

Academic Appeals Procedures

Section 1 - Purpose and Context

(1) The University provides students with the right of appeal against a range of academic decisions. If the relevant University policy does not set out an appeals process, then the following procedures will apply.

Section 2 - Definitions

(2) An explanation of procedural fairness is available in the [Guidelines on Procedural Fairness and Good Decision-Making](#).

(3) Extenuating Circumstances is defined as circumstances that are beyond the person's control, i.e. the person is not responsible, directly or indirectly, for the situation. These events or circumstances must be unusual, uncommon or abnormal.

(4) The 'relevant University policy' is the policy that was the basis for the academic decision that the student is appealing against.

(5) A research higher degree is a program at an accredited [Australian Qualifications Framework](#) (AQF) Level 9 (Research Masters or Masters of Philosophy) qualification, where at least two-thirds of the program is learning for research, research training and independent study; or is an accredited AQF Level 10 (Research Doctorate) where the application of a substantial body of knowledge to research investigation and development of new knowledge, in one or more fields of investigation, scholarship or professional practice has been made.

(6) The Dean is the Dean of a University School.

Section 3 - Policy Statement

(7) The following relevant University policies currently specify that these procedures are to be used if a student wishes to appeal a decision made under that policy:

- a. [Admissions Policy](#);
- b. [Credit for Prior Learning Policy](#);
- c. [Program Transfer Policy](#);
- d. [Doctor of Medicine by Publication Policy](#);
- e. [Doctor of Philosophy by Publication Policy](#);
- f. [Higher Degree by Research Policy](#);
- g. [Higher Degree by Research Procedures - Dual Awards Research Degrees](#);
- h. [Curriculum Design and Approvals Procedures - Honours](#);
- i. [Research Masters \(Honours\) Policy](#);
- j. [Higher Degree by Research Procedures - Scholarships](#);
- k. [Assessment Procedures - Review of Grade](#);

I. [Disruption to Studies Policy](#).

(8) These procedures may be used for other policies not listed above, where no separate appeals process is specified.

Section 4 - Procedures

Part A - Lodging an Appeal

(9) The student must submit a written appeal to the Academic Senate's Academic Appeals and Integrity Committee ('the Committee') at StudentSenateAppeals@westernsydney.edu.au no later than 20 working days after they were sent the notification of the decision they are appealing against. The application must include appropriate documentation to substantiate the student's grounds for appeal.

(10) Late applications will only be considered at the discretion of the Chair of the Committee, and if there are documented extenuating circumstances that prevented the student from submitting their application on time. Students will need to prove their claim for extenuating circumstances by providing appropriate independent supporting documentation.

Part B - Grounds of Appeal

(11) Applications to the Academic Appeals and Integrity Committee may only be made on one or more of the following grounds, or as specified in the relevant policy, which must be addressed and evidenced in the application:

- a. where there has been a breach of procedural fairness; or
- b. where substantial and relevant new or fresh evidence is available that was not available for the student to provide when the original decision about the student's case was made.

(12) It is not sufficient for a student to simply state in the application that they disagree with the decision being appealed. Where an appeal is accepted, the Committee will not review academic judgements, and will only consider the appeal on the grounds as referred to in these procedures or the relevant policy.

(13) Research Higher Degree candidates cannot appeal the academic assessment of merit of their thesis or any other component of their work. The assessment of Higher Degree Research (HDR) work involves a multi staged process with the participation of supervisors, Associate Dean, Research and HDR or HDR Director, School/Institute Research Committees and Academic Senate's Research Studies Committee.

(14) Late or non-receipt of official letters from the University will not be accepted as grounds for application and/or appeal if the student has not made sure that the University has their accurate and current contact details.

(15) The student will not have an automatic right to appear in person before the Committee, so applications must include all of the documentation in support of their appeal. The University will not approach doctors, police, etc to obtain documentation on behalf of the student. The University may also seek verification from these agencies that the certificate or other documentation has been issued to the student.

Part C - Establishing Valid Grounds

(16) Applications will be assessed by the Chair, Academic Senate or nominee, and appeals that establish valid grounds as stipulated in clause (11) will be accepted and referred for consideration by the Committee within ten (10) working days of that decision.

(17) Where the Chair determines that the application has failed to establish valid grounds for appeal and it will not be

accepted, the appeal must be reviewed by either the Chair or Deputy Chair of Senate or the Pro Vice-Chancellor, Learning and Teaching or nominee and in cases of Research Higher Degree appeals, by the Pro Vice-Chancellor, Research or nominee. Both the Chair and the second reviewer must be in agreement that the case has failed to establish grounds of appeal. If they are not in agreement, the appeal will be accepted for consideration by the Committee.

Part D - The Committee

(18) The Committee will comprise of the Chair and at least two other members, with a minimum of two academic staff members of the University present.

(19) The Committee will have an appropriate gender balance.

(20) The Chair, Academic Senate, or the Deputy Chair, Academic Senate, will:

- a. chair the Committee that hears the appeal;
- b. decide whether the nature of the appeal makes it appropriate for the student to attend, or for the matter to be considered on papers; and
- c. select up to three other individuals to serve as members in accordance with the procedures in this section.

(21) Members will be selected to serve from the following, having regard for the student's School or Research Institute and whether the appeal is about a decision in respect of research work only, or coursework only, or a combination of research and coursework.

- a. Pro Vice-Chancellor, Learning and Teaching or nominee;
- b. Director, Data Integrity, Quality and Operations or nominee;
- c. Pro Vice-Chancellor, International or nominee;
- d. Pro Vice-Chancellor, Research or nominee;
- e. Pro Vice-Chancellor, Indigenous Education (coursework) and Director, Indigenous Research (HDR matters) or nominee;
- f. Director, Equity, Inclusion and Belonging or nominee;
- g. Deans of Schools;
- h. Student (elected student representative on Academic Senate or one of its committees).

(22) If both the Chair and Deputy Chair are unable to Chair, a nominee will be appointed to chair the Committee.

(23) Individuals who have already taken part in the assessment of a student's case, before the matter has come to the Committee, will not be eligible to serve as members of the Committee convened to hear that student's appeal.

(24) The Committee Secretary will, no later than five working days before the date of the Committee hearing, forward a copy of the appeal papers to each Committee member.

Part E - The Hearing

(25) The Committee will consider all of the documents that are relevant to the appeal including all material submitted by the student and call before it any person the Committee considers relevant.

(26) If the Chair considers additional information is required, the student may be invited to attend a hearing to present a case or provide further information in writing.

(27) If the student is to attend an appeals hearing in person (which can include appearing via video-conference), they

must be advised least ten business days prior and the notice must include the following:

- a. Specific date, time and place for the hearing;
- b. Statements to advise that:
 - i. the student may bring along a support person subject to the requirements of clause (30) and (31) of this procedure;
 - ii. if the student does not attend the hearing without reasonable excuse, then the appeal will be heard and decided to its conclusion in their absence. The student may also provide a written case instead of attending in person.

(28) The Chair has the discretion to adjourn a hearing or extend a deadline for a short period of time, if they believe it is reasonable to do so in the circumstances.

(29) If the student is not attending the hearing, or the matter is being considered on the papers, the meeting may be conducted electronically.

(30) If present, the student may be assisted by a support person and must advise the Committee Secretary in writing at least two business days prior to the hearing if they intend to bring a support person to the hearing.

(31) The support person may provide the student with advice but may not act as an advocate nor make direct comment to the meeting without the permission of the Chair of the Committee. If the Chair does give permission, the person assisting the student may address the Committee.

(32) At the hearing:

- a. the Chair of the Committee will give an overview of the appeal to the hearing;
- b. if the student has been invited to attend the hearing, they will be asked to present their case;
- c. any additional persons that the Committee has determined relevant and have been called to attend will be asked to respond to questions from the Committee.

(33) At the end of the hearing, everyone present with the exception of the members of the Committee and the Committee Secretary will be excused from the hearing to allow the Committee to reach a decision.

Part F - Outcome of the Appeal

(34) Any appeal must be decided on the basis of:

- a. the material and evidence that was before the original decision maker of the student's case;
- b. any new or fresh evidence that was submitted by the student; and
- c. any submissions of the student or the University concerning the appeal.

(35) The Committee can make the following determinations:

- a. that the appeal is upheld; or
- b. that the appeal is dismissed.

(36) If the Committee upholds the appeal (in whole or in part) then it must either:

- a. substitute its own findings, and, if applicable, set aside or vary any decision previously made; or
- b. if it decides that the original finding or decision regarding the student should not be set aside or varied, despite allowing the appeal, confirm that finding or outcome.

(37) If the Committee dismisses an appeal, then the original finding will stand.

(38) The Committee Secretary will notify the student of the outcome of the appeal no later than ten working days after the Committee has made its decision.

(39) The outcome will be in the form of a report that sets out:

- a. a summary of the evidence or submissions on which its decision is based;
- b. the Committee's findings and decision on the appeal;
- c. a short summary of reasons;
- d. any avenues for external appeal available to the student.

(40) The Committee's decision is final, and there is no further avenue of internal appeal available in relation to the same matter/issue.

Section 5 - Guidelines

(41) [Guidelines on Procedural Fairness and Good Decision-Making](#)

(42) [Individual advocacy webpage](#)

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