

## Student Appeal Policy

*Policy Code: CG1488*

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### Introduction

As part of the University's student appeals policy framework, the Student Appeals Policy and Procedure provide a framework for the University to respond to appeals in a way that contributes to the University's supportive and fair learning environment, and is consistent with the principles of fairness, equal opportunity and natural justice.

### Purpose

To provide the University, its students and staff with a clear set of principles in relation to student appeals.

### Scope

This policy is applicable to:

- all students and staff of the University
- prospective students whose complaint or appeal relates to administrative practices during application, selection or admission

### Definitions

| Term                   | Definition  |
|------------------------|---|
| <b>Academic Board:</b> | Means the Academic Board established pursuant to the <i>Federation University Australia Act 2010</i> .  |
| <b>Agency:</b>         | Includes the Victorian Ombudsman, the Privacy Commissioner, the Victoria Equal Opportunity and Human Rights Commissions, the Department of Education or other relevant State or Federal government agencies or departments. |

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| Term                                 | Definition   |
|--------------------------------------|--|
| <b>Appeal:</b>                       | Means an escalation step which may be open to a student if the student is dissatisfied with an adverse decision, or perceives an adverse outcome. This term covers both Internal Appeals and External Appeals.   |
| <b>External Appeal:</b>              | An appeal made to an external Agency against a Final Decision of the University.   |
| <b>Final Decision:</b>               | A decision made by the member of staff authorised to make that decision and communicated to the Complainant in writing when all Internal Appeal avenues within the University's Procedures and processes, including under Legislation, or, if applicable, under this Policy have been exhausted. |
| <b>Internal Appeal:</b>              | An appeal against a decision where the appeal is brought under University Legislation or where there is a process for appeal within other University Procedures.   |
| <b>Staff:</b>                        | Any person who is an employee of the University at any stage during the appeal process or the events preceding it, including full time, part time, sessional or casual employees, and those at partner providers.  |
| <b>Student:</b>                      | Any person enrolled as a student of the University. This includes full-time, part-time, block-mode or distance education students, and those enrolled at partner providers   |
| <b>University:</b>                   | Federation University Australia.   |
| <b>University Grievance Officer:</b> | Staff member appointed by the Vice Chancellor.   |
| <b>VCAA</b>                          | Victorian Curriculum & Assessment Authority  |
| <b>VCAL</b>                          | Victorian Certificate of Applied Learning  |

## Policy Statement

The University is committed to providing a fair, safe and productive study environment. However, the University recognises that from time to time, decisions made by the University and its staff may adversely affect a student, and that students may wish to appeal such decisions. In all instances, the University will respond to appeals in a way that contributes to the University's supportive and fair learning environment, and consistent with the principles of fairness, equal opportunity and natural justice.

At all stages of the [Student Appeal Procedure](#), the University is committed to:

- an accessible, impartial, fair and equitable process;
- transparency and consistency;
- resolution of appeals at the earliest possible stage; and
- privacy and confidentiality.

The University will consider appeals in a timely manner, while keeping the parties fully informed of the progress of the matter.

All staff and students are expected to cooperate with the [Student Appeal Procedure](#) fully, openly and in good faith, with the aim of reaching a mutually satisfactory resolution. Any student who uses the [Student Appeal Procedure](#) to make a frivolous or vexatious claim may be subject to disciplinary action.

The University reserves the right to decline to pursue an appeal, including but not limited to circumstances where another process is more appropriate, or where the student does not have sufficient grounds to lodge an appeal.

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Students who are not satisfied with the outcome of the appeal process may make a complaint to an external agency, such as the Victorian Ombudsman.

## Grounds for appeal

Appeals may be lodged against decisions made under University Legislation, Policies or Procedures, if the relevant document includes a right of appeal.

Appeals may occur because of decisions made including, but not limited to, the following:

- Appeal against a selection decision
- Appeal of a final grade;
- Special consideration;
- Student discipline (including cheating, unfair advantage and plagiarism);
- Examinations;
- Unsatisfactory progress;
- Exclusion;
- Admission, enrolment, transfer and withdrawal;
- Credit;
- Fees and charges;
- Bullying;
- Discrimination;
- Harassment;
- Privacy; and
- Conduct that has an unreasonable negative impact on the student.

## Legislative context

- [Education Services for Overseas Students Act 2000](#) (Cth).
- [ESOS Regulations 2001](#).
- [Equal Opportunity Act 1995](#) (Vic).
- [Freedom of Information Act 1982](#) (Cth).
- [Information Privacy Act 2000](#) (Vic).
- [Ombudsman Act 1973](#) (Vic).
- [Education and Training Reform Act 2006](#)
- [VRQA Guidelines to Minimum Standards 2016](#)

## Supporting documents

- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007
- [Public Records Office Victoria's Retention and Disposal Schedule for Higher and Further Education Institutions specifically class nos 9.0.0 to 9.4.0 Student Administration - Grievances](#)
- [Student Appeal Procedure](#)
- [Student Grievance Policy](#)
- [Student Grievance Procedure](#)

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- [Bullying Prevention and Management Policy](#)
- [Bullying Prevention and Management Procedure](#)
- [Discriminatory and Sexual Harassment Complaint Procedure](#)
- [Equal Opportunity and Valuing Diversity Policy](#)
- [Protected Disclosures Procedure](#)
- [Information Privacy Policy](#)
- [Records Management Policy](#)
- [Fair and Transparent Decision Making Guidelines](#)
- Information Privacy Statement – Collection, Use and Disclosure Guidelines
- [Pre-enrolment Appeal Procedure](#)

## Responsibility

- The Deputy Vice Chancellor, Engagement (as the delegate of the University Council) has overall responsibility for implementation and review of this policy.
- The University's Legal Office and the Executive Officer to the University Appeals Committee have delegated responsibility for providing students and staff with guidance on this Policy.
- All staff within the University who deal with students as part of their daily work should, where they receive requests for information about appeals including appeals in relation to final decisions, do so in accordance with this and other established policies, procedures and standards.

## Implementation

This policy will be implemented throughout the University via:

- An Announcement Notice under 'FedNews' on the 'FedUni' website and through the University Policy webpage to alert the University-wide community of the approved policy
- Inclusion in the University's online Policy Library.
- Reference to the policy in applicable University web pages including the University Student and Learning Support (Equity and Student Services) and the University's Legal Office and Corporate Governance web pages.
- Training sessions to staff, including other staff responsible for advising in respect of student issues, such as Student Grievance Officers, Harassment Contact Officers and Student Counsellors (International, Academic, Welfare and Indigenous Support), and staff responsible for supervising students (including supervisors of higher degrees, or supervisors of students on placement or work experiences programs).

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