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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 academic matters, decisions and outcomes.

2 SCOPE

- 2.1 This policy and procedure applies to all CQUniversity students.

3 POLICY STATEMENT

- 3.1 Students directly affected by a decision or outcome in relation to academic matters may apply to appeal the decision or outcome in accordance with this policy and procedure. An overview of the appeal process is in [Appendix 1](#).
- 3.2 Student eligibility for an appeal is determined in accordance with this policy and procedure. The procedure sets out the grounds on which an appeal application may be considered, and the applicable timelines and processes.
- 3.3 Appeal hearings are determined 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](#).

- 3.4 The Academic Appeals Committee shall be the final appeal body within CQUniversity for students regarding these matters. Students have no further right of appeal from the Committee's decisions to the University Council.

4 PROCEDURE

Scope of appeals

- 4.1 The Academic Appeals Committee shall determine student eligibility to appeal and appeal hearings regarding academic decisions or outcomes affecting the student's studies if the policy and/or procedure providing for that decision or outcome does not provide its own appeal mechanism, or specifies the Academic Appeals Committee as the appeal avenue.
- 4.2 Decisions or outcomes that may be appealed to the Academic Appeals Committee (the Committee) include, but are not limited, to:
- an application for a review of a grade which is unsuccessful
 - an application for a deferred examination which is unsuccessful
 - an application for withdrawal without academic penalty which is unsuccessful
 - a determination that a student's enrolment shall be conditional
 - the outcome of the grading of a research higher degree thesis
 - a determination finding academic or research misconduct by a student
 - suspension, exclusion or expulsion, for cheating, plagiarising, attempting to circumvent assessment requirements, or any other academic or research misconduct.
- 4.3 Students must ensure they have completed all preceding processes before submitting an appeal. For example, students must complete the review of grade process before appealing a grade.
- 4.4 Students intending to appeal any other decision or outcome must refer to the relevant policy and/or procedure for that matter.

Grounds for appeal

- 4.5 An appeal application is eligible for consideration only on the basis of at least one of the following:
- the policy and/or procedure relating to the process has not been followed (failure to follow due process)
 - new or different grounds to those already considered by the original decision-maker, or
 - other reasonable grounds.
- 4.6 Any student intending to appeal must state the grounds on which they are requesting an appeal.

Appeal process

Stage 1 – Lodging an appeal

- 4.7 Students must lodge their application for an academic appeal by completing an [Academic Appeals Application form](#) and attaching copies of all relevant supporting documentation. An overview of the appeal process is in [Appendix 1](#).
- 4.8 Students must lodge their Academic Appeal Application and supporting documentation to the Committee Secretary (appeals@cqu.edu.au) within the timeframes specified below. Applications received outside these timeframes will not be eligible for consideration:
- all students (except those described in 4.8b below) must lodge their appeal application within 20 working days of receiving official University notification of the decision or matter the student intends to appeal
 - research higher degree students intending to appeal the outcome of the grading of their thesis must lodge their appeal application within 45 working days of receiving official University notification of their grade.

- 4.9 Incomplete forms and applications without the necessary supporting documentation will not be eligible for consideration.
- 4.10 All documents relating to the appeal, including updated or additional information, must be lodged within the specified timeframe by close of business (5.00pm). Information received outside this timeframe will not be considered and may result in the application being ineligible.
- 4.11 Students may contact the Student Advocacy Officer (student-advocacy@cqu.edu.au) for advice and assistance regarding an appeal application. Students who seek the Student Advocacy Officer's assistance are still required to lodge their appeal application and relevant supporting documentation within the specified timeframe.
- 4.12 The Committee will not accept appeal applications completed by or received from the student's friends, family members or legal or other representative. Exceptions will be considered if evidence is provided of a student's incapacity or inability to complete or lodge their appeal application.
- 4.13 Where an appeal application relates to a decision regarding the student's continued enrolment, the University shall maintain the student's enrolment while the University's internal appeal process is ongoing.

Stage 2 – Assessing grounds for an appeal

- 4.14 The Committee shall meet, within 15 working days of receiving a completed appeal application, to consider the appeal application and determine whether it should be:
- accepted for hearing and determination, in whole or in part
 - returned to the relevant Division for reconsideration, in cases where further information has been provided in the appeal application, or
 - denied.
- 4.15 The Committee Secretary will advise the following parties of scheduled appeal hearings and will provide them an opportunity to submit additional information regarding the appeal application for the Committee's review:
- relevant academic, teaching and/or professional staff responsible for administering, managing and/or determining the matter related to the appeal application
 - Deputy Dean - Learning and Teaching or Deputy Dean - Research of the relevant School, and/or Dean, Graduate Studies, whomever is relevant to the matter related to the appeal application
 - discipline lead or manager/ head of course/qualification coordinator of the student's course, and
 - unit coordinator/lead vocational teacher of the unit to which the appeal application relates, if relevant.
- 4.16 The appeal application and all related documents shall be forwarded to the Committee members three working days before the scheduled meeting.
- 4.17 Where the appeal application is accepted for hearing and determination, in whole or in part, the steps outlined in 'Stage 3 – Accepting an appeal application for hearing' shall be followed.
- 4.18 Where the appeal application contains further information not previously provided to the original decision maker, it may be returned to the relevant Division for reconsideration. The Division will review the matter and confirm either of the following to the student, and provide a copy of the same to the Committee Secretary, within 10 working days of receiving the Committee's official outcome notice:
- reconfirm the initial decision, in which case the matter is referred to the Committee for reconsideration of whether the appeal application is to be accepted (in whole or in part) or denied, or
 - overturn the initial decision.
- The Committee will review the Division's final outcome notification at the next scheduled Committee meeting.
- 4.19 If the Division overturns the initial decision, and the student is not satisfied with the new decision, the student may submit a new appeal application regarding the new decision. To be eligible for consideration, this

application must comply with the grounds for appeal. The Committee will consider the application as a new appeal.

- 4.20 Where the appeal application is denied, it shall be denied on the basis of one or more of the following:
- a) no evidence is provided of failure to follow due process
 - b) no reasonable grounds are stated for the appeal
 - c) no new or different grounds are stated for the appeal from those considered by the original decision-maker
 - d) the student has not ensured that they are in a position to receive all notifications from the University. (Late or non-receipt of official notifications will not be accepted as grounds for appeal if changes of address have not been notified to and received by the University or the student has not monitored their official student email account.), or
 - e) the appeal is lodged outside the specified timeframe allowed for lodging an appeal.
- 4.21 Where the appeal is denied, the Committee Secretary will:
- a) forward official written notice of the Committee's decision to the student and other relevant parties, including the reasons for denying the appeal, within 10 working days of the decision, or
 - b) advise the student of an expected date of receipt if the official decision notice is not available within that time.

Stage 3 – Accepting an appeal application for hearing

- 4.22 Where an appeal application is accepted for hearing and determination by the Committee, the student shall be notified of the date, time and location for the hearing, which shall be not less than 10 working days from the date of the notice.
- 4.23 The relevant Division and committee members will also be informed that a hearing is being convened.
- 4.24 If the Division or the student intends to submit any additional documents relating to the appeal, these must be received by the Committee Secretary no later than six working days before the scheduled hearing.
- 4.25 The appeal and all related documents shall be forwarded five working days before the scheduled hearing to:
- a) Committee members
 - b) the representative from the relevant Division who will be presenting the Division's case, and
 - c) the student. (The student is responsible for sharing the documents with their support person, if appointed.)

Stage 4 – Hearing an appeal

- 4.26 The Committee Chair shall ensure the appeal hearing is conducted in an orderly manner, without being bound by the rules of evidence, to meet the circumstances of the case and the requirements of natural justice.
- 4.27 The student will be provided with the opportunity to address the Committee and may have a person in attendance from one of the following groups to provide support and to assist the student to state their case:
- a) Student Advocacy Officer
 - b) CQUniversity-enrolled student
 - c) CQUniversity staff member, or
 - d) any other person accepted by the Committee Chair. Requests must be sent to the Committee Secretary (appeals@cqu.edu.au) for the Chair's approval.
- 4.28 As the appeal is not a legal proceeding, legal representatives are not permitted to attend the hearing to support and assist the student.

- 4.29 The student and the Division representative may question each other in relation to any issue relevant to the appeal through the Committee Chair.
- 4.30 Any committee member may question any party to the hearing.
- 4.31 The Committee and any party to the appeal may, at any time before a final determination is made, apply for an adjournment of the proceedings. The Committee shall consider and determine these requests in such a manner as the Committee deems to be fit and proper to meet the circumstances of the case and the requirements of natural justice.

Stage 5 – Determining the appeal hearing outcome

- 4.32 The Committee may determine the appeal on the same day as the hearing or may reserve its decision for publication at a later date following further consideration.
- 4.33 In determining an appeal, the Committee may make an order allowing or dismissing the appeal on such terms and conditions as it deems to be fit and proper to meet the circumstances of the case.

Stage 6 – Notifying parties of the appeal hearing outcome

- 4.34 In all cases the Committee shall provide its written decision to:
- a) the student
 - b) the representative from the relevant Division
 - c) the Student Governance Centre (where applicable)
 - d) the International Compliance and Policies Manager (where applicable), and
 - e) any other party affected by the decision.
- 4.35 The student shall be advised informally by email on the day of the decision. The official decision shall be forwarded in writing within 10 working days of the date of the appeal decision.
- 4.36 As part of its written decision, the Committee shall advise the student of the reasons for the decision, their rights to access external appeal processes at minimal or no cost, and the Queensland Ombudsman's contact details.

External appeals

- 4.37 If students are not satisfied with their appeal outcome, they have a right to access the external appeal processes at minimal or no cost. Such external bodies include:
- Queensland Ombudsman – www.ombudsman.qld.gov.au/
 - Human Rights Commission – www.humanrights.gov.au/
 - Anti-Discrimination Commission Queensland – www.adcq.qld.gov.au/
 - Commonwealth Department of Education and Training – www.education.gov.au/ (Higher Education students)
 - State Department of Education and Training – education.qld.gov.au/ [Vocational Education and Training (VET) students]
 - Training Ombudsman – www.ombudsman.qld.gov.au/training-and-education (VET students)
 - Australian Skills Quality Authority – www.asqa.gov.au/ (VET students).
- 4.38 Students who lodge an appeal with an external body, regarding a decision about the student's continued enrolment, must notify and provide evidence of having lodged the appeal with the external body to the Committee Secretary (appeals@cqu.edu.au) within 10 working days of receiving notice of the appeal hearing outcome. A letter, email receipt or automated email response from the external body will be sufficient evidence of lodgement.

Enforcement

- 4.39 Where an order of the Committee has not been carried out within the time specified in the order, any party to the appeal may, by written notice to the Director, Governance, require the matter to be re-listed for enforcement action or for further or other orders. This includes an order that the matter be referred to the appropriate authority within the University for further action and/or disciplinary action.
- 4.40 A register of all appeal hearing determinations will be retained and monitored by the Academic Appeals Committee Secretary.

5 RESPONSIBILITIES

Compliance, monitoring and review

- 5.1 The Director, Governance is responsible for ensuring adherence to this policy and procedure.

Reporting

- 5.2 Academic Appeals Committee decisions are reported to Academic Board.

Records management

- 5.3 Staff must maintain all records relevant to administering this policy and procedure in a recognised University recordkeeping system.

6 DEFINITIONS

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

7 RELATED LEGISLATION AND DOCUMENTS

[Academic Appeals Application Form](#)

[Academic Appeals Committee Terms of Reference](#)

[Academic Misconduct Procedure](#)

[Student Research Misconduct Policy and Procedure](#)

[Student Feedback – Compliments and Complaints Policy and Procedure](#)

8 FEEDBACK

- 8.1 University staff and students may provide feedback about this document by emailing policy@cqu.edu.au.

9 APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Approval Authority	Academic Board
Advisory Committee to Approval Authority	Learning and Teaching Committee
Administrator	Director, Corporate Governance and Secretary to Council
Next Review Date	24/05/2020

Approval and Amendment History	Details
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Amendment Authority and Date	Council 19/10/1992; Teaching Management Committee 05/1994; Academic Board 06/1994; Vice-President and Registrar 3/06/2002; Academic Board 25/09/2002; Executive of Academic Board 21/02/2007; Executive of Academic Board 02/07/2007; Academic Board 2/06/2010; Academic Registrar 6/01/2011; Academic Registrar 10/06/2011; Academic Board 5/10/2011; Terminology update 4/01/2012, Minor amendments Academic Registrar 21/09/2012; Academic Board 13/11/2013; Director, Governance 18/02/2014; Academic Board 6/07/2016; Academic Board 24/05/2017; Position title update 1/03/2018; Minor Amendments Administrator Approved – Director, Corporate Governance and Secretary to Council.
Notes	This document replaced the Academic Appeals Procedure (6/07/2016)

10 APPENDIX 1: OVERVIEW OF THE UNIVERSITY'S APPEAL PROCESS

