

## ACADEMIC APPEALS POLICY

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| <b>Approving Authority</b>   | Academic Board                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Purpose</b>               | This policy outlines the grounds on which students can appeal academic decisions and sets out appeal handling processes.                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Responsible Officer</b>   | Academic Leadership team (Academic Dean and/or Head of Academic Programs)                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Next Scheduled Review</b> | August 2031                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Document Location</b>     | <a href="http://www.ozford.edu.au/higher-education/policies-and-procedure/">http://www.ozford.edu.au/higher-education/policies-and-procedure/</a>                                                                                                                                                                                                                                                                                                                                                |
| <b>Associated Documents</b>  | <p>Academic Integrity Policy and Procedure</p> <p>Academic Progress Policy and Procedure</p> <p>Assessment Policy and Procedure</p> <p>Credit Transfer and Articulation Policy and Procedure</p> <p>Privacy Policy and Procedure</p> <p>Student Code of Conduct Policy and Procedure</p> <p>Special Consideration Policy and Procedure</p> <p>Student Grievances and Appeals Policy and Procedure</p> <p>Student Support and Services Policy and Procedure</p> <p>Academic Appeals Procedure</p> |

### 1. PRINCIPLES

Ozford Institute of Higher Education (hereafter referred to as “the Institute”) is committed to resolving student complaints and grievances and providing a formal mechanism for students to appeal against academic decisions which they consider to be unfair.

### 2. SCOPE

This policy applies to appeals by students exclusively against academic issues such as:

- the outcome of a review of grade;
- penalty for academic misconduct and plagiarism;
- refusal of an application for course credit; and/or
- failure to maintain satisfactory academic progress.

All other grievances and complaints are considered under *Student Grievances and Appeals Policy and Procedure*.

### 2. DEFINITION

#### *Appeal*

An appeal is a request to review a decision or outcome made under an Institute policy or procedure.

### ***Academic Misconduct***

Academic misconduct refers to cheating, plagiarism and any other conduct by which a student seeks to gain an academic advantage for them or for any other person which they are not entitled to; or where this conduct unfairly disadvantages another student. Academic misconduct is a breach of Academic Integrity, intentional or unintentional. It involves any activities and practices that:

- Undermine the integrity of assessments;
- Misrepresent academic outcomes; or
- Seek to gain an unauthorised or unfair academic advantage over others.

Examples of such breaches are cheating, contract cheating, plagiarism, submitting an assessment prepared by others or by Artificial Intelligence (AI), collusion, copying from other persons' work, cheating in exams, fabrication or falsification of information, and offering or accepting bribes or favours for grades or admission.

### ***Complaint***

An implied or express statement of dissatisfaction where a response is sought, reasonable to expect or legally required. It includes dissatisfaction with the Institute's:

- education services
- behaviour of a staff member, contractor or student which contravenes a policy or procedure
- third parties providing services to students on behalf of the Institute
- actions or decisions
- inaction or delay
- policy or processes.

### **What is not a complaint?**

- An initial request for a service or action. However, subsequent requests may be an implicit complaint about service, inaction or delay.
- Statements about an overall opinion are generally not complaints, unless a response or resolution is expected, or should reasonably be provided.
- Requests for information or explanations. However, repeated requests for explanations may be implied complaints about the quality of services, decisions or reasons previously provided.
- Requests for updates are not generally complaints. However, some requests for updates may be implied complaints about delay or inaction.

### ***Credit***

Credit is the value assigned to recognise equivalence in content and learning outcomes between different types of learning and/or qualifications. The credit can reduce the amount of learning required to achieve a qualification through credit transfer, articulation, RPL or advanced standing (source: AQF Credit Transfer: An Explanation). Credit is granted by applying the criteria specified in the ***Credit Transfer and Articulation Policy***.

### ***Credit Transfer***

Credit transfer is a process that provides students with agreed and consistent credit outcomes for components of a qualification based on identified equivalence in content and learning outcomes between matched qualifications (source: AQF Credit Transfer: An Explanation).

## ***Compassionate and compelling***

Compassionate or compelling circumstances are generally those beyond the control of the student and which have an impact upon the student's course progress or wellbeing. These could include, but are not limited to:

- serious illness or injury where a medical certificate states that the student is unable to attend class;
- bereavement for the death of close family members such as parents or grandparents (documented evidence must be provided);
- serious illness, accident or family incident which requires immediate travel which has impacted the student to studies;
- the inability to begin study on the course commencement date stated on the CoE due to delay in receiving a student visa;
- major political upheaval or natural disaster in the home country requiring their immediate travel and this has impacted on the student's studies;
- a traumatic experience supported by police or psychologist's reports which could include but is not limited to:
  - involvement in or witnessing of an accident; or
  - a crime committed against the student; or
  - the student being a witness to a crime and this has impacted on the student.

Notes:

- misreading the examination timetable, examination anxiety or returning home will not be accepted as Compassionate and Compelling circumstances;
- religious or faith-based issues are not in themselves grounds for special consideration. However, they may be used in support of an application that meets the Compassionate and Compelling circumstances set out above.

## ***Course Credit***

Course Credit is a credit transfer when one tertiary provider recognises the credits gained from another tertiary provider and allows this to count towards the student's new qualification.

## ***Feedback***

Feedback is a compliment, criticism, comment or suggestion where a response is not sought, or not reasonable to expect.

The key difference between complaints and critical feedback is the reasonable expectation of a response. Like complaints, it is important to ensure that feedback can be analysed to identify opportunities for improvement.

## ***Frivolous***

Not serious, relies on trivialities, does not warrant a review of the matter concerned.

## ***Grade***

A grade is the descriptor given as a result of an evaluation of assessment tasks and is based on a percentage score.

## ***Plagiarism***

Plagiarism refers to claiming someone else's ideas or words to be one's own without acknowledging the source. Plagiarism is one form of academic misconduct, and students and staff are expected to avoid it by doing their own work, acknowledging all sources of information and ideas and acknowledging all group members when group work is concerned.

## ***Review***

A Review is a check that the process used to reach a decision made by the Institute was consistent with its policy and procedures and that the outcome reached based on the material presented is reasonable.

## ***Vexatious***

Done to cause unjustified trouble or for a purpose other than genuine

## ***TEQSA***

Tertiary Education Quality and Standards Agency

## ***Unsatisfactory Academic Progress***

Unsatisfactory progress occurs where a student in two consecutive compulsory study periods fails more than 50% of the units in which the student has been enrolled.

## **4. POLICY**

- 4.1 Information about the ***Institute's Academic Appeals Policy and Procedure*** will be clearly written, and easily accessible on the Institute's website, including for students with diverse needs.
- 4.2 The Institute will ensure that students can lodge a request for a review or an academic appeal through multiple channels, and that contact points and instructions for lodgement are clearly published and easy to locate.
- 4.3 Students can request a review of a decision or lodge a formal appeal against the Institute's decisions using the Institute's application form on:
  - the outcome of a review of grade;
  - a penalty for academic misconduct and plagiarism;
  - the refusal of an application for course credit; and/or
  - the failure to maintain satisfactory academic progress.
- 4.1 A Review can be requested on the following grounds:
  - procedural irregularities occurred during the making of the decision, which were material or potentially material to the decision reached or
  - there is new evidence of material significance that the student could not have reasonably known at the time of the original decision or
  - the decision or penalty applied is manifestly Unreasonable.
- 4.4 An appeal may be made on the following grounds:

- the decision being appealed (i.e. the decision made by the decision-maker) did not comply with the relevant Institute policy and/or procedure; or
  - 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).
- 4.5 The timeframe for submitting an appeal is within 10 working days of receiving the official notification of the decision the student intends to appeal.
- 4.6 If extenuating circumstances prevent the student submitting an appeal within the required timeframe, 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 Institute decides the circumstances were not extenuating, the Institute may decide the appeal is ineligible and will be refused.
- 4.7 A student making a complaint has the right to a fair and thorough investigation, based on the principles of this Policy.
- 4.1 The Institute will support the student's right to submit reasonable feedback, grievances, concerns, complaints or appeals through a complaints resolution process that:
- is accessible, impartial, fair, equitable and without financial cost
  - is person-centered aiming to ensure the student's needs and preferences are at the centre of decisions made in response to its disclosure.
  - is trauma-informed applying core principles of safety, trust, choice, collaboration and empowerment, aims to minimise any risk of re-traumatisation of a student, and promotes recovery and healing to the greatest extent possible.
  - carefully and respectfully consider all appeals in a fair and judicious manner.
  - is transparent and consistent
  - encourages, where possible, informal resolution of concerns
  - is implemented in a timely and responsive manner
  - ensures, so far as is practicable, privacy, confidentiality and the health, wellbeing and safety of all parties encourages the maintenance of harmonious relationships.
- 4.2 All academic appeals will be handled professionally and confidentially in order to achieve a satisfactory resolution that is fair and equitable to all parties. Any staff member allocated to manage, investigate, advise on, or decide an appeal must be independent of the matter.
- 4.3 The Institute will encourage the parties to engage in good faith with an open view and to attempt to resolve problems informally through discussion and conciliation.
- 4.4 The Institute does not tolerate victimisation and may take action against a student or staff member who is found to have victimised another student or staff member on the basis of their involvement in an appeal.
- 4.5 The Institute will not consider or will cease to consider:
- Frivolous or vexatious complaints, and the complaint may be subject to the ***Student Code of Conduct Policy and Procedure***.

- appeals where it is determined that the behaviour of the student is having a disproportionate and unreasonable impact on the Institute, its staff, services, time and/or resources.

4.6 A student may withdraw an appeal at any time by notifying the Institute in writing.

## **Student Support**

- 4.8 The Student Services team is responsible for providing advice and/or assistance to students prior to submitting an appeal. Students should carefully read this Policy and the associated Procedure.
- 4.9 No extension of time will be granted for students who seek Student Services team assistance. Students must still submit their appeal within the timeframe specified in this Policy. Students are not required to wait for approval and/or feedback from Student Services prior to submitting their appeal.

## **Hearing of an Academic Appeal**

- 4.10 The Student Academic Appeals Committee will hear appeals on grounds listed in this Policy.

## **Student Discipline and Appeals Committee**

- 4.11 The Student Academic Appeals Committee will consist of a member of the Academic Leadership team (or nominee) as Chair, and at least two members of the academic teaching staff (fixed term or casual) not directly implicated in the appeals request.
- 4.12 The Student Academic Appeals Committee may make any decision available to an original Decision-maker..

## **Assessing the Grounds for an Appeal**

- 4.13 The Chair of the Student Discipline and Appeals Committee shall within 5 working days of receipt, meet with the Academic Leadership team (if a member of the Academic Leadership team is not the chair) to consider the appeal in order to determine whether it should be:
- heard and a determination made;
  - returned to the originator of the academic decision for reconsideration if further information has been provided which was not available at the time of the decision;
  - rejected.

## **Rejection of an Academic Appeal**

- 4.14 An appeal application may be rejected on the basis of one or more of the following grounds:
- there is no reasonable ground of appeal;
  - no new information or different grounds have been demonstrated by the student;
  - failure to submit the appeal on time and on the correct application form.

## Decision of the Student Discipline and Appeals Committee

- 4.15 The outcome of the appeal and grounds for the outcome will be recorded in writing and signed and dated by the Student Academic Appeals Committee and placed in the student file.
- 4.16 Students will be provided with details of external authorities they may approach, if they are not satisfied with the outcome of the appeals process as set out in this policy.

## External Appeals

- 4.17 Students may seek assistance from an external authority if they are not satisfied with the appeals procedure and its decisions. Students will be provided with details of external authorities they may approach and will be advised that the purpose of the external appeal process is to consider whether the Institute has followed its policies and procedure, rather than make a decision in place of the Institute.
- 4.18 The Institute's Procedure provides students with the details of appropriate external and independent review options, including contact details. Students will be provided within 10 working days of completion of the internal appeals process with details of external authorities they may approach, if they are not satisfied with the outcome of the appeals process.
- 4.19 The Institute will maintain records of all academic appeals lodged under this policy and their outcomes in the student file. The records will be made available for any external review processes upon request.
- 4.20 The Institute will consider all outcomes from formal complaints and appeals. If the result of the appeal is favourable to the student, the Institute will immediately implement the decision, and take necessary corrective or preventative action, if applicable.

## Reporting and Monitoring

- 4.21 The Institute's culture prioritises and resources complaints handling and values complaint data, with the Executive Management team demonstrating a firm commitment to review, design, manage and deliver processes and policies to improve grievance and complaint mechanisms.
- 4.22 The Academic Board and the Governing Board will review a report of de-identified appeals data at least once every 6 months and can assure itself that any underlying causes of identified trends or issues are being adequately addressed.

## 5. QUALITY ASSURANCE

To ensure that this policy is fit for purpose and meets the requirements of the TEQSA Compliance Frameworks the policy will be:

- 5.1 internally endorsed by the Executive Management Team on development or review, prior to approval by the Academic Board or other delegated authority;
- 5.2 externally reviewed as part of any independent review of the TEQSA Compliance Frameworks approved by the Governing Board;
- 5.3 internally reviewed by the Responsible Officer every five years from the date of approval (if not earlier); and
- 5.4 referenced to the applicable TEQSA Compliance Frameworks requirement(s) and/or other legislation/regulation.

## 6. FEEDBACK

Feedback and comments on this policy are welcomed by the listed responsible officer(s) of the Institute.

## 7. ACKNOWLEDGEMENT

This policy was developed with reference to the following:

- CQUniversity, Academic Appeals Policy and Procedure, 2024 ([Academic Appeals Policy and Procedure \(stylelabs.cloud\)](#))
- Griffith University, Student Review and Appeals Policy, 2024 ([Student Review and Appeals Policy \(windows.net\)](#))
- Avondale College of Higher Education, Appeal Policy (Academic ), 2023 ([Appeal Policy \(Academic\) - Avondale Policies - Confluence \(atlassian.net\)](#))
- TEQSA, Guidance note: Grievance and complaint handling, Version 1.1, 2019 ([Guidance note: Grievance and complaint handling | Tertiary Education Quality and Standards Agency \(teqsa.gov.au\)](#))

## 7. VERSION CONTROL

| Version                                     | Date approved                                                                                                                                                                                                                                 | Description                                                                                    | Approved by |
|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|-------------|
| 1.0                                         | 5 December 2013                                                                                                                                                                                                                               | Initial issue                                                                                  | AB          |
| Revised - V2                                | 27 July 2015                                                                                                                                                                                                                                  | Aligning with new HESF standard.                                                               | AB          |
| Revised – V3                                | 5 June 2018                                                                                                                                                                                                                                   | Reflecting the requirements of the HESF standards and changes in academic leadership structure | AB          |
| 3.1                                         | November 2022                                                                                                                                                                                                                                 | Internal review                                                                                | AB          |
| 3.2                                         | June 2023                                                                                                                                                                                                                                     | Internal review                                                                                | AB          |
| 3.3                                         | September 2023                                                                                                                                                                                                                                | Internal review – minor formatting changes and add external referencing                        | EMT         |
| 4.0                                         | August 2026                                                                                                                                                                                                                                   | Internal Review                                                                                | EC/AB       |
| Related legislation/<br>regulation/standard | Tertiary Education Quality and Standards Act 2011<br>Higher Education Standards Framework (Threshold Standards) 2021<br>Education Services for Overseas Students Act (ESOS) 2000<br>Education Services for Overseas Students Regulations 2019 |                                                                                                |             |

| Version | Date approved | Description                                                                                                                                                                                                                                                                                                                  | Approved by |
|---------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
|         |               | The National Code of Practice for Providers of Education and Training to Overseas Students 2018<br><br>Statement of Regulatory Expectations: Student grievance and complaint mechanisms (Statement of Regulatory Expectations: Student grievance and complaint mechanisms   Tertiary Education Quality and Standards Agency) |             |

Notes:

AB = Academic Board

EMT = Executive Management team