

Appeals Policy

Section 1 - Background and Purpose

(1) This Policy and Procedure gives effect to the requirements of the [University Appeals Committee Statute 2009](#). It provides the basis through which students may appeal a decision taken by an officer or committee of the University under relevant Statutes.

Section 2 - Scope

(2) All students, at all locations.

(3) Any matter as outlined under Part B - Jurisdiction. For matters outside the jurisdiction of the University Appeals Committee (UAC), students may seek a review of a decision made in line with the stipulations of the relevant policy or procedure.

Section 3 - Policy Statement

(4) Officers or committees of the University will, from time to time, make determinations in relation to individual students. Students affected by such determinations have the right to seek a review of or appeal these decisions. The processes by which a student seeks a review or appeal depend on the nature of the decision made and the authority under which the decision is made.

(5) This Policy outlines the circumstances in which a student may make a formal appeal to the UAC and the processes through which such appeals are heard.

Section 4 - Procedures

Part A - Composition

(6) The Vice-Chancellor is responsible for appointing members of the UAC as per the requirements of the [University Appeals Committee Regulations 2014](#).

(7) Enough members of the UAC will be nominated to ensure, as far as is reasonably possible, that there will be at least eight UAC members appointed at any one time. Wherever practicable the academic membership of the UAC will be distributed across Schools.

(8) The [Conflict of Interest Policy](#) applies to all UAC members for all UAC business.

Part B - Jurisdiction

(9) The [University Appeals Committee Statute 2009](#) restricts the jurisdiction of the UAC to only those decisions made by or under a University Statute, these include:

- a. The [Academic Integrity Statute 2015](#) and associated policy and procedures;
- b. The [General Misconduct Statute 2009](#) and associated policies and procedures; and
- c. The [Academic Progress Statute 2010](#) and associated policies and procedures.

(10) The Statutes above and any associated policies and procedures will be made available to students on the University website.

(11) The UAC will not consider or conduct hearings in relation to any other matter. University decisions outside of the jurisdiction of the UAC include, but are not limited to:

- a. Decisions in relation to an application for admission to a course of study (refer to the [Admissions Policy](#) and associated procedures). This includes decisions related to admission or re-admission to a course of study following an exclusion or expulsion from the University
- b. Results for an individual assessment item or series of assessment items refer to the [Assessment Procedure - Validation and Moderation](#)
- c. Matters related to requests for special consideration refer to:
 - i. the [Assessment Procedure - Adjustments to Assessment \(incorporating Special Consideration\)](#)
- d. Decisions in relation to the refund of tuition fees (refer to the [Student Fee Policy](#));
- e. For students who hold a packaged offer for a La Trobe course and a pathway course wholly delivered by a third party provider, determinations made by an officer of the third party provider relating to the pathway course. These matters should be referred to the third party provider in line with that provider's policies and procedures; and
- f. Fines or fees levied by divisions of the University in the normal operations of their business. These matters should be referred to the Head of the University division levying the fine or fee in the first instance.

(12) Any member of the UAC may make an initial determination as to whether the nature of the appeal falls within the remit of the UAC. This determination may also be delegated to the Secretariat.

(13) Within 10 business days of lodging an appeal, students will be advised whether the nature of the appeal falls within the remit of the UAC, processes to be followed and information regarding available support.

(14) Where a request for appeal with the UAC is declined, the Secretariat will provide advice to the student of the appropriate procedure and contact for the issue being raised.

Part C - Grounds for Appeal

(15) Students may lodge an appeal on the following grounds laid out in the following statutes:

- a. the [Academic Integrity Statute 2015](#) and associated policy and procedures;
- b. the [General Misconduct Statute 2009](#) and associated policies and procedures; and
- c. the [Academic Progress Statute 2010](#) and associated policies and procedures.

Part D - Lodging an Appeal

(16) For any areas within the jurisdiction of the UAC, any notification of a determination provided to students will include information on the process to lodge an appeal.

(17) Where not otherwise outlined by statute, policy or procedure, the deadline for students lodging an appeal against a determination is within 20 business days of receiving the determination. The UAC may extend this deadline at their discretion and may delegate the ability to extend this deadline to the Secretariat.

Part E - Effect of Appeals on Student Status

(18) When a student appeals the determination of a University officer or committee, the determination will not take effect until the appeal is considered and outcome provided by the UAC.

Part F - Conduct of Hearings

(19) All students who are able to demonstrate acceptable grounds for an appeal against a determination that is within the jurisdiction of the UAC are entitled to a hearing. Hearings may be conducted face to face, by telephone or online (including both online video and teleconferencing). A student may waive their right to a hearing.

(20) In order to facilitate the timely resolution of appeals, hearings will be scheduled as soon as possible after an appeal is lodged. In arranging a suitable time for a hearing, the Secretariat of the UAC must make all reasonable accommodations for the student, taking into account the student's personal circumstances.

(21) A waiver of right to a hearing may be presumed where:

- a. A student does not respond to an invitation to attend a hearing with 10 business days of receiving the invitation; or
- b. A student fails to attend a hearing without notifying the Secretariat of the UAC prior to its scheduled time; or
- c. A suitable time is unable to be arranged for a hearing within two months of the appeal being made.

(22) The UAC may, at its sole discretion, elect to conduct the hearing despite a presumed or actual waiver of a right to a hearing.

(23) The Chair for an individual hearing is selected from the membership on the day of the hearing. The quorum for a UAC hearing is three. Should a quorum not be achieved due to conflicts of interest and/or committee member absence, the Vice-Chancellor may co-opt a suitably qualified member of staff as a temporary member of the committee.

(24) Hearings are bound by the rules of natural justice. Students may be accompanied at a hearing by a support person who is neither a legal practitioner nor person with law degree. The support person is not entitled to make submissions to the Committee during the hearing or act as an advocate for the student without the permission of the UAC.

(25) While a formal proceeding of the University, hearings should be conducted with as little formality as possible.

(26) Hearings are not bound by the rules of evidence. The Secretariat of the UAC may request, but not compel, a student to provide evidence in support of the grounds for their appeal. Students are encouraged to present this evidence prior to their hearing, but evidence may be presented by the student at the hearing.

(27) The Chair of the UAC may seek advice from a suitably qualified member of staff on complex matters before, during or after the hearing. The Chair of the UAC may further seek advice from a suitably qualified person external to the University but may only do so with the student's written permission.

Part G - Decisions of the University Appeals Committee

(28) The UAC may overturn, vary or uphold a determination of a University officer or committee. This does not apply where the student is also a staff member.

(29) Where the UAC cannot reach agreement on an appeal, the position of the Chair will be taken as the decision of the committee.

(30) The decision of the UAC will usually be communicated to the student in writing within 10 business days of the decision being taken. Students will be informed in instances where the complexity of a matter requires additional time for it to be considered.

(31) Decisions of the UAC will also be communicated to the University officer or committee that made the original determination.

(32) The decision of the UAC is the final decision of the University. Students may seek an external review of a UAC decision by the Victorian Ombudsman.

Section 5 - Definitions

(33) For the purpose of this Policy and Procedure:

- a. Appeal is a formal process whereby students of the University may challenge a determination made by a University officer or committee through the process outlined in the [University Appeals Committee Statute 2009](#) and this procedure;
- b. Natural justice is also known as 'procedural fairness', the principle of natural justice as applied to this procedure means that students appealing a decision of the University be given the opportunity to have a fair and impartial hearing and to make written and/or oral submissions on their behalf;
- c. Review is an informal process whereby students of the University may challenge a decision of a University officer or committee. A review process may be outlined in a separate policy or procedure of the University. A review of an individual matter may precede, but will never follow, a hearing and determination of the UAC;
- d. Student is any individual who was enrolled in a course of study at the University at the time a determination was made a University officer or committee that the individual is seeking to appeal; and
- e. University officer is any employee of the University.

Status and Details

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Glossary Terms and Definitions

"exclusion" - a process whereby a student's enrolment in a course at the University is withdrawn together with any entitlement to enrol in any future course of the University.