

Student Appeal Procedure

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Introduction

This procedure provides a framework for students to seek the review or appeal of certain University decisions.

Purpose

The purpose of this procedure is to provide a consistent, fair and transparent framework through which the University will receive, determine and finalise reviews or appeals of certain University decisions.

The University aims to resolve reviews and appeals in a professional, timely, inexpensive manner.

Scope

This procedure is applicable to students who have a right to review or appeal a University decision in accordance with the terms of this procedure and University legislation, statutes and regulations.

Legislative context

This procedure is made pursuant to and under powers given to the University through the following:

- *Federation University Australia Act 2010 (Vic)*
- *Federation University Australia Statute 2021 (Vic)*
- *Federation University Australia (Students) Regulations 2022*

as amended or replaced from time to time.

This procedure is intended to support the University's regulatory compliance, including compliance with:

- *Higher Education Support Act 2003 (Cth)*
- *Tertiary Education Quality and Standards Agency Act 2011 (Cth)*
- *Education Services for Overseas Students Act 2000 (Cth)*
- *Higher Education Standards Framework (Threshold Standards) 2021*
- *National Code of Practice for Providers of Education and Training to Overseas Students 2018*
- *Standards for Registered Training Organisations 2025*

Definitions

Term	Definition
Applicant	Means the student or prospective student who applies for a review or appeal of a University decision.
Final Review/Appeal	Means the final review or appeal process conducted by the University after any applicable Interim Review/Appeal process. For example, a hearing conducted by the Student Appeals Committee is the Final Review/Appeal process in relation to matters which the Student Appeals Committee has the power to hear.

Interim Review/Appeal	<p>Means an internal review or appeal process or processes conducted by the University prior to the Final Review/Appeal process. There may be more than one Interim Review/Appeal process before a matter can progress to a Final Review/Appeal.</p> <p>For example, an appeal of a University decision in relation to unsatisfactory student progress is first heard at an Institute level. Students who are dissatisfied with the outcome of the Institute decision can then appeal to the Student Appeals Committee as a Final Review/Appeal (subject to the terms of this procedure).</p>
Student Appeals Committee	Means the body established by Part 5, Division 7 of the Student Regulations.
Student Misconduct	<p>Means:</p> <ul style="list-style-type: none"> • academic misconduct; • research misconduct; or • general misconduct; <p>as those terms are defined in the Student Regulations.</p>
Student Regulations	Means the <i>Federation University Australia (Students) Regulations 2022</i> , as updated, amended or replaced from time to time.
University	Means Federation University Australia
Working Day	Means an ordinary business day of the University, excluding weekends, public holidays and days on which the University is officially closed (for example, the Christmas close-down).

Actions

Students may, in certain circumstances, apply for a review or appeal of University decisions.

Not all University decisions can be internally reviewed or appealed.

The process for applying for an internal review or appeal of a University decision differs depending on:

- **the type of University decision; and**
- **the University legislation, policy and/or procedure applicable to that decision.**

Prospective Applicants are encouraged to seek support from [Student Advocacy](#) prior to lodging an application for internal review or appeal.

If a right of internal review or appeal exists in relation to a University decision, it is the Applicant's responsibility to progress the matter in accordance with applicable University legislation, policy, procedure and guidance.

If there is no right of internal review or appeal in relation to a University decision, the individual will be directed to further avenues of external appeal, review and/or complaint that may be available to them through an external body/agency.

Appeal/Review Process

Appeals to the Student Appeals Committee

An Applicant may appeal certain University decisions to the Student Appeals Committee.

Applicants can only appeal a University decision to the Student Appeals Committee where:

- the Applicant has received an official first instance decision from the University in accordance with the policy or procedure applicable to that decision; and
- the Applicant has completed any applicable Interim Review/Appeal processes in accordance with the University policy or procedure; and
- the decision is within the scope of the Student Appeals Committee's powers to hear on appeal.

Decisions which can be appealed to the Student Appeals Committee include (but are not limited to) the following University decisions:

- **Student Misconduct findings**
 - The following University decisions/actions must firstly be determined as Student Misconduct in accordance with the [Student Misconduct Procedure](#) before the decision can be appealed to the Student Appeals Committee:
 - Suspected Academic Misconduct referrals under regulation 47 and 48 of the Student Regulations.
 - Summary Suspension Decisions under regulation 53(1) of the Student Regulations.
 - Failure to comply with Summary Suspension Decisions under regulation 53(1) of the Student Regulations.
 - A finding of serious general misconduct under regulation 54 of the Student Regulations can be directly appealed to the Student Appeals Committee.
- **A final decision in relation to a student complaint.**
- **An unsatisfactory progress decision.**
- **A special consideration decision.**
- **Final grade in a unit decision.**
 - Review of a final grade in a unit is subject to an Interim Review/Appeal process at an Institute level before the decision can be appealed to the Student Appeals Committee. See below section 'Review of a Final Unit Grade Process' for details.

Review of a Final Unit Grade Process

An application for a review of a final grade in a unit under Regulation 34(1) of the Regulations must be progressed in accordance with the following process:

Activity	Action
Step 1 Application for review to the Executive Dean or nominee	Form and time of application Applicant must submit a written application for review directly to the Executive Dean of their Institute. Applications must be lodged within ten (10) Working Days of publication of the final grade or result for the unit. Applications received out of time may be accepted at the discretion of the Executive Dean or their nominee.

	<p>Grounds of application</p> <p>An application may only be made on one or more of the following grounds:</p> <ul style="list-style-type: none"> • the unit description and accompanying assessment materials were not sufficiently explicit in identifying - <ul style="list-style-type: none"> • the learning tasks students are required to complete in the unit; or • how students will be assessed; • the assessors failed to comply with the assessment procedures set out in the unit description and accompanying assessment materials; or • the criteria set out in the unit description and accompanying assessment materials were not applied fairly and appropriately.
<p>Step 2</p> <p>Consideration of review and outcome</p>	<p>Consideration of review</p> <p>The Executive Dean (or their nominee) will consider the application and make decision on the application.</p> <p>The decision-maker may decide to:</p> <ul style="list-style-type: none"> • confirm the original grade; • change the grade; or • prescribe an appropriate unit of action (such as re-marking or supplementary assessment). <p>Outcome and notification</p> <p>The Executive Dean (or their nominee) will communicate the outcome of the review and their accompanying reasons to the Applicant in writing.</p>
<p>Step 3</p> <p>Appeal to the Student Appeals Committee</p>	<p>An Applicant who is dissatisfied with the decision of the Executive Dean (or their nominee) under Step 2 may appeal that decision to the Student Appeals Committee in accordance with this procedure.</p>

Academic Division Duties

The applicable Academic Division must:

- notify student administration of any amended results following the outcome of a review;
- keep a record of all reviews submitted and their outcomes for the purpose of identifying trends and potential causes of review applications; and
- report on review applications, identified trends and corrective actions undertaken to the Academic Board at the end of each teaching/assessment period.

Other Internal Appeal/Review Processes

All other reviews or appeals of University decisions (which are not heard by the Student Appeals Committee) will be conducted in accordance with the process described in the applicable policy or procedure for that decision.

These include (but are not limited to) the following decisions:

- Refund/remission of debt decisions.

- Student fees and charges decisions.

General Principles for Reviews and Appeals

Subject to the University's compliance with any applicable regulatory requirements, the 'General Principles of Review and Appeal' described in this section will apply generally to both Interim Review/Appeal and Final Review/Appeal processes.

Duty to Act Honestly and Reasonably

All people involved in an internal review or appeal process must:

- act honestly and reasonably at all stages of the process;
- demonstrate respect for the rights of others;
- conduct themselves in a manner which supports the timely and fair resolution of the matter;
- comply with applicable University legislation and governance documents;
- act professionally and respectfully of others; and
- not abuse an appeal or review process.

University Powers

The University may refuse to accept, may summarily dismiss, or may close an application for review or appeal where, on reasonable grounds, it is satisfied that:

- the application does not relate to a decision that is reviewable under applicable University legislation, policy or procedure;
- the application has been lodged with the wrong person or body and should properly be dealt with under another internal process;
- the application is out of time and no extension of time has been granted;
- the application is frivolous, vexatious, misconceived, duplicative, or otherwise constitutes an abuse of process;
- the application does not disclose any ground of review or appeal available under the applicable University legislation, policy or procedure;
- the Applicant has failed, after being given a reasonable opportunity, to provide information or documents reasonably required to assess the application; or
- the application otherwise does not comply with applicable University legislation, regulations, policies or procedures, and the non-compliance is not remedied after notice.

Before refusing to accept, summarily dismissing, or closing an application on procedural grounds, the University will ordinarily:

- notify the Applicant of the issue;
- provide the Applicant with a reasonable opportunity to respond or rectify the defect; and
- consider any response received.

If an application does not:

- clearly identify the decision to be reviewed or appealed;
- state the grounds relied upon;
- refer to relevant supporting material; or

- comply with the applicable form or submission requirements; then the University will give the Applicant a reasonable opportunity to correct the deficiency.

If the Applicant fails to respond within the specified time, the University may determine the matter on the information available or close the application, as appropriate.

Any decision to refuse to accept, summarily dismiss, or close an application will be communicated to the Applicant in writing and will include reasons.

Applicant Responsibilities

It is an Applicant's responsibility to:

- familiarise themselves with applicable University legislation, procedure, policy and guidance;
- comply with the policies and procedures which specifically apply to the decision they seek to appeal/review;
- lodge their applications within the prescribed timeframes and in accordance with any applicable rules, processes and forms;
- clearly articulate each ground of appeal they intend to rely on;
- support each ground of appeal with relevant evidence and information; and
- comply with University directions in relation to the conduct of the appeal/review.

Applicants may only apply for review/appeal on their own behalf and not in respect of a group or any other student.

False Information and Misconduct

The University may deal with conduct under the applicable student misconduct framework where a student, in connection with a review or appeal process:

- knowingly provides false or misleading information;
- knowingly submits fabricated, altered or false evidence;
- engages in threatening, abusive or seriously disruptive conduct; or
- otherwise engages in conduct that constitutes Student Misconduct.

For the avoidance of doubt, an application that is unsuccessful, mistaken, weakly supported, or not made out on the evidence will not, of itself, constitute Student Misconduct if it was made in good faith.

Resolution Time

The University will acknowledge receipt of an application within a reasonable period and will notify the Applicant if further information is required before the matter can proceed.

Where University legislation, policy or procedure specifies a timeframe within which an application must be heard or determined, the University will use reasonable endeavours to comply with that timeframe, subject to matters outside the University's reasonable control.

Where no specific timeframe is prescribed, the University will take reasonable steps to resolve the matter as soon as practicable having regard to the nature, complexity and circumstances of the matter.

If there is likely to be a material delay, the University will notify the Applicant as soon as practicable and provide, where possible:

- the reason for the delay; and

- a revised indicative timeframe.

Natural Justice and Impartiality

Internal reviews and appeals will be conducted in accordance with the requirements of procedural fairness.

Without limitation, procedural fairness requires that:

- a person affected by a decision, allegation or disputed matter is given reasonable notice of the issues to be considered, including any adverse information that may be taken into account;
- the person is given a reasonable opportunity to respond, make submissions, and provide relevant evidence before a decision is made;
- the matter is considered by a decision-maker or decision-making body that is impartial and free from actual bias, perceived bias, or any conflict of interest; and
- the outcome is communicated in writing and includes reasons for the decision.

A person must not determine a review or appeal if they:

- made the decision under review;
- had substantive prior involvement in advising on the original decision or an earlier stage of the matter; or
- otherwise have, or may reasonably be perceived to have, a conflict of interest or lack of impartiality.

A person who directly participated in an Interim Review/Appeal must not determine any subsequent Final Review/Appeal arising from the same matter.

Findings and Standards of Proof

Review and appeal processes must be conducted in a manner that is fair, impartial and transparent.

Any factual findings made by the decision-maker or decision-making body will be made on the balance of probabilities, having regard to the nature and seriousness of the issues and the consequences of the finding.

Findings and decisions will be based on the material properly before the decision-maker, which may include:

- the original decision and any record of that decision;
- the application for review or appeal;
- documents and submissions provided by the parties; and
- any further information obtained and disclosed in accordance with this procedure.

Where a review or appeal is determined by a multi-member body, findings and decisions will be made by a majority of the members participating in the decision, subject to any applicable quorum requirements.

Confidentiality

All participants in a review or appeal process must respect the privacy and confidentiality of information obtained through the process and must only use or disclose that information for the purpose of the process, or as otherwise permitted or required by law.

Nothing in this procedure prevents a party from disclosing information:

- to a support person, advocate, carer or immediate family member where reasonably necessary for support;
- to a medical practitioner, counsellor, psychologist or other health professional;

- to a student representative body, advocacy service or adviser;
- for the purpose of obtaining legal, financial or other professional advice;
- for the purpose of making a complaint or disclosure to an external authority or oversight body; or
- where disclosure is otherwise permitted or required by law.

The University will collect, use, store and disclose personal and health information in accordance with applicable privacy and records management laws and University policies and procedures.

Support Person

A party may be accompanied by a support person at any meeting, interview or hearing held as part of a review or appeal process.

A support person may provide personal, practical or emotional support to the party but must not act as the party's advocate or representative unless expressly permitted under this procedure.

A support person may be internal or external to the University and may be legally qualified, but must not act in a legal professional capacity in the process unless expressly permitted by the University.

A support person may be excluded, or conditions may be placed on their participation, if the decision-maker reasonably considers that the support person:

- is disrupting the process;
- is preventing the fair and orderly conduct of the process;
- presents a conflict of interest that cannot be appropriately managed; or
- poses a risk to the safety, wellbeing, privacy or confidentiality of another person.

A support person may speak only where invited to do so by the person conducting the meeting or hearing, or with that person's permission.

An Aboriginal or Torres Strait Islander Applicant may request culturally appropriate support during a review or appeal process, including assistance from a relevant Aboriginal and Torres Strait Islander support officer or service where available.

The University will take reasonable steps to facilitate culturally safe participation in the process.

Advocates

Parties are ordinarily expected to represent themselves in review and appeal processes.

An Applicant who, because of disability, illness, communication difficulty, trauma, or other exceptional circumstances, is unable to participate effectively in a review or appeal process without assistance may apply to the person or body hearing the matter for permission to have an advocate attend and/or make submissions on the Applicant's behalf. The University will determine any such application on a case-by-case basis.

The University may require the Applicant to provide:

- a written request;
- a signed authority appointing the proposed advocate and specifying the scope of that authority; and
- reasonable supporting documentation confirming the functional impact of the Applicant's circumstances on their ability to participate effectively in the process.

Where appropriate, the University may rely on information already held by its accessibility, disability support or student support services, and will not ordinarily require diagnostic information or detailed medical records unless reasonably necessary.

An advocate may be legally qualified, but must not act in a legal professional capacity in the process unless expressly permitted by the University.

An advocate must not be involved in, or alleged to have been involved in, the matter under review or appeal and must comply with any directions given by the decision-maker about the conduct of the process.

The decision-maker may refuse, limit or withdraw permission for an advocate to speak on behalf of an Applicant, or may exclude an advocate from a hearing, where the advocate:

- disrupts the process;
- fails to comply with directions;
- gives rise to a conflict of interest; or
- otherwise compromises the fair and orderly conduct of the review or appeal.

Reasonable Adjustments

The University will take reasonable steps to ensure that internal review and appeal processes are accessible and procedurally fair.

Where appropriate and in accordance with the University's regulatory requirements, the University will make reasonable adjustments to enable a person to participate effectively in the process, including by:

- permitting the presence of a support person or advocate;
- allowing attendance by telephone or video conference;
- adjusting timeframes;
- providing documents in an accessible format;
- arranging interpreting or communication support; or
- making other reasonable procedural adjustments having regard to the person's circumstances.

Appeal Outcomes

The University will notify the Applicant in writing of the outcome of each stage of an internal review or appeal.

The written outcome will ordinarily include:

- the decision;
- the reasons for the decision;
- any findings in relation to the grounds raised by the Applicant;
- any action, direction, recommendation or outcome resulting from the decision;
- the date on which the decision takes effect; and
- details of any further internal review, appeal or external complaint avenue that may be available.

Unless otherwise required, the outcome will be communicated electronically to the email address nominated by the Applicant.

Appeals to the Student Appeals Committee

Student Appeals Committee Charter

The Student Appeals Committee operates in accordance with the Student Appeals Committee Charter.

Decisions that can be appealed to the Student Appeals Committee

A person may apply to the Student Appeals Committee to appeal a decision if:

- the decision is an *appealable decision*; and
- the decision affects the person in the *person's capacity as a student*; and
- the student has firstly undertaken any Interim Review/Appeal process in accordance with the policy or procedure under which the decision was made.

An *appealable decision* means one of the following decisions:

- a decision by the University that a person has committed Student Misconduct;
- a final decision made by the University in response to a student complaint, other than a frivolous or trivial complaint;
- a student unsatisfactory progress decision;
- a decision in respect of which University legislation or other legislation or an applicable Commonwealth or State regulatory framework allows or requires a right of review or appeal; or
- a deemed refusal within the meaning of regulation 58 of the Student Regulations.

Grounds for Appeal

An appeal to the Student Appeals Committee can only be made on one or more of the following grounds of appeal:

- that there was relevant evidence which -
 - was available to the decision-maker at the time the decision was made but was not taken into account by the decision-maker; or
 - was not known by the applicant before the decision was made and could not reasonably have been known by the applicant before the decision was made;
- that the decision was manifestly wrong;
- that a procedural irregularity occurred which may have affected the decision;
- that the penalty imposed was manifestly excessive;
- that there was a deemed refusal.

Time for Appeal

An application for an appeal to the Student Appeals Committee **must be lodged within 30 days** after the person was notified of the decision (or, in the case of a deemed refusal, within 30 days after the date of the deemed refusal).

Late Applications

The University reserves the right to refuse to hear an appeal of an appealable decision where the application was made out of time. A person may apply to the Student Appeals Committee seeking permission to lodge an appeal application out of time.

The Student Appeals Committee may accept a late application, taking into consideration -

- how late the application is;
- the reasons why it is late;
- whether the delay has caused prejudice or will have an adverse effect on University administration.

Appeal Process

If the application relates to a decision that is not an appealable decision, the Executive Officer of the Student Appeals Committee must, as soon as is practicable, provide notification of that determination, with reasons, to the Applicant.

If the application relates to a decision that is an appealable decision, the Executive Officer must refer the application to the Student Appeals Committee for hearing and determination.

Appeal Outcome

The Student Appeals Committee must make a determination to either:

- affirm the appealable decision;
- amend the appealable decision; or
- set aside the appealable decision.

Implementing Final Decisions and External Appeals or Complaints

When this section applies

This section applies when:

- the student has completed the University's final internal review or appeal process; or
- the student had a further internal review or appeal available, but did not lodge it in time and was not granted an extension.

If the outcome is in the student's favour

If an internal or external review, appeal or complaint outcome is favourable to the student, the University will implement that outcome promptly.

For international students, the University will implement any favourable outcome in accordance with the *National Code of Practice for Providers of Education and Training to Overseas Students 2018*.

Domestic students

Unless applicable law or an external body requires otherwise, an adverse internal decision for a domestic student takes effect on the date stated in the written outcome notice and may be implemented as soon as practicable.

An external complaint or review by a domestic student does not, by itself, delay implementation of the decision by the University.

International students

The University will comply with the:

- *Education Services for Overseas Students Act 2000 (Cth); and*
- *National Code of Practice for Providers of Education and Training to Overseas Students 2018.*

The University does not need to wait for an external complaint or appeal before implementing a decision if:

- the matter concerns misconduct, misbehaviour, non-payment of fees, or another provider-initiated deferral, suspension or cancellation reason other than unsatisfactory course progress or, where applicable, attendance;
- the student did not use the available internal appeal process in time; or
- after completing the internal process, the student did not, within 10 Working Days:
 - lodge an external complaint or appeal; and
 - provide written evidence of lodgement to the University.

The University must wait for the outcome of an external complaint or appeal if:

- the matter concerns unsatisfactory course progress or, where applicable, attendance;
- the student has completed the University's internal process; and
- within 10 Working Days after being notified of the internal outcome, the student:
 - lodges an external complaint or appeal with the relevant external body; and
 - provides the University with written evidence of lodgement.

In that situation, the University will maintain the student's enrolment and will not report the relevant breach in PRISMS, or otherwise give effect to the decision under the ESOS framework, until:

- the external process is completed and the adverse decision is upheld;
- the student withdraws the external process in writing;
- the external body declines to deal with the matter;
- the external process is otherwise no longer on foot; or
- the matter may otherwise proceed under the ESOS framework.

If the University is required to wait for an external process, the student must notify the University in writing of the outcome within 5 Working Days after being notified of it, and provide reasonable status updates if requested. The University may also ask the student to provide written authority allowing it to make limited enquiries of the external body.

If the University reasonably considers that the student's health or wellbeing, or the wellbeing of others, is likely to be at risk, the University may implement an adverse decision immediately, even if it would otherwise have had to wait.

If an international student is unsuccessful in the University's internal complaints or appeals process, the University will, within 10 Working Days after the internal process is completed, notify the student in writing of their right to access an external complaints or appeals process and provide contact details for the appropriate external body.

Record keeping

- Persons or bodies responsible for making an Interim Review/Appeal decision or a Final Review/Appeal decision must create and retain adequate records of the review or appeal process, including the material considered, the decision made, the reasons for the decision, and any action taken to implement the outcome.
- The University will manage those records in accordance with applicable legislation, regulatory requirements, and the University's records management, privacy and information governance requirements.

Responsibility

- The Chief Operating Officer (*as the Approval Authority*) is responsible for monitoring the implementation, outcomes and scheduled review of this procedure.
- The Head of Legal (*as the Document Owner*) is responsible for maintaining the content of this procedure as delegated by the Approval Authority.
- The University's Executive Officers to Academic Board and the Legal Office have delegated responsibility for providing staff with guidance on this procedure.
- The University's Executive Officer to the Student Appeals Committee and Legal Office have delegated responsibility for providing students with guidance on this procedure.

Implementation

This procedure will be implemented throughout the University via:

- An announcement under 'FedNews' on the University website and through the Policy 'Recently Approved Documents' webpage;
- Inclusion in the University's online Policy Library;
- Reference to the [Student Appeal Procedure](#) in the University Online Handbook;
- Training sessions to relevant staff;
- Reference to the procedure in applicable University webpages.