UNSW College

Student Appeal Procedure

1. Purpose

This Procedure is designed to implement the UNSW College (College) Student Appeal Policy and should be read in conjunction with that Policy.

It sets out the processes for management and Resolution of a student request for reconsideration or Appeal of a College decision. This includes:

(a) academic decisions made by the College in relation to the student's studies; or

(b) administrative (non-academic) decisions made by the College in relation to the student.

2. Scope

This Procedure applies to:

(a) all College students who are currently enrolled, where the request for reconsideration or Appeal relates to academic matters or non-academic matters;

(b) prospective students, whose request relates to non-academic matters (including but not limited to the application process, the handling of their personal information, harassment, vilification, discrimination, financial matters, fines and payments or exclusions from events or facilities);

(c) former College students, where the former student is seeking to Appeal a decision made by the College in relation to a grievance or Complaint in accordance with the timeframes set out in the Student Grievances and Complaints Policy and Student Grievances and Complaints Procedure;

(d) all College staff and affiliates; and

(e) any third-party providing services on the College's behalf to College students, former students or prospective students (including education agents).

This Procedure does not apply to requests for review of decisions relating to Fee Remission (including HELP debt, FEE-HELP and/or tuition fees) after the relevant Census Date. Please refer to the Enrolment Procedure: Award Programs (Diploma) for the process which applies to such reviews.

3. Grounds for a request for reconsideration or Appeal

When applying for a reconsideration or Appeal of a College decision in accordance with this Procedure, students should set out the grounds upon which their request is based. Examples of grounds for a request for reconsideration or Appeal include, but are not limited to, the following:

(a) inconsistent application of College regulations, rules or policies;

(b) an administrative error in the determination of a mark or final result;

(c) lack of Procedural Fairness in the decision-making process;

(d) publication of incorrect information by the College, which has led to student disadvantage;

(e) a penalty that has been imposed that is inconsistent with those published by the College.

4. Procedural Fairness

(a) In determining requests for reconsideration or Appeal, the College will apply the principles of Procedural Fairness.

(b) Students will not suffer detriment or disadvantage (for example, victimisation or discrimination) as a result of making a request for reconsideration or Appeal.

(c) Students may seek advice from a member of the Student Support team at any stage of the review or Appeal process.

(d) In any discussions in which a student participates with College decision makers, the student may be accompanied by one other person whom the student designates as their Support Person.

(e) The College will ensure students have an adequate opportunity to present their case at minimal or no cost and to respond to any matters raised by the College during the processes outlined in this Procedure.

(f) Requests for reconsideration or Appeal of a decision will be resolved in a timely manner.

(g) Resolution of requests and Appeals are to be based on mutual respect, fairness and in keeping with the Student Code of Conduct and the Staff Code of Conduct.

5. Decision makers

(a) Decision makers for the various stages of the reconsideration and Appeal processes are identified in Schedule 1 of this Procedure.

(b) If the nominated decision maker(s) is unable to engage in a specific review or Appeal process because of an actual or perceived Conflict of Interest, the CEO will appoint a suitably qualified person as a replacement.

6. Stages of reconsideration and Appeal

6.1 Reconsideration and Appeal stages

The four stages of the reconsideration and Appeal process are:

(a) Stage 1: Informal process;
(b) Stage 2: Formal Request for Reconsideration process;
(c) Stage 3: Internal Appeal process;
(d) Stage 4: External Appeal process.

6.2 Students seeking a reconsideration or Appeal:

(a) Students may commence the process at Stage 1 before proceeding to other higher-level stages, however Stage 1 is not mandatory. Students must otherwise commence the process at Stage 2, with some exceptions set out below.

(b) The process can commence at Stage 3, if students:

i. have completed Stage 1 (if desired) and/or Stage 2 through the Student Grievance and Complaints Procedure and seek to Appeal the decision;

ii. have received a College Notification of Intent to Suspend or Exclude and wish to Appeal the decision;

iii. wish to Appeal a decision made in accordance with the ~~Academic Misconduct Policy~~Academic Integrity Policy and ~~Academic Misconduct Procedure~~Academic Integrity Procedure;

iv. have completed documented Stage 1 and 2 processes relating to an academic or administrative decision in accordance with other College policies.

6.3 Prospective students:

Prospective students who have completed the Admissions review process and wish to Appeal a decision made in accordance with Admissions Policy and Admissions Procedure, commence the process at Stage 3.

7. Stage 1: Informal process for understanding the decision (not mandatory)

7.1 Student submission

(a) Students are encouraged to attempt to resolve the matter informally in the first instance, by contacting the decision maker to seek a better understanding of the basis for the decision. This stage is not mandatory, but may help students understand the decision made and help them determine whether to seek a formal request for reconsideration at Stage 2.

(b) This approach can be verbal, in writing or through a Student Support Officer if that is the student's preference.

(c) If the student wishes to commence at this stage, the process should be initiated by the student as soon as possible but no longer than five (5) working days of being notified of the relevant decision.

(d) Whether verbally or in writing, the student is required to explain the basis for seeking a review.

7.2 Possible outcomes of Stage 1

(a) The decision-maker will communicate the outcome by email to the student as soon as possible, but no later than five (5) working days after receipt of the informal process submission or meeting with the student.

(b) Outcomes include:

i. a better understanding by the student of the basis for the decision and elects not to progress to Stage 2;

ii. the student is not satisfied with the outcome and seeks to progress to Stage 2.

8. Stage 2: Formal request for reconsideration process

8.1 Student Submission

(a) Students must submit an online Stage 2 Student Appeal form. If students have commenced the process at Stage 1, they should submit the request within ten (10) working days of receiving the Stage 1 outcome, or of being notified of the original decision (if there is no Stage 1 process).

~~Students must submit a formal written Request for Reconsideration Form, to appeals@unswcollege.edu.au within ten (10) working days of notification of the outcome of Stage 1, or of being notified of the original decision (if there is no Stage 1 process)~~.

~~(a)~~(b) The submission must be on the required form and provide:

i. student number and contact details;

ii. details of the decision about which the application for reconsideration is being made;

iii. the basis for the application; and

iv. any evidence in support of the application.

8.2 Stage 2 process

(a) The student submission will be acknowledged within five (5) working days of receipt of the application, by the decision maker.

(b) The relevant decision-maker set out in Schedule 1 of this Procedure will review the materials submitted for the purpose of making a decision. If the nominated decision maker(s) has previously been involved in the decision to which the review relates, the CEO will appoint a suitably qualified person as a replacement.

(c) The decision-maker may:

i. interview staff involved in the initial decision;

ii. interview the student, whether at the initiative of the decision maker or in response to a student's request for a meeting in their submission;

iii. seek advice from other relevant staff with expertise which may assist the review process.

8.3 Stage 2 outcome

(a) The outcomes of a Stage 2 process include:

i. the application for reconsideration is deemed to be invalid;

ii. the original decision is overturned and a new decision made;

iii. the original decision is affirmed by the Stage 2 process and any penalties or conditions imposed by the decision still stand.

(b) The decision-maker will communicate the outcome of the review process to the student in writing, by email, within twenty (20) working days of receipt of the student's Stage 2 submission.

(c) The notification to the student will advise the process that was undertaken by the decision maker in considering their application, the decision made, the reason(s) for the decision and the Appeal process available to the student. In the case of an International Student whose enrolment has been terminated, the student will also be notified of the possible implications of the decision to the student's visa.

(d) A copy of the decision will be provided to any College staff member who needs to take action as a result of the decision.

(e) The student may:

i. better understand the grounds for the original decision and elect not to progress to the Appeal stage; or

ii. proceed to Stage 3 and submit an internal Appeal.

9. Stage 3: Internal Appeal process

9.1 Student submission

(a) A student may Appeal a decision made in Stage 2 by submitting a ~~Request to~~ online stage 3 Appeal Form ~~to appeals@unswcollege.edu.au~~ within twenty ~~eight (28)~~ working days following receipt of the decision/outcome of the Stage 2 process.

(b) The Appeal submission must be on the required form and provide:

i. student number and contact details;

ii. details of the decision about which the Appeal is being made;

iii. the basis for the Appeal;

iv. steps taken to date, together with the outcomes and the basis for the decisions that were communicated to the student;

v. any evidence in support of the application for Appeal.

9.2 Appeals Committee process

(a) The student submission will be acknowledged within five (5) working days of its receipt by the Appeals Committee.

(b) The Appeals Committee may:

i. interview staff involved in the initial decision and Stage 1 (if applicable) and Stage 2 processes;

ii. interview the student, whether at the initiative of the Appeals Committee or in response to a student's request for a meeting in their submission;

iii. seek advice from other relevant staff with expertise which may assist the Appeal process.

9.3 Stage 3 internal Appeal outcome

(a) The outcomes of an Appeal process include:

i. the basis on which the Appeal is made is deemed to be invalid and the student is notified accordingly;

ii. the Appeal is upheld and the previous review decision is overturned;

iii. the original decision is affirmed by the Appeal process and any penalties or conditions imposed by the decision still stand.

(b) The Appeals Committee will communicate the outcome to the student in writing, by email, within twenty (20) working days of receipt of the student's submission.

(c) The notification to the student will advise the process that was undertaken by the Appeals Committee, the decision made in response to the student Appeal, the reason for the decision and the external Appeal process available to the student. In the case of an International Student whose enrolment has been terminated, the student will also be notified of the possible implications of the decision to the student's visa.

(d) A copy of the decision will be provided to any College staff member who needs to take action as a result of the Appeals Committee decision.

(e) The student may:

i. accept the ruling of the Appeals Committee; or
ii. proceed to Stage 4, External Appeal.

10. Stage 4: External Appeals process

Where a student remains dissatisfied with the final decision, the student may lodge an external Appeal of the College process or decision within ten (10) working days following receipt of the decision/outcome of the Stage 3 process. ~~an external review may be sought.~~

~~**10.1 External Appeals process for International Students**~~

~~An International Student who is dissatisfied with the final decision or process, can make a Complaint to the Office of the Commonwealth Ombudsman.~~

~~The service provided by the Commonwealth Ombudsman to International Students is free of charge.~~

~~Students can complete an online Complaint form available from the Commonwealth Ombudsman website or contact the office by telephone on 1300 362 072 from within Australia or if outside Australia, on +61 2 6276 0111.~~

~~External Appeals process for Australian residents or Australian or New Zealand citizens~~For domestic and international students - the National Student Ombudsman. Information on how to submit an external Appeal can be found on the Ombudsman's website: https://www.nso.gov.au/.

At any time during the Appeal processes, a student can take an Appeal to the National Students Ombudsman, however they would typically require the student to have

completed the internal Appeal process before considering the student's application for external Appeal.

~~(a) Students who are Australian residents or Australian or New Zealand citizens and are dissatisfied with the final decision or process, can seek an independent review through the Student Mediation Scheme provided by the Resolution Institute.~~

~~(b) Contact details for the Resolution Institute are as follows:~~

- ~~Resolution Institute: (02) 9251 3366; Resolution Institute Website.~~

~~(c) Students need to complete the Student Application for External Review on the Resolution Institute website and advise the College that this process has been initiated.~~

~~(d) The Resolution Institute charges a fee for this service, half of which will be covered by the College.~~

~~(e) Further detail relating to the process and cost are included in the notification to the student of the outcome of the Stage 3 Internal Appeal process.~~

11. Record keeping

(a) Records of all formal requests for reconsideration and Appeals are retained and recorded in the College Complaints and Appeals Register. Such records will be kept for a period of at least five (5) years. Students involved in any Appeals process will be allowed appropriate access to the relevant records, upon request.

(b) De-identified analysis and trends are reported to Academic Board twice a year.

12. Review and consultation

The procedure will be reviewed periodically (at least every 3 years), in consultation with students and staff, including those with lived experience of, or being directly affected by, discrimination, harassment, victimisation or violence, to ensure that these processes are accessible, easy to navigate, promote cultural safety, and administrative barriers are minimised.

~~12.~~13. Privacy and Confidentiality

~~12.1~~13.1 Confidentiality

(a) Information and records collected during the processes outlined in this Procedure will be kept confidential and handled in accordance with the College's Privacy Policy.

(b) Access to information will be restricted to staff of the College, UNSW Sydney or their service providers who are directly involved in the process or for whom access and use is necessary to enable proper investigation and Resolution of the matter.

~~12.2~~13.2 Disclosure to third parties

(a) The College will not disclose a student's personal information to third parties during or after the Appeal process, except in circumstances contemplated in the College Privacy Policy (such as where the student has given their consent, or the College is required or authorised to do so by law).

(b) In certain circumstances, UNSW College will be under a legal obligation to report information provided by a student, or in connection with an Appeal, to the police, a government department or other public body.

Schedule 1: Decision Makers

#	Type of Decision	Stage 1: Informal Request/Query (not mandatory)	Stage 2: Formal Request for Reconsideration	Stage 3: Internal Appeal	Stage 4: External Appeal
1.	Notice of Intent to Suspend or Exclude in accordance with Academic Progression and Exclusion Policy, or Student Misconduct Policy	See relevant policy and procedures for process prior to Appeal	See relevant policy and procedures for process prior to Appeal	College Appeals Committee	National Student Ombudsman (domestic and international students)~~International Students: Commonwealth Ombudsman Domestic Students: Resolution Institute~~
2.	Marks / grades awarded	Lecturer	Education Manager	College Appeals Committee	National Student Ombudsman (domestic and international students)~~International Students: Commonwealth Ombudsman Domestic Students: Resolution Institute~~
3.	Penalty applied for academic misconduct in accordance with Academic Integrity Policy	See policy and procedure for process prior to Appeal	See policy and procedure for process prior to Appeal	College Appeals Committee	National Student Ombudsman (domestic and international students) ~~International Students: Commonwealth Ombudsman Domestic Students: Resolution Institute~~

#	Type of Decision	Stage 1: Informal Request/Query (not mandatory)	Stage 2: Formal Request for Reconsideration	Stage 3: Internal Appeal	Stage 4: External Appeal
4.	Readmission after Exclusion in accordance with the Admissions Policy	See policy and procedure for process prior to Appeal	See policy and procedure for process prior to Appeal	College Appeals Committee	National Student Ombudsman (domestic and international students) ~~International Students: Commonwealth Ombudsman~~ ~~Domestic Students: Resolution Institute~~
5.	Rejection of application for Admission in accordance with the Admissions Policy	Senior Manager, Admissions	Chief Academic Officer	College Appeals Committee	National Student Ombudsman (domestic and international students) ~~International Students: Commonwealth Ombudsman~~ ~~Domestic Students: Resolution Institute~~
6.	Outcome of application for special consideration in accordance with the Assessment Procedure	Education Manager	Academic Head	College Appeals Committee	National Student Ombudsman (domestic and international students) ~~International Students: Commonwealth Ombudsman~~ ~~Domestic Students: Resolution Institute~~

#	Type of Decision	Stage 1: Informal Request/Query (not mandatory)	Stage 2: Formal Request for Reconsideration	Stage 3: Internal Appeal	Stage 4: External Appeal
7.	Award of credit in accordance with the Recognition of Prior Learning and Credit Transfer Policy	Education Manager	Chief Academic Officer	College Appeals Committee	National Student Ombudsman (domestic and international students) ~~International Students: Commonwealth Ombudsman~~ ~~Domestic Students: Resolution Institute~~
8.	Penalties applied for late enrolment withdrawal in accordance with the Enrolment Procedure or Student Fees Procedure or Student Refund Procedure	Manager, Student Services	Chief of Staff	College Appeals Committee	National Student Ombudsman (domestic and international students) ~~International Students: Commonwealth Ombudsman~~ ~~Domestic Students: Resolution Institute~~
9.	Cancellation of enrolment in accordance with Academic Progression and Exclusion Policy, Academic Integrity Policy or Student Misconduct Policy	See relevant policy and procedures for process prior to Appeal	See relevant policy and procedures for process prior to Appeal	College Appeals Committee	National Student Ombudsman (domestic and international students) ~~International Students: Commonwealth Ombudsman~~ ~~Domestic Students: Resolution Institute~~

#	Type of Decision	Stage 1: Informal Request/Query (not mandatory)	Stage 2: Formal Request for Reconsideration	Stage 3: Internal Appeal	Stage 4: External Appeal
10.	Rejection of application to transfer in accordance with the International Student Transfer Policy	Manager, Admissions	Senior Manager, Admissions & Student Systems	College Appeals Committee	National Student Ombudsman (domestic and international students) ~~International Students: Commonwealth Ombudsman~~ ~~Domestic Students: Resolution Institute~~
11.	Refusal for refund of tuition fees in accordance with the Student Fees Procedure or Student Refund Procedure	Finance Manager	Head of Financial Operations	College Appeals Committee	National Student Ombudsman (domestic and international students) ~~International Students: Commonwealth Ombudsman~~ ~~Domestic Students: Resolution Institute~~
12.	Dissatisfaction with the determination made of a matter dealt with under the Student Grievances and Complaints Policy	See policy and procedures for process prior to Appeal	See policy and procedures for process prior to Appeal	College Appeals Committee	National Student Ombudsman (domestic and international students) ~~International Students: Commonwealth Ombudsman~~ ~~Domestic Students: Resolution Institute~~

~~13.~~14. Roles and responsibilities

Role	Responsibility
Head of Legal, Risk & Compliance	Implementation, dissemination and review
Governance and Policy Lead	(a) Administration and publication; (b) Day-to-day implementation (first point of contact for all enquiries); (c) Internal Reporting on trends and emerging issues to the Academic Board or College Executive
College Executives and Managers	Assisting implementation of and adherence to the Policy as part of overall responsibility for identifying, preventing, responding to and redressing problems experienced by students

~~14.~~15. Definitions

Definitions and Acronyms	
Appeal	A request for reconsideration of a decision by an officer or body of the College.
Census Date	This is the last day within each Study Period to: finalise a student's enrolment, withdraw from a Subject or Program without financial penalty and submit a Request for FEE-HELP Form.
Conflict of Interest	Interest, involvement or information that may influence or be reasonably perceived to influence a person's ability to make objective recommendations or decisions in investigating or determining a request for reconsideration or Appeal.
Complaint	A formal expression of dissatisfaction about the College or its people, activities, services, actions or processes. The dissatisfaction could relate to action by the College or others engaged by the College in its operations, which is either academic or non-academic in nature.
Domestic Student	A Student enrolled at an Australian location who is an Australian or New Zealand citizen or who holds an Australian permanent resident visa or Australian permanent humanitarian visa.
FEE-HELP	An Australian Government loan scheme that assists eligible full fee-paying Students pay their tuition fees at university and other higher education providers.
Fee Remission	Remission of HELP debt, FEE-HELP and/or tuition fees after the relevant Census Date, if a Student can demonstrate special circumstances.
International Student	A student who does not have Australian or New Zealand citizenship or full permanent resident status in Australia. It includes those who have student visas, provisional residency, temporary residency, bridging visas etc.

Procedural Fairness	A principle of law that is concerned with the procedures used by a decision-maker, rather than the actual outcome reached. Key requirements of procedural fairness include: (a) ensuring Respondents are provided with all necessary details of the allegations that have been made against them; (b) ensuring Respondents are given a proper opportunity to respond to the allegations in an appropriate way before a decision is made (including as to any mitigating circumstances); (c) that persons involved in deciding an outcome do not have any bias or Conflict of Interest; (d) that a decision is based only on relevant evidence.
Program	An Academic Board approved set of requirements and Subjects into which a student is admitted. In some cases, this will lead to an UNSW College qualification and others, to an Australian Qualifications Framework award.
Resolution	A formal decision or agreement on a request for reconsideration or Appeal. Resolutions do not necessarily require the complete satisfaction of all parties, but rather an agreement that the issue has been reasonably investigated and/or resolved, or has provided a reasonable outcome given the available evidence.
Respondent	The person(s) subject to a Complaint or Appeal.
Study Period	A defined teaching and study period for the completion of Subjects for a particular Program.
Subject	A component of a~~n~~ Program, normally of one Term or Study Period in duration, with a specific credit value.
Support Person	A person nominated by a student to provide assistance and support to them during processes outlined in this Procedure.
Term	A teaching period in which Subjects and their related classes are taught and timetabled.

~~15.~~16. Related Policy Documents and Supporting Documents

Related Policy Documents and Supporting Documents	
Legislation	• Education Services for Overseas Students (ESOS) Act 2000 (Cth) • Higher Education Standards Framework (Threshold Standards) 2021 (Cth) • Higher Education Provider Guidelines 2023 • Higher Education Support Act 2003 (Cth) • National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Cth) • Privacy Act 1988 (Cth) • TEQSA Guidance Note: Academic Integrity, Version 1.2

Policy	• Academic Progression and Exclusion Policy • Academic Misconduct Policy • Admissions Policy • Assessment Policy • Enrolment Policy • International Student Transfer Policy • Privacy Policy • Recognition of Prior Learning and Credit Transfer Policy • Student Appeal Policy • Student Code of Conduct • Student Fees Policy • Student Grievances and Complaints Policy • Student Misconduct Policy • Student Refund Policy
Procedures	• Academic Integrity Procedure • Academic Progression and Exclusion Procedure • Admissions Procedure • Assessment Procedure • Enrolments Procedure • Student Appeal Procedure • Student Fees Procedure • Student Grievances and Complaints Procedure • Student Refund Procedure • Student Misconduct Procedure
Forms	• Request to Appeal Form • Request for Reconsideration Form • Complaints and Appeals Register • Notice of Suspected Breach Form

~~16.~~17. Procedure Governance

Student Appeal Procedure	
Category/Business Group	Students ~~Academic Programs~~
Published Externally (Yes/No)	Yes
Approver	~~Chief Operating Officer~~Executive Director, Students
Responsible Officer	~~Executive Director Academic~~Head of Student Success
Contact Officer	Manager, Conduct & Integrity ~~Director Academic Programs~~
Effective Date	[Effective Date Display]
Next Review Date	[Next Review Date Display]
Version	~~2.0~~3.0

Revision History

Version	Approved by	Approval date	Effective date	Sections modified
3.0		[Approved Date Display]	[Effective Date Display]	Updated to align with amendments to the Higher Education Standards Framework (Threshold Standards) 2021, including enhanced review and consultation requirements, updates to external appeal arrangements, and minor administrative amendments.
2.0	Chief of Staff – Mai-Lynda Allen	11/06/2024	11/06/2024	Entire Procedure re-worked to accommodate feedback received from the Department of Education.
1.0	Executive Director Academic - David West	23 Aug 2023	01 September 2023	N/A

Please visit our website to ensure that you have the latest version of this Procedure. Policies and procedures are available at: unswcollege.edu.au/about/policies