

Appeals to the University Appeals Committee Procedure

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Purpose

Federation University is dedicated to providing students with access to effective and high-quality learning, teaching and research opportunities for Australian and International Students.

As part of the University's commitment to its student's learning, this procedure aims to provide a fair and just learning environment by ensuring access to appeals processes that provide for the following:

- Procedural fairness;
- transparency and accountability;
- appropriate confidentiality for students;
- the provision of regular procedural review; and

- the enhancement of the appeals process and outcomes.

Scope

This procedure applies to all academic related appeals for both the Higher Education HE and Vocational Educational Training (VET) Sectors at local and partner provider campuses (both on-shore and off-shore) and locations including students who are enrolled in online mode (ODL).

Appeals the University Appeals Committee will consider are:

- Special Consideration
- Final Grade
- Academic Misconduct
- Exclusion or Suspension from Course
- Rejection of Leave from Studies Application
- Credits into Courses
- Adverse Decisions

Legislative Context

The University

[Regulation 2.2 - Appeals Committee](#)

[Statute 5.3 Assessment | Final Grade](#)

[Statute 5.3 - The Schedule Part 1 | *Special Consideration & Examinations*](#)

Regulation 6.1 - Student Discipline

[Statute 5.5 - Unsatisfactory Progress](#)

[Statute 5.4 - Exclusion for Reasons of Unfitness](#)

Statute 5.2 - Entry Quotas, Admissions and Enrolment

[Regulation 5.2 - Entry Quotas, Admissions and Enrolment](#)

[Federation University Australia Act 2010 \(*External link*\)](#)

External

[Age Discrimination Act 2004 \(Commonwealth\)](#)

[Australian Human Rights Commission Act 1986 \(Commonwealth\)](#)

[Charter of Human Rights and Responsibilities Act 2006 \(VIC\)](#)

[Disability Discrimination Act 1992 \(Commonwealth\)](#)

[Education Services for Overseas Students Act 2000](#)

[ESOS Regulations 2001](#)

[ESOS National Code 2007](#)

[Equal Opportunity Act 2010 \(VIC\)](#)

[Freedom of Information Act 1982](#)

[Privacy and Data Protection Act 2014](#)

[Ombudsman Act 1973 \(VIC\)](#)

[Racial and Religious Tolerance Act 2001 \(VIC\)](#)

Definitions

Academic Board:	The Academic Board is the principal academic body of the University
Agency:	Includes the Victorian Ombudsman, the Privacy Commissioner, the Victorian Equal Opportunity and Human Rights Commission or Department of Education, Employment and Workplace Relations (for International Students in relation to the Education Services for Overseas Students Act ("ESOS").
Appeal:	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, and an Appeal may be an Internal Appeal or an External Appeal.
Committees:	Means a committee appointed under University Legislation and may include an Appeal Committee or a Student Discipline Committee.
Student Appellant:	The Student submitting an Appeal.
External Appeal:	An appeal to an external Agency against a Final Decision of the University.
Final Decision:	A written decision communicated to a Student where any rights of Internal Appeal have been exhausted.
Internal Appeal:	An appeal to a Staff member or Committee from a decision (other than a Final Decision) made under a University Procedure, Legislation or other process that prescribes a right of Internal Appeal.
International Student:	A person holding an Australian student visa, enrolled in a CRICOS registered course, as a Student of the University, studying on shore in Australia.
Legislation:	Means the Federation University Australia Act (2010) and the University Statutes and Regulations.
Principles of Natural Justice:	Means general procedural fairness in decision making. More information about this can be found in the University Fair and Transparent Decision Making Guidelines.

Privacy:	Means information protected under the <i>Information Privacy Act (VIC)</i> in accordance with the University's Information Privacy Policy.
Procedures:	Means University Procedures published on the University Policy website .
Respondent:	A person who must respond to the Appeal on behalf of the University.
School Decision:	A decision made by a School within the University, through its School based Committee or Dean of School.
Staff:	Any person who is an employee of the University at the time of the Appeal and this includes full-time, part-time, sessional or casual Staff.
Student:	Any person enrolled as a student of Federation University Australia.
Support Person:	Means an observer (who is not a lawyer) who accompanies a Party during the Appeal.
University:	Means Federation University Australia.
Working Day:	Monday through to Friday but excluding days which are designated as University holidays.

Actions

Summary

- In order to appeal to the University Appeals Committee (UAC), students must:
 - Be eligible and have valid grounds (see below).
 - Lodge their appeal correctly (see below).
- The UAC will advise the student whether they have grounds for appeal and if so, conduct a hearing.
- The UAC will advise the student of the hearing's decision.
- The UAC's decision is final and the student may not appeal to the University again but if they believe the decision is unfair, they may lodge a complaint with the Victorian Ombudsman.
- Students who wish to complain to the Victorian Ombudsman must do so within 10 working days of receiving the notification of the UAC decision and provide the University with evidence that they have done so.
- If the University does not receive that evidence, it will action the UAC decision which may mean expulsion for the student. If international students are expelled, the University is required to inform the Department of Home Affairs/Immigration that the student has not achieved satisfactory progress which will have consequences for those studying on a Student Visa.

Eligibility to Appeal

To be eligible to appeal to the University Appeals Committee:

- The student must be currently enrolled or have been granted an approved leave of absence. An appeal from a non-enrolled student will only be considered at the Chair's discretion.
- The student must have previously appealed to the Dean of School/Executive Director of Federation TAFE and received written notification from the Dean/ Executive Director of Federation TAFE that their appeal has been dismissed.
- In the case of Higher Degree by Research students, students must have received written notification of the outcome of a School Examination Committee or Show Cause process.

- Appeals must be lodged within 10 working days of the decision being appealed against. If an appeal's timeline is over a period when the University is closed (e.g. Christmas shutdown) the appealing student will be advised in writing that either the timeline for lodging paperwork is still enforced or the timeline extended due to University closure. **Late appeal applications to the University Appeals Committee will only be accepted at the discretion of the Chair.**
- Students must submit their appeal via the University Appeals Committee Appeals Form (see Forms section) and attach all relevant paperwork (including a copy of the Dean/Executive Director's Appeal dismissal/rejection letter where applicable).

Valid Grounds for Appeal

A student may lodge an appeal to the University Appeals Committee on the following grounds:

1. New evidence and/or
2. Irregularity of procedure

1. New evidence

New evidence is new information not known to the student and/or the decision-maker at the date of the decision being appealed, (or which the decision maker was unable to take into consideration at the time of the original decision), which becomes apparent after the date of that decision.

New evidence may include compassionate and compelling circumstances beyond the control of the student that have an impact on the student's capacity and/or ability to progress through a course. The following are some examples of what may be considered compassionate or compelling circumstances and what factors the UAC will take into consideration.

Example	Factors UAC will consider
Serious illness or injury , where a health professional certificate states that the student was unable to attend an exam or submit an assignment by the due date.	If a student appeals on the basis of health issues during the semester and failed to apply for Special Consideration, the UAC will not consider the appeal unless there were exceptional circumstances as to why the student was not able to apply for Special Consideration.
Bereavement due to loss of a close family member such as a parent or grandparent at the time of an exam, thesis submission or assessment due date.	The UAC will investigate if Leave from Studies or Special Consideration was applied for at the time of a loved one passing and if not why. A death certificate is also required to be submitted, even if this documentation has been submitted to the University, with the University Appeals Committee Form for the appeal to be considered.
Major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on studies	Counselling report or other relevant documentation will need to be submitted with the University Appeals Committee Form to assist in the consideration of the appeal.
A traumatic experience which could include but is not limited to: <ul style="list-style-type: none"> • involvement in or witnessing of a serious accident; • a serious crime committed against the student; 	These cases require evidence in the form of police, or psychologist's, or counsellor's reports. The evidence must be submitted with the University Appeals Committee Form to assist in the consideration of the appeal.

- the student has been a witness to a serious crime, and this has impacted on the student;
- witnessing and/or experiencing family violence [with evidence including, but not limited to, WRISC, CASA (Centre Against Sexual Assault), Berry Street, and CAFS (Child and Family Services)].

2. Irregularity of Procedure

Irregularity of procedure in the recommending and/or making of the decision made against a student may include:

- There is evidence that the decision was made on the basis of personal bias, conflict of interest or ill will;
- There is evidence of a breach of relevant University legislation (a statute or a regulation) in the handling of the decision making;
- There is evidence that the assessment by the decision maker who made the adverse decision against you did not comply with the criteria in the Unit Description Higher Education or Unit Outline (VET);
- There is evidence the assessment by the decision maker who made the adverse decision against you did not comply with University policies and procedures regarding the assessment.

Lodging an Appeal

	ACTIVITY	RESPONSIBILITY	STEPS
A.	Seeking assistance to lodge an appeal	Student	<ol style="list-style-type: none"> 1. Students may seek information on the appeals process, lodging an appeal and preparing for a hearing. Students should be aware that staff cannot lobby on their behalf or provide advice or direction. 2. Students may seek this information from: <p>Student Advocacy</p> <p>Phone: 03 5327 6105</p> <p>Email: studentadvocacy@federation.edu.au</p> <p>URL: https://federation.edu.au/current-students/assistance-support-and-services/student-support-services/student-advocacy/</p>

			appeals/appeals-to-appeal-committee Executive Officer, University Appeals Committee Phone: 03 5327 6139 Email: university.appeals@federation.edu.au URL: https://federation.edu.au/about-us/governance/academic-board/standing-committees/appeals-committee
B.	Lodging an appeal	Student	Students must: <ol style="list-style-type: none"> 1. Be eligible to appeal and have valid grounds (see previous sections above). 2. Complete all sections of the Appeals to the University Appeals Committee (UAC) Form (see Forms section of this procedure) and attach all required/relevant supporting documentation as per the checklist on the form. Please note: appeals lodged without the form will not be considered. 3. Email or post the form to the address listed on the form.

Processing and Considering an Appeal Application

	ACTIVITY	RESPONSIBILITY	STEPS
A	Acknowledging an Appeal	University Appeals Committee (UAC) Executive Officer (EO)	<ol style="list-style-type: none"> 1. On receipt of a UAC Appeals Form, the UAC EO sends the student an appeal acknowledgement letter (see Forms for template) via the student's email address nominated on the UAC Appeals Form (or Express Post if the student has nominated post as their preferred method of correspondence)

			<ol style="list-style-type: none"> The acknowledgement letter will be sent within 1-3 working days of receiving the appeal. The acknowledgement letter will state: <ol style="list-style-type: none"> Student's name Student number Grounds of the appeal Appeal reference number Copies of the acknowledgement letter will be forwarded to the student's Dean of School/ Executive Director of Federation TAFE and/or the International Office.
B.	Gathering evidence and creating Case Summary	University Appeals Committee (UAC) Executive Officer (EO)	<ol style="list-style-type: none"> The UAC (EO) will investigate and gather information/ evidence relating to the student's appeal and present the findings in the form of a Case Summary and forward to the Chair, UAC for review or in the case of an HDR appeal, send it to the Chair, Academic Board. The Case Summary must contain the following information: <ol style="list-style-type: none"> Date Appeal number Student's full name and identification number Summary of case and list of evidence submitted and collated Chair's decision and signature accompanied by the date the Chair submits his/her decision. The Case Summary may include a recommendation from the Executive Officer
C.	Establishing Grounds for Appeal	Chair UAC UAC EO	<ol style="list-style-type: none"> The Chair of the University Appeals Committee will consider whether grounds for appeal have been demonstrated and advise the Executive Officer whether

			<p>there are grounds for appeal or not.</p> <p>i. No Grounds for an Appeal If the application for the appeal is not granted, the Executive Officer will advise the student of the Chair's decision via email or post (depending on student's preference) and include information advising of the next step of the appeal by providing contact details for the Victorian Ombudsman.</p> <p>ii. Grounds for an Appeal If the Chair of the University Appeals Committee finds that there are grounds for an appeal, they may approach the original decision maker with a request to reconsider. Should the decision maker elect not to reconsider the Appeals Committee will be convened as soon as practicable. The Executive Officer will then:</p> <ul style="list-style-type: none"> • Contact the student to arrange a date and time for the appeal hearing. If the student is unable to physically attend the hearing, the University Appeals Committee will call the student on a phone number or via an online videoconference facility nominated by the student and conduct the hearing via teleconference. • Book a meeting room and contact two members of the University Appeals Committee and a student representative to invite them to attend the hearing. • Contact the Dean of School (for VET students, Executive Director of Federation TAFE) to
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			<p>nominate a representative to attend the hearing.</p> <ul style="list-style-type: none"> • Compose the agenda and attach all the relevant paperwork/evidence and send via email to Committee members and the School's representative and to the student via the student's preferred method of communication (as nominated on the student's UAC Appeals Form). If any additional evidence is to be considered after the initial distribution of the agenda and papers, the evidence must be distributed to all parties prior to the meeting. • Contact the appealing student the day prior to the hearing and confirm if they have received the information via email or post and if their contact details are correct. <p>Please Note: For appeals where the student has been excluded, the Dean of School/ Executive Director of Federation TAFE is to be sent copies of all correspondence to students by the Executive Officer to the University Appeals Committee or nominee.</p>
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Preparing For and Conducting the Appeal Hearing

	ACTIVITY	RESPONSIBILITY	STEPS
A	Preparing documentation for the hearing	UAC EO	<ol style="list-style-type: none"> 1. The Executive Officer will collate all documents relevant to the appeal hearing and distribute to all parties including the members of the University Appeals Committee, the appealing student and the School representative. The documentation will include: <ol style="list-style-type: none"> i. The Dean/Executive Director's letter to the student advising the decision/outcome against

			<p>which the appeal has been lodged</p> <ol style="list-style-type: none"> ii. Appeals Form submitted by the appealing student accompanied by evidence to support the appeal and the Case Summary iii. The response to the allegation provided by staff iv. The relevant statute/regulation/policy/procedure v. Any additional written evidence requested by the Chair or the full University Appeals Committee <p>2. All Appeal-related documentation will remain strictly confidential as per the University's Information PrivacyPolicy and Information Privacy Procedure</p>
B.	Forming the University Appeals Committee and members' responsibilities	UAC Chair/Members	<ol style="list-style-type: none"> 1. The University Appeals Committee consists of four members: <ol style="list-style-type: none"> i. one Chair as nominated by the Chair of Academic Board (two year position) ii. two staff nominated by the Chair iii. one student 2. Reasonable steps will be taken to have both genders represented on the University Appeals Committee. 3. Each Committee member has equal voting rights. The decision of the University Appeals Committee is a majority decision. However, if voting on a question at the appeals hearing is equal, the Chair has a casting vote. 4. The Executive Officer will be secretary to the University Appeals Committee. The Secretary does not have any voting rights.

			<p>5. University Appeal Committee members are required to:</p> <ul style="list-style-type: none"> i. Hear all evidence impartially ii. Base decisions on the evidence before them iii. Not advocate for the student or the School iv. Adhere to the principles of natural justice v. Balance the rights of the student with the need for fair and impartial decision-making for all students vi. Preserve the academic integrity of courses and standards on behalf of the University vii. Be scrupulously honest and exercise all due care and diligence in the performance of their duty viii. Maintain the confidentiality of information made available and of the Committees.
C.	Conducting the Appeal Hearing – General Principles	University Appeals Committee/ Student	<ul style="list-style-type: none"> 1. The University Appeals Committee will give the student the opportunity to present their case. 2. The Chair, UAC has the absolute discretion to determine the procedure to be followed and shall have complete authority to keep order. 3. The UAC may inform itself in relation to any matter in such manner it thinks fit and is not bound by rules or practice as to evidence, which means that it may consider information, even if the information would not usually be admissible in a court of law. 4. The student may not send a support person in their place. However, the student may be accompanied by a support

			<p>person. If a student fails to appear before the University Appeals Committee, the Committee will hear the case in their absence.</p> <ol style="list-style-type: none"> 5. The support person: <ol style="list-style-type: none"> i. may not be a qualified legal practitioner; ii. may not act as a legal representative; and iii. may not speak on behalf of the student at the hearing. 6. The Chair of the University Appeals Committee may exclude the support person from the hearing if they disrupt or unreasonably impair the conduct of the hearing. 7. The recording or filming of the hearing proceedings is not permitted.
D.	Conducting the Appeal Hearing - Process	Chair, UAC	<ol style="list-style-type: none"> 1. UAC members meet before the hearing to discuss the matter before them. 2. At the start of the hearing, the student and support person (if any) are invited into the hearing room. The Chair introduces all parties and explains the procedure. The student is invited to present their case. Following the student's oral submission the student is invited to stay or leave the hearing for the School representative's presentation. 3. The School representative, on the Dean/Executive Director's behalf is then invited into the hearing room to present the School's reasoning behind making the adverse decision. 4. The Chair informs the student that, where possible, they will contact the student later that day to verbally advise them of the hearing's outcome. The Chair further advises the student that they will receive

			<p>written advice via email and express post within 5 working days.</p> <p>5. The student and School representative leave the hearing</p> <p>6. The Chair may suspend the hearing and reconvene the Committee at a later date.</p>
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Making Appeal Decisions

	ACTIVITY	RESPONSIBILITY	STEPS
A	Making appeal decision	UAC	<ol style="list-style-type: none"> In response to an appeal , the University Appeals Committee may either: <ol style="list-style-type: none"> Dismiss the decision of the Dean of School/ Executive Director of Federation TAFE and uphold the appeal; or Uphold the decision of the Dean/ Executive Director of Federation TAFE and dismiss the appeal. In upholding an appeal, the UAC may: <ol style="list-style-type: none"> In an appeal against a final grade in a unit, refer the matter back to the Dean/ Executive Director of Federation TAFE with advice to follow certain procedures consistent with Regulation 5.3 and Regulation 6.1.1; or Impose conditions on the student's candidature or enrolment in the course. Make recommendations to relevant parties

Notifying Students and Internal Reporting of UAC Decisions

	ACTIVITY	RESPONSIBILITY	STEPS
A.	Notifying the student	UAC EO	<ol style="list-style-type: none"> Sends the student an outcome letter advising them

			<p>of the UAC decision and reasons within five working days of the decision being made.</p> <ol style="list-style-type: none"> Where the UAC applies conditions to a student's continued enrolment the outcome letter will include information about the implications for the student and the process within the School. Where the UAC decides to uphold the student's exclusion from their course the outcome letter will include information about the implications for the student and the process for appeal for the Victorian Ombudsman. Emails the letter to the student (using the email address nominated on the UAC Appeals Form) and Express Posts a copy to the student. Places a copy of the outcome letter on the student's file.
B.	Reporting UAC decisions	UAC EO	<p>Sends the following:</p> <ol style="list-style-type: none"> A copy of the outcome letter to the relevant Dean/ Executive Director of Federation TAFE and to International Compliance for international students. A copy of the UAC hearing minutes to the relevant Dean/ Executive Director of Federation TAFE and to Academic Board (with students de-identified) for noting. Memo summarising the UAC hearing recommendations to the relevant Dean/ Executive Director of Federation TAFE and School Board's Executive Officer for noting/discussion.
C.	Reporting to the Department of Home Affairs Immigration for	International Compliance	See below

	international students studying on a Student Visa		
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Appealing Externally to the Victorian Ombudsman

	ACTIVITY	RESPONSIBILITY	STEPS
A	Lodging complaint with the VO – general information	Student	<ol style="list-style-type: none"> 1. The decision of the University Appeals Committee is final and is not subject to further review within the University. 2. If the student's appeal to the UAC is unsuccessful, but they believe that the University made an unfair decision, the student can submit a complaint to the Victorian Ombudsman (VO). 3. The Ombudsman is independent and impartial, and provides a free service. 4. The student can request a review by the Ombudsman online or in writing 5. Staff cannot assist students with external appeals.
B.	Notifying University of Complaint	Student	<ol style="list-style-type: none"> 1. If a student chooses to lodge a complaint to the VO, they must: <ol style="list-style-type: none"> i. Provide evidence to the University (including VO case reference number) that a complaint has been lodged with VO within 10 working days of receiving notification of the outcome of their UAC appeal. ii. Students should send this evidence to University Appeals: university.appeals@federation.edu.au
C.	Notifying the Legal Department	UAC EO	<ol style="list-style-type: none"> 1. Notify Legal Department of the VO case reference number.
D.	Teaching and supervising during VO Appeal	University	<ol style="list-style-type: none"> 1. Unless otherwise specified in their outcome letter, in cases where the internal appeal

			<p>process has upheld a student's suspension/exclusion, the University will consider the student to have an approved leave of absence until the VO has reached a decision. Students will not be taught or supervised during this time but will not have to reapply for their place if the VO overturns their suspension/exclusion.</p>
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Notifying Department of Home Affairs(Immigration) for International Students

	ACTIVITY	RESPONSIBILITY	STEPS
A.	Notifying Department of Home Affairs Immigration	International Compliance	<p>Where a student visa holder, whose enrolment is excluded:</p> <ul style="list-style-type: none"> • does not appeal the exclusion within the prescribed time lines; or • appeals the exclusion and is unsuccessful; or • appeals the exclusion and later withdraws the appeal. <p>The University must notify Department of Home Affairs (Immigration) of the student not achieving satisfactory progress. This will have consequences for international students in respect to their student visa.</p>

Supporting Documents

- Academic Misconduct Procedure
- Fair and Transparent Decision Making Guidelines
- [Higher Education Deferral or Leave from Studies Procedure](#)
- [Deferment, Suspension or Cancellation of a Student's Enrolment \(ESOS Specific\) Procedure](#)
- [Information Privacy Procedure](#)
- [Staff Code of Conduct](#)
- [Student Appeal Procedure](#)

Forms.

- [Appeals to the University Appeals Committee Form](#) (PDF 491.1kb)

Responsibility

- Chief Operating Officer (as the Approval Authority) is responsible for monitoring the implementation, outcomes and scheduled review of this procedure.
- Head of Legal (as the Document Owner) is responsible for maintaining the content of this procedure as delegated by the Approval Authority.

Promulgation

This procedure will be communicated throughout the University via:

1. an Announcement Notice in FedNews.
2. '[Recently Approved Documents](#)' webpage to alert the University-wide community of the approved policy/procedure.
3. Inclusion on the University Policy Library: <http://policy.federation.edu.au/>
4. Links on the University Appeals Webpage
5. Distribution of e-mails to Deans of School, relevant University staff including staff at partner providerlocations.

Implementation

The Appeals to the University Appeals Committee will be implemented throughout the University via:

1. Presentation to Academic Board
2. Training Sessions and workshops for School Appeals Officers and relevant support staff; and/or
3. Consultation and/or presentation sessions to relevant staff at partner providerlocations.

Forms/Record Keeping

Title	Location	Responsible Officer	Minimum Retention Period
Appeal Form to the UAC	University Appeals Drive	Executive Officer, UAC	15 years: Appeal Upheld 7 years: Appeal not Upheld (dismissed)
UAC Appeals Database	Academic Secretariat Drive	Executive Officer, UAC	15 years: Appeal Upheld 7 years: Appeal not Upheld (dismissed)
UAC Appeals Outcome Report - Academic Board	Academic Secretariat Drive	Executive Officer, UAC	15 years: Appeal Upheld 7 years: Appeal not Upheld (dismissed)
UAC Appeals Outcome Report (School specific) - School Board	Academic Secretariat Drive	Executive Officer, UAC	15 years: Appeal Upheld 7 years: Appeal not Upheld (dismissed)