

# Appeals Policy

## Section 1 - Key Information

<b>Policy Type and Approval Body</b>	Academic – Academic Board
<b>Accountable Executive - Policy</b>	Deputy Vice-Chancellor (Academic)
<b>Responsible Manager - Policy</b>	Deputy Director, Integrity and Investigations
<b>Review Date</b>	4 October 2027

## Section 2 - Purpose

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

## Section 3 - Scope

(2) Unless specifically exempted in this document, this Policy applies to persons seeking admission to, or currently or previously enrolled in, any La Trobe University subject or award course, including those conducted by third parties (for ease of reference all are referred to as students in this Policy).

## Section 4 - Key Decisions

<b>Key Decisions</b>	<b>Role</b>
Assessment as to whether an appeal application meets the required grounds	University Appeals Committee (UAC) (or delegate)
Determination of the outcome of an appeal	UAC
Extension to deadline for students lodging an appeal against a determination	UAC (or delegate)

## Section 5 - Policy Statement

(3) 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.

(4) The University will respect the rights of students by:

- a. having a transparent policy and process for the management of such concerns;

- b. providing clear communication regarding expectations;
  - c. affording procedural fairness.
- (5) The University will support students by:
- a. offering counselling, wellbeing and academic support services;
  - b. making Reasonable Adjustments to academic study in line with its obligations under the [Equal Opportunity Act 2010](#) and other relevant legislation;
  - c. informing students of application processes for special consideration or remission of debt outcomes, where appropriate;
  - d. facilitating leave from study where appropriate.
- (6) The University has established the University Appeals Committee (UAC) to hear and decide appeals relating to decisions made under specific Statutes and regulations of the University.
- (7) Students who are subject to any processes under this Policy participate at no cost to themselves and may also seek confidential and free support from the [Student Advocacy Service](#).
- (8) Where the student is an international student, advice may be sought from the Manager, International Student Support as to whether there are additional ESOS implications, such as:
- a. potential impact on the student's Confirmation of Enrolment, visa and study plan and any consequent documentation requirements;
  - b. any requirements to report to the Australian Government or other foreign government if the student is sponsored.
- (9) The University will record all student appeal matters in accordance with the requirements of the [Higher Education Standards Framework \(Threshold Standards\) 2021](#), the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) and the University's [Records Management Policy](#).
- (10) Appeals will be managed in accordance with the University [Privacy Policy](#). This means, among other things, that:
- a. appeals will be treated by all parties with appropriate confidentiality;
  - b. appeal records may be disclosed to appropriate officers of the University or external authorities, as part of the University's duty of care obligations, or as required by law;
  - c. de-identified data may be used by the University for the purposes of reporting on the management of student appeals;
  - d. information systems and records are maintained securely and confidentially as necessary to document and record responses to formal appeals.

## Section 6 - Procedures

### Part A - Composition of the University Appeals Committee

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

(12) 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.

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

## Part B - Jurisdiction of the University Appeals Committee

(14) The [University Appeals Committee Statute 2009](#) restricts the jurisdiction of the UAC to only those decisions made by or under the following University Statutes. 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.

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

(16) 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 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 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. 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.

(17) 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 are also outside the jurisdiction of the UAC. These matters should be referred to the third-party provider in line with that provider's policies and procedures.

(18) 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.

(19) 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

(20) Students may lodge an appeal on the grounds laid out in the statutes within the jurisdiction of the UAC:

- 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

(21) Students must lodge an appeal within 20 business days of receiving a determination, unless otherwise outlined by statute, policy or procedure. The UAC may extend this deadline at their discretion and may delegate the ability to

extend this deadline to the Secretariat.

(22) 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.

## **Part E - Effect of Appeals on Student Status**

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

## **Part F - Conduct of Hearings**

(24) 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 phone or online. A student may waive their right to a hearing.

(25) 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.

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

- a. a student does not respond to an invitation to attend a hearing within 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.

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

(28) 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.

(29) 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 or present arguments to the Committee during the hearing or act as an advocate for the student without the permission of the UAC.

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

(31) 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.

(32) 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

(33) The UAC may overturn, vary or uphold a determination of a University officer or committee.

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

(35) The decision of the UAC will usually be communicated to the student in writing within five 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.

(36) Once the outcome has been communicated to the student, it is also forwarded to the relevant University areas for immediate action. Decisions of the UAC will also be communicated to the University officer or committee that made the original determination.

## Part H - Further Review or Complaints

(37) The decision of the UAC is the final decision of the University. The University Ombudsman is not able to review decisions made by the UAC. Students who are dissatisfied with a decision made by the UAC may choose to lodge a complaint with the Victorian Ombudsman. The Ombudsman is an independent service and is free.

(38) Students who have concerns about any aspect of the process or the way in which this Policy has been applied (as opposed to the decision or outcome) may lodge a complaint with the University Ombudsman.

## Part I - Reporting

(39) The Integrity Office produces a report each year for submission to the Education Committee. The report includes:

- a. a summary of appeals received during the previous year and an analysis of trends from previous years;
- b. information on the quality and timeliness of appeals;
- c. identification of systemic issues;
- d. information concerning procedural or other changes that may have been made in response to appeals and any recommendations for the future.

(40) Following endorsement by the Education Committee the report is submitted to Academic Board and then to the University Council for noting.

## Section 7 - Definitions

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

- a. appeal: 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 Policy;
- b. exclusion: the temporary or permanent prohibition of an individual from accessing any or all University facilities and services or participating in University activities. A temporary prohibition may be for a specific period or until a condition or conditions have been met. Where a student or participant is excluded from a course, short course or subject, their enrolment in the course, short course or subject is cancelled and they must reapply for admission.
- c. natural justice: also known as 'procedural fairness'. The principle of natural justice as applied to this Policy

means that students appealing a decision of the University should be given the opportunity to have a fair and impartial hearing and to make written and/or oral submissions on their behalf.

- d. 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.
- e. university officer is any employee of the University.

## **Section 8 - Authority and Associated Information**

(42) This Policy is made under the [La Trobe University Act 2009](#).

(43) Associated information includes:

- a. [Academic Integrity Statute 2015](#)
- b. [Academic Progress Statute 2010](#)
- c. [General Misconduct Statute 2009](#)
- d. [University Appeals Committee Regulations 2014](#)
- e. [University Appeals Committee Statute 2009](#)
- f. [Admissions Policy](#)
- g. [Conflict of Interest Policy](#)

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	4th October 2024
<b>Review Date</b>	4th October 2027
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<b>Approval Date</b>	4th October 2024
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<b>Responsible Manager - Policy</b>	Kat Nordern Deputy Director, Integrity and Investigations
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