

POLICY FOR APPEAL AND REVIEW ON ADMINISTRATIVE MATTERS

PART A - Introduction

1. Principles

The Policy for Appeal and Review on Administrative Matters is based on the following principles:

- All actions under this Policy are to be based on values consistent with the Mission of the University and to be underpinned by principles of natural justice and procedural fairness. These principles of natural justice and procedural fairness apply to all students.
- The processes and procedures are in accordance with or exceed the Commonwealth Government requirements under the *Higher Education Support Act 2003*.
- Students will not suffer any disadvantage as a result of making an appeal or a subsequent request for review.
- Students may, at their own expense, seek advice and/or advocacy from a third party in relation to any matter the subject of an appeal or request for review under this Policy, if so desired.
- All aspects of the process are to be transparent. This Policy and associated procedures will be readily accessible via the web.
- Appropriate confidentiality is to be maintained at all times.

2. Scope of the Policy

2.1 This Policy will apply to resolution of issues pertaining to decisions on administrative matters related to students' admission to and progression in their courses.

Such issues are taken to include admission, enrolment and graduation processes, financial liability, the application of late fees and penalties and all of the issues relating to Commonwealth Government policy under the *Higher Education Support Act 2003* and any amendments or Government interpretations of that Act. The issues covered under the Act include:

- Student Learning Entitlement and related issues
- HECS-HELP
- FEE-HELP
- OS-HELP
- Commonwealth Scholarships.

2.2 The following are **specifically excluded** from the scope of this policy as they are covered by the nominated policies and processes

| Subject of concern or grievance | Relevant policy |
|---|--|
| Student grievance resolution | Student Grievance Management Policy |
| Decision regarding a grade in a unit | Academic Regulations, Regulation 8 |
| Decision regarding termination of enrolment | Academic Regulations, Regulation 8 |
| Unlawful discrimination or harassment | Policy on Discrimination and Harassment |
| Decision relating to conditions of candidature of a research or professional doctorate degree student | Research and Professional Doctorate Degree Regulations |
| Conduct which is a breach of the Academic Honesty Policy | Academic Honesty Policy |
| Conduct which is a breach of Student Conduct and Discipline | Statute 10 Student Conduct and Discipline |
| Conduct which is a breach of the Staff Code of Conduct | Staff Code of Conduct |
| Intellectual property | Intellectual Property Policy |
| Unacceptable use of the internet | Computer, Internet and Telephone Acceptable Use |

PART B – Process of Appeals and Reviews

3. Application

All administrative functions will be subject to the same appeal and review procedures. The process applies equally to all students, regardless of course, location or mode of study. A person who has ceased to be a student may make an appeal or request a review in relation to a matter arising while he or she was a student, subject to adherence to the timelines outlined below.

4. Appeal

4.1 A student may appeal any administrative decision within 28 days of the notification of that decision. The appeal will be in writing (e-mail is acceptable) to the decision-maker (usually the Manager of the relevant section) and will state the grounds on which the appeal is being made.

The normal grounds of any appeal will be that either

- (a) extenuating and unforeseen circumstances have prevented the student from taking action within the prescribed times or in the prescribed fashion. An appeal on these grounds will be supported by relevant documentary evidence; or
- (b) the basis for the decision had not been made clear to the student prior to the decision being made.

4.2 The outcome of any appeal will be determined within 10 working days of its receipt and the student will be informed in writing of the:

- (a) outcome of the appeal;
- (b) processes undertaken during the appeal;
- (c) reasons for the decision; and
- (d) any remaining avenues of review.

5. Review

5.1 Within 10 working days of the receipt of the outcome of an appeal a student may request, in writing, a review of the appeal decision. A student seeking a review must make a case that the published University regulations or procedures have not been observed. The senior officer to whom the Manager, whose decision is being appealed, reports will conduct the review.

5.2 The outcome of the review will be determined within 10 working days of its receipt and the student will be informed in writing of the:

- (a) outcome of the review;
- (b) processes undertaken during the review;
- (c) reasons for the decision; and
- (d) any remaining avenues of review.

6. Final Review

6.1 Within 10 working days of the receipt of the outcome of a review a student may request, in writing, a final review of the appeal and review process. A student seeking a final review must make a case that the published University regulations or procedures have not been observed. The Academic Registrar will conduct all final reviews.

6.2 The outcome of the review will be determined within 10 working days of its receipt and the student will be informed in writing of the:

- (a) outcome of the review;
- (b) processes undertaken during the review;
- (c) reasons for the decision.

6.3 If the student has not received written advice within 45 days of the Academic Registrar having received the application for review, the Academic Registrar is taken to have confirmed the original decision.

7. Record of Appeals, Requests for Review and Decisions

Any correspondence under this Policy will be retained on the student file and will be accessible to the student in accordance with the University *Privacy Statement* and the Student Administration *Privacy Policy*.

8. Further Review or Appeal⁶

In the case of any matter dealt with under the *Higher Education Support Act 2003*, and any amendments or guidelines associated with that Act, a student may appeal to the Administrative Appeals Tribunal.

In the case of internal University matters, no further avenue of appeal is available within the University. However, nothing in this policy removes the right of a student to access any other complaint or appeal mechanism available to them as legislated in the relevant State or Territory.

9. Malicious or Vexatious Complaints or Grievances

Student complaints or grievances that are found to be frivolous, vexatious or malicious may result in action being taken under Statute 10 Student Conduct and Discipline.

PART C – Publication of Appeal, Review and Grievance Procedures

- 10.** The student and public access pages of the ACU website will be utilised to give clear and open access to information regarding all reviews under this Policy and the policies and regulations relating to academic appeals and student grievances. For off-campus students unable to access the web, a hard copy may be obtained by contacting the relevant Student Centre.¹

⁶ See Statement on External Avenues of Appeal or Complaint.