Appeals Policy

Section 1 - Key Information

Policy Type and Approval Body	Academic – Academic Board
Accountable Executive – Policy	Deputy Vice-Chancellor (Academic)
Responsible Manager – Policy	Senior Manager, Integrity Office
Review Date	23 September 2029

Section 2 - Purpose

(1) This Policy gives effect to the requirements of the University Appeals Committee Statute 2009 and the University Appeals Committee Regulations 2014. It provides the basis upon which students may make a formal appeal to the University Appeals Committee (UAC) against a decision taken by a staff member or committee of the University under relevant statutes and policies.

Section 3 - Scope

(2) Unless specifically exempted in this document, this Policy applies to:

a. all students currently or previously enrolled in any La Trobe University subject or award course, including those conducted by third parties; and
b. all matters within the jurisdiction of the UAC as outlined in relevant University statutes (see Part B of this Policy).

Section 4 - Key Decisions

Key Decisions	Role
Determine whether an appeal application specifies one or more of the prescribed grounds to be heard by the UAC	UAC Standing Chair
Determine the outcome of an appeal	UAC Panel
Extend the deadline for students to lodge an appeal against a decision	UAC Standing Chair
Approve appointments to the UAC	Vice-Chancellor

Section 5 - Policy Statement

(3) Staff members and committees of the University, 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 respects the rights of students by:

a. having a transparent policy and process for the management of such concerns;
b. providing clear communication regarding expectations and timelines; and
c. affording procedural fairness.

(5) The University supports students by:

a. having counselling, wellbeing, academic support and advocacy services available;
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, where appropriate; and
d. facilitating leave from study where appropriate.

(6) The University has established the 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 independent, confidential and free support from the Student Advocacy Service.

(8) Where the student is an international student:

a. advice may be sought from the Student Advising (International) team as to whether there are additional ESOS implications from the appeal process and outcomes, such as potential impact on the student's Confirmation of Enrolment, visa and study plan and any consequent documentation requirements; and
b. the Senior Manager, International Compliance and Assurance is responsible for advising on any requirements to report to the Australian Government or other foreign government if the student is sponsored.

(9) The Integrity Office records all student appeal matters in accordance with the requirements of:

a. the Higher Education Standards Framework (Threshold Standards) 2021;
b. the National Code of Practice for Providers of Education and Training to Overseas Students 2018; and
c. the University's Records Management Policy.

(10) Appeals are managed in accordance with the University Privacy Policy. This means, among other things, that:

a. appeals are 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 otherwise permitted by law;
c. de-identified data may be used by the University for the purposes of reporting on the management of student appeals; and
d. information systems and records are maintained securely and confidentially as necessary to document and record appeals and the decisions of UAC hearings.

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Section 6 - Procedures

Part A - Composition and Operation of the University Appeals Committee

(11) The composition and operation of the UAC are governed by the University Appeals Committee Statute 2009 and the University Appeals Committee Regulations 2014. Under the Regulations the Vice-Chancellor is responsible for appointing members of the UAC.

(12) Panels are formed from the membership pool for the purpose of conducting hearings for individual appeals. All UAC members are required to observe the Conflict of Interest Policy when accepting appointments to individual panels.

Part B - Jurisdiction of the University Appeals Committee

(13) The University Appeals Committee Statute 2009 restricts the jurisdiction of the UAC to only those decisions made 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.

(14) The statutes above and any associated policies are made available to students on the University website.

(15) 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, the Graduate Research Admissions Policy and associated procedures). Notwithstanding this limitation, a student may be re-admitted to their original course of study (with or without conditions imposed by the UAC) where the UAC overturns an original decision to exclude a student from the University;
b. results for an individual assessment item or series of assessment items (refer to the Assessment Procedure - Validation and Moderation);
c. outcomes of graduate research examinations (see Graduate Research Examinations Policy);
d. matters related to requests for special consideration (refer to the Assessment Procedure - Adjustments to Assessment (incorporating Special Consideration); and
e. decisions in relation to tuition fees or fines or fees levied by divisions of the University (refer to the Student Fees Policy).

(16) For students who hold a packaged offer which consists of a pathway course wholly delivered by a third party provider, and an offer for a subsequent La Trobe course, determinations made by an officer of the third-party provider relating to any issues arising during enrolment in 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.

Part C - Grounds for Appeal

(17) 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;

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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

(18) Students must lodge an appeal within 20 business days of the date of an outcome email and in accordance with the instructions provided in that email (further information can be found on the student appeals webpage). The UAC Standing Chair may extend this deadline at their discretion and taking the student's circumstances into account.

(19) The Secretariat will review the grounds upon which the student is basing their appeal application. Students who do not initially specify one or more of the prescribed grounds for an appeal are contacted by the Secretariat and given an opportunity to clarify or supplement their application before any decision to accept or reject their application is made by the UAC Standing Chair.

(20) The UAC Standing Chair will review any appeal applications cases received that are unclear in evidence or that might otherwise be declined (including late appeals) and make a final determination of eligibility within the prescribed timeframe.

(21) Within 10 business days of lodging an appeal, the Secretariat will provide written advice to the student concerning:

a. whether their request for appeal is accepted or declined, including whether:
    i. the nature of the appeal falls within the remit of the UAC; and
    ii. they have or have not specified one or more of the prescribed grounds for appeal.
b. processes to be followed; and
c. information regarding available support and advice.

Part E - Effect of Appeals on Student Status

(22) In accordance with the University Appeals Committee Statute 2009, when a student appeals an appealable decision, the decision will not take effect until the appeal is considered and the outcome is provided by the UAC. The Integrity Office (through the Secretariat) is responsible for managing communications to relevant University departments and/or senior leaders on pausing the decision whilst UAC considers the appeal matter.

(23) Where a student is appealing a decision after the regulated appeal period, and actions flowing from the original decision have already been implemented, any ensuing actions will be managed on a case-by-case basis.

Part F - Conduct of Hearings

(24) All students who demonstrate one or more of the prescribed grounds for an appeal 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 are scheduled as soon as possible after an application to appeal is determined to be within the jurisdiction of the UAC.

(26) In arranging a hearing, the Secretariat of the UAC must provide the student with an opportunity to advise of any access or accommodation requirements.

(27) Students will receive an invitation by email to attend a hearing. A waiver of the right to a hearing may be presumed where:

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a. a student does not respond within 10 business days of receiving the invitation;
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 confirmed and agreed by the student for a hearing within two months of the appeal being made.

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

(29) The UAC:

a. must conduct each proceeding with as little formality and technicality, and determine each proceeding with as much speed, as the requirements of the University Appeals Committee Statute 2009, the regulations and a proper consideration of the matters before it permit; and
b. subject to the University Appeals Committee Statute 2009, and the regulations, may regulate its own procedure.

(30) UAC hearings are bound by the rules of natural justice.

(31) Students may be accompanied at a hearing by a support person who is neither a legal practitioner nor a person with a law degree. The support person is not entitled to make submissions or present arguments to the Panel during the hearing or act as an advocate for the student without the permission of the Panel Chair.

(32) While a formal proceeding of the University, hearings are conducted with a trauma-informed approach.

(33) The UAC is not bound by the rules of evidence (see Definitions). The submission of evidence to support a student's application for an appeal is managed as follows:

a. students submitting an appeal under the provisions of the General Misconduct Statute 2009 and the Academic Progress Statute 2010 and associated policies may provide any evidence they consider relevant to their appeal;
b. students submitting an appeal under the provisions of Part 2 of the Academic Integrity Statute 2015 (Academic Misconduct relating to Coursework) are required to include evidence in accordance with the Student Academic Misconduct Policy. Where evidence is not included the Secretariat may obtain it from University records; and
c. students submitting an appeal under Part 3 of the Academic Integrity Statute 2015 (Academic Misconduct Relating to Research) are required to meet the obligations outlined in Part J of the Research – Higher Degree Student Misconduct Procedure.

(34) The Panel Chair may seek advice from a suitably qualified member of staff or external experts before, during or after the hearing.

Part G - Decisions of the University Appeals Committee

(35) The UAC may overturn, vary or uphold a decision of the relevant decision-maker.

(36) The decision of the UAC will be communicated to the student via email to their student email address, normally within five (5) business days of the decision being made. Students are informed in instances where the complexity of a matter requires additional time for it to be considered.

(37) Once the outcome has been communicated to the student, the Secretariat forwards the outcome to:

a. the staff member or committee that made the original decision; and
b. the relevant University area(s) for actioning as soon as practicable.

(38) The decision of the UAC is considered the final decision of the University.

Part H - Further Review or Complaints

(39) The University Ombudsman cannot review decisions made by the UAC. However, students who have concerns about the appeals process or about how this Policy has been applied may lodge a complaint with the University Ombudsman. This cannot include complaints about the UAC's decision or outcome itself.

(40) Students who are dissatisfied with a decision made by the UAC, or with any aspect of the process or the way in which this Policy has been applied, may lodge a complaint with the National Student Ombudsman. For further information on complaints considered by the National Student Ombudsman, go to Making a complaint | National Student Ombudsman (NSO).

(41) Both the internal and external ombudsman services are independent and free.

Part I - Reporting

(42) The entire UAC meets twice yearly to review the overall operation of panels and to consider any emerging issues. Summary reports are submitted to Education Committee.

(43) 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 timeliness of appeals;
c. identification of systemic issues; and
d. information concerning procedural or other changes that may have been made in response to appeals and any recommendations for the future.

(44) Following endorsement by the Education Committee all reports are submitted to Academic Board and then to the University Council for noting.

Section 7 - Definitions

(45) 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 staff member or committee through the process outlined in the University Appeals Committee Statute 2009 and this Policy.
b. appealable decision: a decision that may be appealed under the statutes within the jurisdiction of the UAC.
c. exclusion: means 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, where not prevented by the terms of their exclusion, they must reapply for admission.
d. 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.
e. panel: a group of at least three members of the UAC, convened to hear and determine individual appeal(s).
f. Panel Chair: the position determined by a panel to chair a panel hearing.
g. Reasonable Adjustments: the term applied to modifying the learning or work environment, or making changes

to the curriculum to assist a learner with a disability or to assist a staff member with a disability to be able to perform their work.

h. review: a process whereby students of the University may challenge a decision of a staff member 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.
i. rules of evidence: the formal legal rules governing the admissibility and treatment of evidence in courts and tribunals, which do not apply to hearings conducted under this Policy. For the purposes of this Policy, hearings are not required to apply these rules, but must consider relevant information in a fair and reasonable manner in accordance with the principles of natural justice.
j. Secretariat: the staff member(s) responsible for supporting the operations of the UAC.
k. Standing Chair: a member of the UAC who has particular committee-wide responsibilities outlined in the Terms of Reference.
l. trauma-informed: processes that:
    i. minimise potential trauma to the complainant;
    ii. maximise information obtained;
    iii. reduce contamination of the complainant's memory; and
    iv. maintain the integrity of the investigative process.
m. uphold: to confirm that an original decision remains unchanged following consideration of an appeal.

Section 8 - Authority and Associated Information

(46) This Policy is made under the La Trobe University Act 2009.

(47) Associated information includes:

a. Academic Integrity Statute 2015 and the Student Academic Misconduct Policy
b. Academic Progress Statute 2010 and the Academic Progression Review Policy
c. General Misconduct Statute 2009 and the Student Conduct Management Policy
d. University Appeals Committee Regulations 2014
e. University Appeals Committee Statute 2009
f. Conflict of Interest Policy
g. Terms of Reference, La Trobe University Appeals Committee.

Status and Details

Status	Current
Effective Date	9th November 2026
Review Date	23rd September 2029
Approval Authority	Academic Board
Approval Date	9th November 2026
Expiry Date	Not Applicable
Responsible Manager - Policy	Siew-Peng Condon Senior Manager, Integrity Office
Enquiries Contact	Integrity Office

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