeal.
- 7.8 The decision of the Committee is final and there is no further right of appeal within the University.

8. STAGE 4 APPEAL TO EXTERNAL AUTHORITIES

- 8.1 If not satisfied with the outcome of the appeal process, a student may choose to appeal to outside authorities. For example, the student may wish to take the matter further by selecting the appropriate body from organisations such as:
- [NSW Fair Trading Office](#)
 - [Study Assist](#)
 - [ASQA](#)
 - [Human Rights and Equal Opportunity Commission](#)
 - [Anti-Discrimination Board of NSW](#)
 - International Students on a Student Visa may appeal to the relevant Ombudsman. See the following link: <https://www.ombudsman.gov.au/making-a-complaint/overseas-students>
- 8.2 In most cases the purpose of an external appeals process is to consider whether Avondale has followed its policies and procedures, rather than make a decision in its place.

9. UNREASONABLE STUDENT CONDUCT

- 9.1 Avondale will not consider appeals where any of the following are deemed to have occurred:
- a) unreasonable persistence that is continued, incessant and unrelenting including where the substance of the appeal has already been considered by the University and satisfactory measures have been taken to progress or resolve the matter;
 - b) unreasonable demands (express or implied);
 - c) unreasonable lack of cooperation;
 - d) unreasonable arguments that are not based in reason or logic, that are incomprehensible, false, inflammatory, or trivial;
 - e) unreasonable behaviours that compromise the health, safety and security of staff, other service users or the student themselves.

10. STUDENT ENROLMENT STATUS

- 10.1 Unless otherwise directed by the decision-maker overseeing the appeal response and/or Director, Student Administration Services, a student who has submitted an appeal under this procedure should continue to enrol in and attend units available to them in their course of study, subject to meeting prerequisites.

- 10.2 The Director, Student Administration Services will routinely place an academic encumbrance on a student's enrolment where they have not progressed as per the [Academic Progression Policy and Rules](#).
- 10.3 Where an academic encumbrance has been placed on a student, the appeal decision-maker may request the Director, Student Administration Services to reverse the encumbrance while an appeal is under consideration.
- 10.4 International students on a student visa will be informed by Student Administration Services of the implications regarding the status of their Confirmation of Enrolment.
- 10.5 A student may in some instances be prevented from commencing their placement/practicum until the appeal is resolved.
- 10.6 If:
- a student exercises the option to continue in their course of study while any appeal process is under consideration; and
 - the final stage of the appeal process accessed by the student is not completed before the census date for the relevant study period,

then the student may complete their enrolment in the relevant study period and be awarded the result(s) achieved in those units in that study period, irrespective of the outcome of the appeal process.

11. CONFIDENTIALITY

- 11.1 Staff processing appeal applications will take appropriate steps to ensure that confidential information is held securely, and only made available to those staff who need that information to make an informed decision or to refer a student for additional support.
- 11.2 All information will be treated in accordance with the provisions of the *Privacy Act 1988* and the *Privacy Amendment (Private Sector) Act 2000*.

12. DOCUMENT RETENTION

- 12.1 All records associated with appeals will be kept for a period of at least 5 years.

13. REPORTING

- 13.1 The Provost or nominee will submit an annual report on the number, nature and outcome of appeals, (ensuring that all information is de-identified) to the Academic Board and Executive Committee, highlighting trends and addressing risk and quality issues.
- 13.2 In the case of appeals taken to an Ombudsperson or equivalent, the Officer responsible for actioning the recommendations will report a summary of the issue, the recommendations and the actions taken in a report to the Academic Board, Executive Committee, and Avondale Council at their next meeting.

RELATED DOCUMENTS

1. Non-Enrolled Student Academic Appeal Form

Table of amendments

Version Number	16.1	Replaces Version	16.0, 6 July 2022
Implementation Date	20 July 2023	Scheduled Review Date	July 2027
Approving Body	Academic Board	Approval Date	11 July 2023
Policy Owner	Provost	Date first introduced	June 1999
Short description of amendment	V16.1 Minor changes made to reflect the development of a Complaint Resolution Policy and Procedure in place of the Appeal & Grievance Procedure (Non-Academic). V16.0 significant revisions have been made throughout the document including separating policy and procedure and revising the delegations and review stages.		