

ACADEMIC APPEALS PROCEDURE

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

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

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

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

3. DEFINITIONS

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. PROCEDURE

Expectations of Staff

4.1 All staff involved in appeals:

- have capacity to manage the volume and complexity of Institute appeals
- act fairly, reasonably and impartially
- deal with the matter as expeditiously as possible, consistent with the need to act fairly.
- exercise independent judgement
- conduct themselves in a professional and courteous manner
- treat the process as confidential , in accordance with the ***Privacy Policy and Procedure***.
- disclose actual, perceived or potential conflicts of interest as soon as they become apparent.
- ensure the transfer of complaints casework between staff is minimised

4.2 All staff allocated to handle, and those responsible for making decisions about, student grievances and complaints will have appropriate training in:

- knowing and complying with the ***Academic Appeals Policy*** and the ***Student Grievances and Appeals Policy*** and these complaint handling procedures.
- keeping informed about the Institute including any changes to programs and services
- trauma-informed and person-centred practice
- supporting culturally and racially marginalised persons
- learning how to identify and feedback systemic issues
- keeping up to date with better practice in complaint handling

- if their role requires, administrative decision making.
- 4.3 Appropriate mitigations and supports are in place to respond to the wellbeing and safety needs of staff handling grievances and complaints and action is taken to address underlying risks.
- 4.4 All Institute staff should work collaboratively with complaint handling staff to ensure an accessible and responsive complaint handling system.

Review and Appeals Process Accessibility

- 4.5 The Institute will actively encourage students by making it clear that:
- Reviews and appeals are welcomed and free
 - complaint and appeals handling is confidential
 - there is no penalty for lodging an appeal
 - reviews and appeals are valued by the organisation as a way to improve its service
 - appeals can be made anonymously.
- 4.6 Students can access the Institute's ***Academic Appeals Policy and Procedure*** or the ***Student Grievances and Appeals Policy and Procedure*** by the following means:
- within the **Student Acceptance Agreement** and the ***Student Handbook***;
 - on the Institute website;
 - within the information provided by student services;
 - by publication, from time to time, of bulletins and notices.
- 4.7 Students can make anonymous or confidential complaints and are informed of how anonymity or confidentiality may impact the investigation, consideration or outcome of their complaint. The ***Student Grievances and Appeals Policy and Procedure*** sets out how these concerns are addressed.
- 4.8 Should a matter not be satisfactorily resolved internally, higher education students may refer complaints or other matters to the National Student Ombudsman (NSO) or the Overseas Ombudsman (OSO), free and independent services offered by the Australian government.

Review

- 4.9 Students have the right to request a Review of an academic decision made by the Academic team decision maker.
- 4.10 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.
- 4.11 The Review Officer may:

- Uphold the original decision, or
- deem the application to be invalid, leaving the original decision unchanged
- set aside the original decision and make a new decision.

4.12 If the student is not satisfied with the review, an academic appeal can be lodged.

Procedures for the submission of Academic Appeals are as listed below:-

- 4.13 The Student Services team are the first point of call for students who want to lodge an appeal or simply wish to discuss their options on any matters of concern.
- 4.14 The student making an appeal must clearly identify the issue, provide all available information in support of their case, decide on desired outcomes and cooperate with the investigation of the complaint or appeal.
- 4.15 The appeal must be submitted in writing using the ***Academic Appeals Application Form***.
- 4.16 The ***Academic Appeals Application Form*** must be lodged with the Academic Leadership team within 10 working days of the receipt of an official notification from the Institute of the decision they wish to appeal against. All supporting documents must be submitted with the appeals application.
- 4.17 The student's enrolment will be maintained whilst the appeal is in progress, and the outcome has not been determined.
- 4.18 The Student Services team will provide advice and/or assistance to students prior to submitting an appeal.
- 4.19 Students may withdraw their appeal before Student Discipline and Appeals Committee considers and decides their appeal by advising the Institute by email. In this case, the appeal will be considered withdrawn and the original decision, including any penalty, will remain unchanged.

Assessing eligibility of an appeal

- 4.20 The Academic Leadership team will determine whether the appeal be heard or rejected on the grounds set out in the ***Academic Appeals Policy***.
- 4.21 An appeal will be assessed as ineligible and refused to progress if the student has not:
- provided evidence of the completion, or attempting to complete, all required review processes before submitting the appeal
 - met the grounds of appeal specified in the Policy
 - ensured they are in a position to receive all notifications or has regularly monitored their official student email account
 - completed the Institute's ***Academic Appeals Application Form*** in full and attached supporting evidence listed on the form
 - submitted the appeal inside the specified timeframe allowed and has not provided an explanation of the extenuating circumstances and attached evidence of the extenuating circumstances.

- 4.22 If an appeal is assessed as ineligible but the timeframe for submitting an appeal has not passed, the Academic Leadership team or the Student Services team will advise the student of the timeframe and requirements to be addressed to make the appeal eligible.
- 4.23 If an appeal is refused because it is ineligible, the student will be advised of this in writing within 10 working days, with details provided about why the appeal is ineligible.
- 4.24 An appeal that is frivolous or vexatious will be refused.

Progressing an appeal

- 4.25 The Academic Leadership team will set up a Student Discipline and Appeals Committee to hear the appeal and arrange a date and time for a hearing if the application is considered valid.
- 4.26 All parties to the hearing will be notified in writing about the date and time of such hearing.
- 4.27 The student is allowed to bring another person (mentor or guardian or the student representative in the Academic Board), other than a lawyer. The hearing shall take place with full confidentiality.

Decision-maker's response to the appeal

- 4.28 The Student Discipline and Appeals Committee Chair will provide the student's appeal to the decision-maker whose decision is being appealed and request a written response to the appeal.
- 4.29 The decision-maker's written response must set out the policy and/or procedure followed, the information considered in making the decision being appealed, and the reasons for the decision. The completed response and any supporting evidence must be submitted to the Chair within 5 working days of the request for a response.
- 4.30 The appeal will progress whether or not the decision-maker provides this information.
- 4.31 At this step the decision-maker may advise the Student Discipline and Appeals Committee Chair that they wish to reconsider the matter and make a new decision based on information provided in the student's appeal. If this occurs, the following process will apply:
- the Student Discipline and Appeals Committee Chair will advise the student that the decision-maker will reconsider their decision based on the new information provided in the student's appeal, that the appeal will be withdrawn, and that the student can lodge a new appeal against the new decision.
 - the decision-maker will reconsider the issue and advise the new decision in writing to the student in accordance with the policy and/or procedure relevant to the matter.
 - the timeframe for this new decision will be in accordance with the relevant policy and/or procedure.
 - if the student is not satisfied with the decision-maker's new decision, the student may submit an appeal against the new decision, and the timeframes for appeal will apply to the new appeal.

Student invited to respond to the decision-maker's response

- 4.32 Following receipt of the decision-maker's response to the appeal, the Student Discipline and Appeals Committee Chair will invite the student to respond to the information in the decision-maker's response.
- 4.33 The Student Discipline and Appeals Committee Chair will provide the student with a copy of their appeal, the decision-maker's response to their appeal, and all supporting evidence and documentation.
- 4.34 The student must provide their written response, including any supporting evidence, to the Student Discipline and Appeals Committee Chair within 5 working days of receiving an invitation for a response.
- 4.35 The appeal will progress to the Student Discipline and Appeals Committee whether or not the student provides a response.

Progression of appeal to the Academic Appeals Committee

- 4.36 After the timeframe for decision-maker and student responses has lapsed, the Student Discipline and Appeals Committee Chair will include the appeal and any responses received, along with the student's academic transcript, on the agenda for the next available meeting of the Student Discipline and Appeals Committee.

Deciding an appeal

- 4.37 The Student Discipline and Appeals Committee will meet to decide the appeal on the papers (i.e. on the documentation provided) without the student present unless it decides to request the student attend a special meeting of the Academic Appeals Committee (known as an appeal hearing).
- 4.38 If the student is requested to attend an appeal hearing, the appeal hearing section will apply.
- 4.39 The Student Discipline and Appeals Committee must limit its consideration to the grounds of appeal specified in the appeal and may decide to assess an appeal on any ground allowed in addition to the ground specified in the appeal.
- 4.40 The Student Discipline and Appeals Committee must limit the scope of its inquiry to:
- the material and evidence that was before the decision-maker
 - any new evidence submitted by the student, where a ground of appeal is that there is new evidence, and take account of:
 - the information provided in the student's appeal and any written response from the decision-maker and student, and
 - any relevant Institute policy documents.
- 4.41 For appeals submitted after the timeframe specified in the Policy where extenuating circumstances have been claimed as the reason for the late submission, the Student Discipline and Appeals Committee must first decide if the extenuating circumstances are demonstrated.
- If the extenuating circumstances are demonstrated, the appeal will then be considered and decided.
 - If the extenuating circumstances are not demonstrated, the appeal will be ineligible and refused.

- 4.42 For appeals on the ground of non-compliance with the relevant Institute policy document, the Committee will decide on the balance of probabilities whether:
- the ground of appeal is substantiated, and
 - if the ground of appeal is substantiated, uphold the appeal (in whole or in part) and decide:
 - if the decision being appealed should be varied or overturned, and
 - if any penalty applied as part of the decision being appeals should be varied or replaced with a different penalty, or
 - if the ground of appeal is not substantiated, dismiss the appeal.
- 4.43 For appeals on the ground of new evidence (including extenuating circumstances), the Committee will decide whether:
- the ground of appeal is substantiated, and
 - if the ground of appeal is substantiated:
 - make a new decision about the original matter, taking the new evidence into account, and make a finding on the balance of probabilities, or
 - refer the matter to the original decision-maker or another decision-maker in the same organisational area to reconsider the matter and make a new decision, taking the new evidence into account, and make a finding on the balance of probabilities, or
 - if the ground of appeal is not substantiated, dismiss the appeal.
- 4.44 The Committee may also decide that although the ground of appeal is substantiated, neither the decision being appealed nor any penalty should be overturned, varied or replaced. In this case, the Committee may uphold the appeal but confirm the original finding and penalty or penalties.
- 4.45 The Committee may decide an appeal at the meeting where the appeal was considered or reserve its decision for a later date.

Appeal Hearing

- 4.2 If the student is invited to attend an Appeal Hearing, the Chair, will send the student a notice by email to their official student email account that:
- specifies the date, time and place of the appeal hearing, including options to attend by videoconference or teleconference
 - states that the student may bring a support person or advocate to the hearing
 - advises the process that will be followed at the appeal hearing
 - states that if the student does not attend the hearing without reasonable excuse, the appeal will be heard and decided in their absence, and
 - provides a link to this policy and procedure.
- 4.46 A student attending an appeal hearing may be accompanied by a person from those listed to provide support and to assist the student to state their case:
- Student Service team members

- Institute-enrolled student
 - Institute staff or
 - any other person accepted by the Committee Chair. Requests must be sent to Institute for the Chair's approval prior to the hearing.
- 4.47 Legal representatives are not permitted to attend an appeal hearing.
- 4.48 The Appeal Hearing will provide an opportunity for the student to state their case to the Student Discipline and Appeals Committee, for the decision-maker to respond, for the student and the decision-maker (or a representative from their organisational area) to question each other, and for the Committee to question the student and the decision-maker.
- 4.49 The Student Discipline and Appeals Committee may decide the appeal at the appeal hearing or reserve its decision for a later date. If the decision is reserved, the student will be notified.

Decision of the Student Discipline and Appeals Committee

- 4.50 The outcome of the appeal and the grounds for the outcome will be recorded in writing and signed and dated by the members of the Student Discipline and Appeals Committee and placed in the student file.
- 4.51 The decision of the Student Discipline and Appeals Committee will be communicated to the student in writing within 5 working days of the hearings, unless the Student Discipline and Appeals Committee decides that additional investigations, information or monitoring are required. In this case the student will be advised of the decision within 5 working days of the Student Discipline and Appeals Committee reaching a decision.
- 4.52 The Student Discipline and Appeals Committee's decision takes effect on the date the Committee Chair sends the outcome notification. The Student Discipline and Appeals Committee may provide comments or observations about matters arising from the appeal or the Committee's decision e.g. improvements to policy documents, practices, systems or processes.
- 4.53 Substantiated complaints or appeals will be redressed appropriately according to the nature, severity and complexity of the complaint. Remedies may include, but not limited to:
- listening to and acknowledging the person's experience
 - an apology;
 - expediting an action
 - providing a better explanation
 - reversal of the initial decision that gave rise to the appeal;
 - correction of any misleading information or incorrect records;
 - a change of Institute policy, procedures and practice.
- 4.54 The decisions of the Student Discipline and Appeals Committee will be actioned upon by all parties if the decision is accepted by the student.
- 4.55 The student will have five working days from the date of communication of the committee decisions to inform in writing to the Academic Leadership team whether the decision is accepted or the student wishes to approach an external authority for appeal.

External Appeal

- 4.56 The Institute has arrangements with Resolute Institute who can act as an external reviewer. The details of Resolute Institute are as follows:

Resolution Institute

Phone: 02 9251 3366

Address: Level 1, 13 -15 Bridge St, SYDNEY 2000

Website: <https://www.resolution.Institute/contactus>

- 4.57 Students may seek assistance from a formal external authority if they are not satisfied with the appeals procedure and its decisions.

NATIONAL STUDENTS OMBUDSMAN

Phone: 1300 395 775 available Monday to Friday 10am to 4pm (AEDT).

The NSA online form can be accessed at <https://www.nso.gov.au/contact-us>

Melbourne address – Level 2, 452 Flinders Street - Melbourne office is currently closed for in-person complaints. See the NSA website for more information.

The NSO is a free service.

For overseas students on student visa

OVERSEAS STUDENT OMBUDSMAN (OSO)

Level 6, 34 Queen Street

Melbourne Victoria 3000

Phone: 1300 362 072

Website: [International student complaints | Commonwealth Ombudsman](#)

The OSO is a free service.

For domestic Australian students

Resolution Institute

Phone: 02 9251 3366

Address: Level 1, 13 -15 Bridge St, SYDNEY 2000

Website: <https://www.resolution.Institute/contactus>

TEQSA

TEQSA Website: [Raising a complaint or concern | Tertiary Education Quality and Standards Agency](#)

- 4.58 Nothing in this procedure inhibits student's rights to take action under the Australian Consumer Law or pursue other legal remedies. Students wishing to take this course of action are advised to contact a solicitor, or the Law Institute of Victoria (<https://liv.asn.au>) or Queensland Law Society ([Home - Queensland Law Society](#)) for a referral to a solicitor.

Assurance, Review and Improvement

- 4.59 Records of student complaints and appeals will be maintained as set out in the ***Records Management Policy and Procedure***.

Reporting and Monitoring

- 4.60 A report will be prepared every six months by the Academic Leadership team for the Academic Board on the academic appeals and learning from the outcomes of the appeals.
- include analysis of complaint trends, identification of underlying causes, and actions taken to address underlying causes
 - list the review and improvement activities undertaken related to complaint handling, including identification of areas for improvement, and actions taken to improve service delivery, and clearly identify delegations of authority and accountability.

5. QUALITY ASSURANCE

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

- 5.1 internally approved by the Executive Management Team on development or review
- 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 or comments on this procedure is welcomed by the listed Responsible officers of the Institute.

7. ACKNOWLEDGEMENT

This procedure 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 \(teqsa.gov.au\)](#))

8. VERSION CONTROL

Version	Date approved	Description	Approved by
3.0	5 June 2018	Initial issue	EMT
3.1	November 2022	Internal Review	EMT
3.2	June 2023	Internal Review	EMT
3.3	September 2023	Internal Review – minor formatting changes and add external referencing	EMT
4.0	August 2026	Internal Review	EMT
Related legislation/ regulation/standard	Tertiary Education Quality and Standards Act 2011 Higher Education Standards Framework (Threshold Standards) 2021 Education Services for Overseas Students Act (ESOS) 2000 Education Services for Overseas Students Regulations 2019 The National Code of Practice for Providers of Education and Training to Overseas Students 2018		

Note. EMT= Executive Management Team.