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## 1 PURPOSE

- 1.1 This policy and procedure establishes a framework for managing and determining appeals from students in relation to decisions on academic matters.
- 1.2 Appeals are decided by the Academic Appeals Committee, established by the University Council as an independent appeal body that reports to Academic Board. The Committee's membership and functions are detailed in the [Academic Appeals Committee Terms of Reference](#).

## 2 SCOPE

- 2.1 This policy and procedure applies to all CQUniversity students.
- 2.2 This policy and procedure applies to academic decisions affecting a student's studies only where the policy and/or procedure providing for that decision does not provide its own appeal mechanism, or specifies the Academic Appeals Committee as the avenue of appeal.
- 2.3 Students who are not satisfied with a University decision or how a matter has been handled, and that decision or matter is not within the scope of this policy and procedure, should refer to the [Complaints Policy and Procedure](#) for details on how to submit their complaint.

### 3 POLICY STATEMENT

- 3.1 Students affected by a decision on an academic matter (as set out in section 3.2) may appeal that decision in accordance with this policy and procedure.
- 3.2 The Academic Appeals Committee will hear appeals submitted by students against decisions on academic matters directly affecting them including but not limited to:
- a) the outcome of a review of a grade application, only upon referral to the Committee by the Student Ombudsman
  - b) denial of a deferred examination application
  - c) a determination that a student shall be removed from a placement/practicum
  - d) a determination that a student's enrolment shall be conditional
  - e) the outcome of the grading of a research higher degree thesis
  - f) a finding of a breach of academic integrity (e.g. academic misconduct) or research misconduct by a student
  - g) exclusion (either temporary or permanent) for cheating, plagiarising, attempting to circumvent assessment requirements or any other a breach of academic integrity (academic misconduct) or research misconduct
  - h) any other matter decided under a policy and/or procedure that specifies the Academic Appeals Committee is the avenue for appeal against a decision made in accordance with that policy and/or procedure.
- 3.3 Students must ensure they have completed, or attempted to complete, any previous processes or required review processes before submitting an appeal and attach evidence to demonstrate this. For example, a student wishing to lodge an appeal regarding a breach of academic integrity must first have received the outcome letter advising they have been found to have breached academic integrity requirements; they cannot lodge an appeal based on receiving an invitation to respond to allegations that they have breached academic integrity requirements.
- 3.4 The Academic Appeals Committee will apply the principles of procedural fairness.
- 3.5 The Academic Appeals Committee is the final appeal body within CQUniversity for students regarding these matters. Students have no further right of internal appeal against the Committee's decisions to the University Council.

### 4 PROCEDURE

- 4.1 An overview of the academic appeal process is provided in [Appendix 1](#).

#### Student support

- 4.2 Student Advocacy Officers are available to provide advice and/or assistance prior to submitting an appeal. The Student Advocacy Officers can be contacted by emailing [student-advocacy@cqu.edu.au](mailto:student-advocacy@cqu.edu.au).
- 4.3 Students should also carefully read the guidance information provided on the [Academic Appeals Application Form](#).
- 4.4 If contacting a Student Advocacy Officer, this should occur as soon as possible so there is sufficient time for their advice to be provided before the appeal must be submitted.
- 4.5 No extension of time will be granted for students who seek a Student Advocacy Officer's assistance. Students must still submit their appeal within the timeframes specified in section 4.7. Students are not required to wait for approval and/or feedback from Student Advocacy prior to submitting their appeal.

#### Grounds of appeal

- 4.6 An appeal may only be made on one or both of the following grounds:

- a) the decision being appealed (i.e. the decision made by the University decision-maker) did not comply with the relevant University policy and/or procedure
- b) there is new evidence that was not known, or reasonably available to the student, before the decision was made (including extenuating circumstances that the decision-maker was not made aware of at the time decision was made).

## Timeframe to submit an appeal

4.7 The timeframes for submitting an appeal are:

- a) all students (except those described in 4.7b) must submit their appeal within 20 working days of receiving the official University notification of the decision the student intends to appeal
- b) research higher degree students appealing the outcome of the grading of their thesis must submit their appeal within 45 working days of receiving official University notification of their grade.

4.8 If extenuating circumstances prevent the student submitting an appeal within the above timeframes, the student must include in their appeal a written explanation of the extenuating circumstances which prevented the appeal being submitted on time and attach evidence of the extenuating circumstances. If the Committee decides the circumstances were not extenuating, the Committee may decide the appeal is ineligible and will be refused. See also section 4.34.

## Submitting an appeal

4.9 Students must submit their appeal in writing on a completed Academic Appeals Application Form and must:

- a) clearly explain the decision being appealed, and
- b) clearly explain the grounds of appeal (set out in section 4.6), by either explaining:
  - how the decision (or the process to reach that decision) does not comply with the relevant University policy and/or procedure or why the student believes the policy and/or procedure was applied to them unfairly, and/or
  - the new evidence now available and how this impacts the decision (this includes extenuating circumstances that the decision-maker was not made aware of at the time the decision was made and how these circumstances could have affected the decision), and
- c) attach copies of all [supporting evidence](#) including any new evidence and explain how this evidence supports their ground/s of appeal. Each item of evidence must be listed on the application form and be attached with a matching file name.
  - Where extenuating circumstances causing late submission of the appeal are claimed, the student must also attach evidence of the extenuating circumstances.

4.10 Students must submit their appeal by emailing the completed Academic Appeals Application Form and all required supporting documentation to the Academic Appeals Committee Secretary at [appeals@cqu.edu.au](mailto:appeals@cqu.edu.au) within the timeframes specified in section 4.6. Appeals received outside these timeframes will not be eligible for consideration, unless it is decided that extenuating circumstances apply (see section 4.8).

4.11 The Committee will not accept appeals completed by or received from a student's friend, family member, or legal or other representative. Exceptions will be considered if evidence is provided of a student's incapacity or inability to complete or submit their own appeal.

4.12 Students may withdraw their appeal before the Academic Appeals Committee considers and decides their appeal by advising the Academic Appeals Committee Secretary by email to [appeals@cqu.edu.au](mailto:appeals@cqu.edu.au). In this case, the appeal will be considered withdrawn and the original decision, including any penalty, will remain unchanged.

## Continued course enrolment during appeal

4.13 Where an appeal relates to a decision regarding the student's continued enrolment with the University, the University may maintain the student's enrolment in their course while the University's internal appeal process is ongoing.

## Assessing eligibility of an appeal

- 4.14 Within five working days of receiving an appeal, the Academic Appeals Committee Secretary will review the appeal to assess whether the appeal is eligible to progress to the Academic Appeals Committee.
- 4.15 An appeal assessed as eligible will progress to the Academic Appeals Committee for consideration and a decision (see [progressing an appeal](#)).
- 4.16 An appeal will be assessed as ineligible and refused to progress to the Academic Appeals Committee if the student has not:
- provided evidence of the completion, or attempting to complete, all required review processes before submitting the appeal
  - met the grounds of appeal specified in section 4.6
  - ensured they are in a position to receive all notifications from the University or has regularly monitored their official student email account
  - completed the Academic Appeals Application Form in full and attached [supporting evidence](#) listed on the form
  - submitted their appeal inside the specified timeframe allowed, or provided an explanation of the [extenuating circumstances](#) preventing their appeal submission on time and attached evidence of the extenuating circumstances.
- 4.17 If an appeal is assessed as ineligible but the timeframe for submitting an appeal has not passed, the Secretary will advise the student of the timeframe and requirements to be addressed to make the appeal eligible.
- 4.18 If there is any doubt about whether an appeal is eligible to progress to the Academic Appeals Committee, the appeal will be provided to the Committee to decide eligibility.
- 4.19 If an appeal is refused because it is ineligible, the student will be advised of this in writing within 10 working days, with details provided about why the appeal is ineligible.
- 4.20 An appeal that is [frivolous or vexatious](#) will be refused.

## Progressing an appeal

- 4.21 The following steps will apply to all appeals assessed as eligible to progress to the Academic Appeals Committee for consideration and decision. These steps are implemented to ensure [procedural fairness](#) in the appeal process.

### Step 1 – Decision-maker’s response to the appeal

- 4.22 The Academic Appeals Committee Secretary will provide the student’s appeal to the decision-maker whose decision is being appealed and request a written response to the appeal.
- 4.23 The decision-maker’s written response must set out the policy and/or procedure followed, the information considered in making the decision being appealed, and the reasons for the decision. The completed response and any supporting evidence must be submitted to the Secretary within 10 working days of the request for a response.
- 4.24 The appeal will progress to the Academic Appeals Committee whether or not the decision-maker provides a response.
- 4.25 At this step the decision-maker may advise the Academic Appeals Committee they wish to reconsider the matter and make a new decision based on information provided in the student’s appeal. If this occurs, the following process will apply:
- the Academic Appeals Committee Secretary will advise the student that the decision-maker will reconsider their decision based on the new information provided in the student’s appeal, that the appeal will be withdrawn, and that the student can lodge a new appeal against the new decision

- b) the decision-maker will reconsider the issue and advise the new decision in writing to the student in accordance with the policy and/or procedure relevant to the matter
- c) the timeframe for this new decision will be in accordance with the relevant policy and/or procedure
- d) if not satisfied with the decision-maker's new decision, the student may submit an appeal against the new decision, and the timeframes for appeal set out in section 4.6 will apply to the new appeal.

### **Step 2 – Student invited to respond to the decision-maker's response**

- 4.26 Following receipt of the decision-maker's response to the appeal, the Academic Appeals Committee Secretary will invite the student to respond to the information in the decision-maker's response. The Secretary will provide the student with a copy of their appeal, the decision-maker's response to their appeal, and all supporting evidence and documentation.
- 4.27 The student must provide their written response, including any supporting evidence, to the Secretary within 10 working days of receiving an invitation for a response.
- 4.28 The appeal will progress to the Academic Appeals Committee whether or not the student provides a response.

### **Step 3 – Progression of appeal to the Academic Appeals Committee**

- 4.29 After the timeframe for decision-maker and student responses has lapsed, the Academic Appeals Committee Secretary will include the appeal and any responses received, along with the student's academic transcript, on the agenda for the next available meeting of the Academic Appeals Committee.

### **Deciding an appeal**

- 4.30 The Academic Appeals Committee will meet to decide the appeal on the papers (i.e.. on the documentation provided) without the student present unless it decides to request the student attend a special meeting of the Academic Appeals Committee (known as an appeal hearing).
- 4.31 If the student is requested to attend an appeal hearing, the [appeal hearing](#) section will apply.
- 4.32 The Academic Appeals Committee must limit its consideration to the grounds of appeal specified in the appeal and may decide to assess an appeal on any ground allowed for in section 4.6 in addition to the ground specified in the appeal.
- 4.33 The Academic Appeals Committee must:
  - a) limit the scope of its inquiry to:
    - the material and evidence that was before the decision-maker
    - any new evidence submitted by the student, where a ground of appeal is that there is new evidence, and
  - b) take account of:
    - the information provided in the student's appeal and any written response from the decision-maker and student, and
    - any relevant University policies and/or procedures.
- 4.34 For appeals submitted after the timeframe specified in section 4.7 where extenuating circumstances have been claimed as the reason for the late submission, the Academic Appeals Committee must first decide if the extenuating circumstances are demonstrated.
  - a) If the extenuating circumstances are demonstrated, the appeal will then be considered and decided in accordance with section 4.35 and/or 4.36.
  - b) If the extenuating circumstances are not demonstrated, the appeal will be ineligible and refused.
- 4.35 For appeals on the ground of non-compliance with the relevant University policy and/or procedure (section 4.6a), the Committee will decide on the balance of probabilities whether

- a) the ground of appeal is substantiated, and
  - b) if the ground of appeal is substantiated, uphold the appeal (in whole or in part) and decide:
    - if the decision being appealed should be varied or overturned, and
    - if any penalty applied as part of the decision being appeals should be varied or replaced with a different penalty, or
  - c) if the ground of appeal is not substantiated, dismiss the appeal.
- 4.36 For appeals on the ground of new evidence (including extenuating circumstances) (section 4.6b), the Committee will decide whether:
- a) the ground of appeal is substantiated, and
  - b) if the ground of appeal is substantiated:
    - make a new decision about the original matter, taking the new evidence into account, and make a finding on the [balance of probabilities](#), or
    - refer the matter to the original decision-maker or another decision-maker in the same organisational area to reconsider the matter and make a new decision, taking the new evidence into account, and make a finding on the [balance of probabilities](#), or
  - c) if the ground of appeal is not substantiated, dismiss the appeal.
- 4.37 The Academic Appeals Committee may also decide that although the ground of appeal is substantiated, neither the decision being appealed nor any penalty should be overturned, varied or replaced. In this case, the Committee may uphold the appeal but confirm the original finding and penalty or penalties.
- 4.38 The Academic Appeals Committee may decide an appeal at the meeting where the appeal was considered or reserve its decision for a later date.

## Appeal hearing

- 4.39 If the student is invited to attend an appeal hearing, the Academic Appeals Committee Secretary, on the Committee Chair's behalf, will send the student a notice by email to their official student email account that:
- a) specifies the date, time and place of the appeal hearing, including options to attend by videoconference or teleconference
  - b) states that the student may bring a support person or advocate to the hearing, subject to the requirements of sections 4.40 and 4.41
  - c) advises the process that will be followed at the appeal hearing
  - d) states that if the student does not attend the hearing without reasonable excuse, the appeal will be heard and decided in their absence, and
  - e) provides a link to this Academic Appeals Policy and Procedure.
- 4.40 A student attending an appeal hearing may be accompanied by a person from those listed to provide support and to assist the student to state their case:
- a) Student Advocacy Officer
  - b) CQUniversity-enrolled student
  - c) CQUniversity employee, or
  - d) any other person accepted by the Academic Appeals Committee Chair. Requests must be sent to the Committee Secretary ([appeals@cqu.edu.au](mailto:appeals@cqu.edu.au)) for the Chair's approval.
- 4.41 Legal representatives are not permitted to attend an appeal hearing.
- 4.42 The appeal hearing will provide an opportunity for the student to state their case to the Academic Appeals Committee, for the decision-maker to respond, for the student and the decision-maker (or a representative from their School or organisational area) to question each other, and for the Committee to question the student and the decision-maker.

- 4.43 The Committee may decide the appeal at the appeal hearing or reserve its decision for a later date. If the decision is reserved, the student will be notified.

### **Appeal outcome notification**

- 4.44 The Academic Appeals Committee Secretary will notify a student of the outcome of their appeal within 20 working days of the Academic Appeals Committee's decision. The outcome notification will include:
- a) the Academic Appeals Committee's finding and decision on the appeal (including any penalties)
  - b) a short statement of reasons for the decision
  - c) a summary of the evidence or submissions on which the finding and decision were based, and
  - d) information on avenues of external review or complaint if the student is not satisfied with the Committee's finding and decision.
- 4.45 If the outcome notification cannot be provided within 20 working days, the Committee Secretary shall notify the student of this and the expected timeframe for receiving the notification.
- 4.46 The Academic Appeals Committee decision takes effect on the date the Committee Secretary sends the outcome notification.
- 4.47 The Committee Secretary will advise relevant employees or areas of the University of any action they need to carry out to ensure that:
- a) any cancelled penalty is not implemented, and
  - b) any varied or unaltered penalty is implemented.
- 4.48 The Academic Appeals Committee may provide comments or observations about matters arising from the appeal or the Committee's decision to appropriate University employees (e.g. improvements to policies, practices, systems or processes).

## **5 RESPONSIBILITIES**

### **Compliance, monitoring and review**

- 5.1 The Director Governance and the Academic Appeals Committee Chair are responsible for implementing, monitoring, and ensuring compliance with this policy and procedure.
- 5.2 The Director Governance is responsible for reviewing this policy and procedure.

### **Reporting**

- 5.3 Academic Appeals Committee decisions are reported to Academic Board, along with any recommendations to Academic Board from the Committee arising from appeals or the Committee's decisions.

### **Records management**

- 5.4 A register of all appeals received, whether eligible to progress to an Academic Appeals Committee meeting or not, will be maintained by the Academic Appeals Committee Secretary.
- 5.5 A register of Academic Appeals Committee decisions will be maintained by the Academic Appeals Committee Secretary and made available to Committee members as required.
- 5.6 Employees must manage records in accordance with the [Records Management Policy and Procedure](#). This includes retaining these records in a recognised University recordkeeping information system.
- 5.7 University records must be retained for the minimum periods specified in the relevant [Retention and Disposal Schedule](#). Before disposing of any records, approval must be sought from the Records and Privacy Team (email [records@cqu.edu.au](mailto:records@cqu.edu.au)).

## 6 DEFINITIONS

6.1 Terms not defined in this document may be in the University [glossary](#).

### Terms and definitions

**Appeal:** an administrative process based on stated grounds for requesting the review of a CQUniversity decision that impacts adversely on the student appealing the decision and who is seeking to modify or overturn the decision.

**Balance of probability:** this is the relevant test in civil and administrative law to which allegations must be subjected. The balance of probability is based on 'clear and convincing evidence' that it is more likely than not that the allegation is true. This test is less demanding than the criminal law test of 'beyond reasonable doubt.' (Source: *Impossible to prove? Substantiating contract cheating*. Accessed on 13 May 2019, [www.cheatingandassessment.edu.au](http://www.cheatingandassessment.edu.au))

**Extenuating circumstances:** where a student is significantly affected by extenuating (exceptional) circumstances beyond their control due to:

- disability as defined in the [Disability Policy](#) (for advice contact the Inclusion and Accessibility Service)
- medical or health-related condition (e.g. serious or debilitating illness or injury; hospitalisation; giving or recently given birth; mental health illness or condition)
- hardship or trauma (e.g. recent victim of crime, serious accident or other critical incident; sudden loss of income, employment or accommodation; severe disruption to domestic arrangements or family relationship breakdown)
- compassionate circumstances (e.g. death of a family member or close friend; severe disruption to domestic arrangements or family relationship breakdown; unexpected carer responsibilities; life-threatening illness of a family member; severe financial difficulty)
- unavoidable commitment that by its nature cannot be rescheduled (e.g. work commitments, primary carer responsibilities, jury service, approved activities away from campus or normal residence such as study overseas or work placements; cultural or religious obligations; state, national, international or other commitments requiring the student's participation such as essential or emergency services, recognised sports or performance commitments).

**Frivolous or vexatious appeal:** an appeal is deemed frivolous and/or vexatious when the substance of the appeal is:

- trivial
- without merit
- not made in good faith
- pursued with undue persistence or with malice, or
- already considered by the University and satisfactory measures taken to resolve the matter.

**Procedural fairness:** refers to "...the procedures used by decision-makers, rather than the actual outcome. It requires a fair and proper procedure be used when making a decision." "The rules of procedural fairness require:

- a hearing appropriate to the circumstances
- lack of bias
- evidence to support a decision, and
- inquiry into matters in dispute." (Guidelines: Procedural fairness (natural justice) May 20019, [Ombudsman Western Australia website](#)).

**Supporting evidence:** any material used to support, demonstrate or prove the 'facts' in an appeal. The evidence must be credible and relevant to the facts and circumstances of the matter under appeal. Examples of evidence include but are not limited to medical certificates, relevant sections of University policy, procedures, or forms, emails or other written communications (which must be provided in their entirety and not as a screen shot/excerpt), and witness statements from people with direct knowledge.

**Working days:** refer to weekdays from Monday to Friday, excluding Australian public holidays. Excludes Saturday and Sunday.

## 7 RELATED LEGISLATION AND DOCUMENTS

[Academic Appeals Application Form](#)

[Academic Appeals Committee Terms of Reference](#)

[National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) (CwIth)

## 8 FEEDBACK

8.1 Feedback about this document can be emailed to [policy@cqu.edu.au](mailto:policy@cqu.edu.au).

## 9 APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Approval Authority	Academic Board
Delegated Approval Authority	N/A
Advisory Committee	Academic Appeals Committee
Required Consultation	N/A
Administrator	Director Governance
Next Review Date	31/03/2024

Approval and Amendment History	Details
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Notes	This document replaced the Academic Appeals Procedure (6/07/2016)

# 10 APPENDIX 1: OVERVIEW OF THE ACADEMIC APPEAL PROCESS

The following flowchart provides a simple overview of the academic appeal process.

