

# Student Review and Appeal Policy

## 1. Purpose

- (a) This Policy sets out the principles for the management and resolution of a student request to review or appeal a UNSW College (College) decision on the grounds of an alleged lack of procedural fairness or failure to carry out the decision-making process in accordance with College policy or procedure.
- (b) This includes:
  - i. academic decisions made by the College in relation to the student's studies; or
  - ii. administrative decisions made by the College in relation to the student.
- (c) A review or appeal of an action or decision made by UNSW College is distinct from a student grievance or complaint, with the latter being an expression of dissatisfaction about the College people, activities, services, actions or processes. Student complaints are managed in accordance with the [Student Grievances and Complaints Policy](#) and [Student Grievances and Complaints Procedure](#).

## 2. Scope

This Policy applies to:

- (a) all College students who are currently enrolled;
- (b) prospective students whose request relates to the College application process; and
- (c) all College staff.

## 3. Policy statement

The College is committed to providing a review and appeal process for students that is transparent, fair and consistent. The College will monitor reviews and appeals and use the feedback as a mechanism for continuous improvement.

## 4. Policy principles

This Policy is underpinned by the following principles:

- (a) interactions between the student and College staff are to be based on mutual respect and fairness, and in keeping with the [Student Code of Conduct](#) and the [Staff Code of Conduct](#);
- (b) applications for review or appeal must be submitted by the student in writing using the specified forms;
- (c) students are required to provide serious reasons and factual evidence to support their application for a review or appeal;

- (d) grounds for a review or appeal must relate to a lack of procedural fairness or an inconsistent application of College Policy or Procedures;
- (e) all applications are considered with courtesy, with due regard to confidentiality and without fear of prejudicial treatment;
- (f) applications considered to be vexatious, malicious, trivial or lacking sufficient information will not be accepted and students will be advised accordingly;
- (g) students are provided with a fair opportunity to present their case and the right to a decision by an unbiased decision maker;
- (h) students and staff have the right to be represented or accompanied by a third party (e.g. a support person and/or translator) if they wish;
- (i) College staff will inform students, staff and other parties concerned about options for obtaining independent professional advice in connection with a review or appeal;
- (j) applications for reviews or appeals will be submitted as soon as possible after the decision which is the subject of the review or appeal;
- (k) the review and appeals process will be administered in a timely manner and in accordance with the principles of procedural fairness.

## 5. Review and appeal process

- (a) Students who:
  - i. have completed Stages 1 and 2 of the [Student Grievances and Complaints Procedure](#) commence the process at Stage 3;
  - ii. have received a College Notification of Intent to Suspend or Exclude and wish to appeal the decision, commence the process at Stage 3;
  - iii. have completed a documented review process of an academic or administrative decision of the College, and are seeking to appeal that decision, commence the process at Stage 3;
  - iv. are seeking a review of an academic or administrative decision of the College but have not completed a documented review process, begin the process at Stage 1.
- (b) An overview of the process is provided below, with further detail available in the [Student Review and Appeal Procedure](#).

### 5.1 Overview of the review and appeal process

Stage	Type	Description
Stage 1	Informal process for understanding the decision	<p>Raise directly with the decision-maker to seek a better understanding of the decision.</p> <p>Initiation of the informal process should be as soon as possible but no longer than five (5) working days of being notified of the relevant decision.</p>

Stage	Type	Description
		<p>The decision-maker will communicate the outcome of the informal review no later than five (5) working days after the matter is raised.</p>
Stage 2	Formal Decision Review	<p>Students must submit a <u><a href="#">Review of Decision Form</a></u> to <u><a href="mailto:reviewdecision@unswcollege.edu.au">reviewdecision@unswcollege.edu.au</a></u> within ten (10) working days of receiving the Stage 1 outcome.</p> <p>Decision makers for the review process are detailed in the <u><a href="#">Student Review and Appeal Procedure</a></u>.</p> <p>Receipt of the form will be acknowledged within five (5) working days.</p> <p>The application must cite grounds for the review and provide supporting evidence.</p> <p>The decision-maker will communicate the outcome of the review within 20 working days of receipt of the student's submission. The advice will include detail relating to the internal appeal process.</p>
Stage 3	Internal Appeal	<p>Students must submit a <u><a href="#">Request to Appeal Form</a></u> to <u><a href="mailto:appeals@unswcollege.edu.au">appeals@unswcollege.edu.au</a></u> within twenty (20) working days of receipt of the outcome of the Stage 2 review process.</p> <p>Receipt of the form will be acknowledged within five (5) working days.</p> <p>The application must cite grounds for the appeal and provide supporting evidence. Grounds on which a student can base their appeal include:</p> <ul style="list-style-type: none"> <li>• there was insufficient opportunity to present their case;</li> <li>• the decision was affected by bias or conflict of interest;</li> <li>• the process was not carried out in accordance with College policy or procedures.</li> </ul> <p>The decision-maker will communicate the outcome of the review within 20 working days of receipt of the student's submission. The advice will include detail relating to an external appeal process.</p>
Stage 4	External review	<p>After completion of Stage 3, where the student remains dissatisfied with the final decision, the student may seek an external review of the College process or decision.</p> <p>International students may seek an external review through the <u><a href="#">Office of the Commonwealth Ombudsman</a></u>.</p>

Stage	Type	Description
		<p>Domestic students may seek an external review through the <a href="#">Student Mediation Process of the Resolution Institute</a>, with further detail provided in the Procedure.</p> <p>External reviewers typically require the student to have completed the internal review and appeal process before considering the complaint.</p>

## 6. Outcomes of reviews and appeals

### 6.1 Possible outcomes of the informal review process

The outcomes of a Stage 1 informal review of decision process include:

- (a) the student better understands the grounds for the original decision and elects not to progress to the Stage 2 Formal Decision Review process;
- (b) the student proceeds to the Stage 2 Formal Decision Review process.

### 6.2 Review process

The outcomes of the Stage 2 review of decision process include:

- (a) the application for review is deemed to be invalid;
- (b) the original decision is set aside;
- (c) the original decision is affirmed by the review process;
- (d) the student better understands the grounds for the original decision and elects not to progress to the appeal stage;
- (e) the student submits a formal application to appeal the decision.

### 6.3 Possible outcomes of the internal appeal process

The outcomes of the Stage 3 internal appeal process include:

- (a) the Appeals Committee deems the application to be invalid;
- (b) the Appeals Committee sets aside the decision;
- (c) the Appeals Committee affirms the review decision;
- (d) the student better understands the grounds for the decision and elects not to pursue the matter any further;
- (e) the student proceeds to an external review.

## 7. Student enrolment

- (a) A student is entitled to continue their enrolment in their program of study while the internal stages of the process are being undertaken (Stage 1, 2 and 3).

- (b) On finalisation of the internal processes, any enrolment changes resulting from the decision are free from any academic or financial penalty.

## 8. Records and reporting of reviews and appeals

- (a) All formal reviews and appeals, including those which relate to an external appeal process, will be recorded in the College Review and Appeals Register, together with outcomes of each process.
- (b) All records relating to formal reviews and appeals are stored in a confidential College file.
- (c) A report on de-identified trends and emerging issues will be provided twice a year as follows:
  - i. reviews/appeals relating to academic matters: Academic Board;
  - ii. reviews/appeals relating to administrative matters or services: College Executive.
- (d) Information gathered will inform continuous improvement of College processes and services.

## 9. Privacy and confidentiality

### 9.1 Confidentiality

- (a) Information and records collected 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 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.

### 9.2 Disclosure to third parties

- (a) The College will not disclose a student's personal information to third parties during the review and 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 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.

## 10. Roles, responsibilities and delegations

Role	Responsibility
Chief of Staff	Implementation dissemination and review
Quality and Compliance Officer	(a) Administration and publication;

	<p>(b) Day-to-day implementation (first point of contact for all enquiries);</p> <p>(c) Internal Reporting on trends and emerging issues to the Academic Board or College Executive</p>
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.

Related Policy Documents and Supporting Documents	
Legislation	<ul style="list-style-type: none"> <li>• <a href="#">Education Services for Overseas Student Act 2000 (Cth)</a></li> <li>• <a href="#">National Code of Practice for Providers of Education and Training to Overseas Students 2018</a></li> <li>• <a href="#">Higher Education Standards Framework (Threshold Standards) 2021</a></li> <li>• <a href="#">Privacy Act 1988 (Cth)</a></li> </ul>
Policy	<ul style="list-style-type: none"> <li>• <a href="#">Admissions Policy</a></li> <li>• <a href="#">Privacy Policy</a></li> <li>• <a href="#">Equity Diversity and Inclusion Policy</a></li> <li>• <a href="#">Student Misconduct Policy</a></li> <li>• <a href="#">Student Grievances and Complaints Policy</a></li> </ul>
Procedures	<ul style="list-style-type: none"> <li>• <a href="#">Student Grievances and Complaints Procedure</a></li> <li>• <a href="#">Student Misconduct Procedure</a></li> <li>• <a href="#">Student Review and Appeal Procedure</a></li> <li>• <a href="#">Academic Integrity Procedure</a></li> </ul>
Forms and Registers	<ul style="list-style-type: none"> <li>• <a href="#">Review of Decision Form</a></li> <li>• <a href="#">Request to Appeal Form</a></li> </ul>

## 11. Policy Governance

Student Review and Appeal Policy	
Category/Business Group	Legal and Compliance
Published Externally (Yes/No)	Yes
Approver	Academic Board
Responsible Officer	Executive Director Academic
Contact Officer	Compliance Manager
Effective Date	17/08/2023
Next Review Date	17/08/2026
Version	1.0

### Revision History

Version	Approved by	Approval date	Effective date	Sections modified
1	Academic Board	08 August 2023	17 August 2023	N/A

Please visit our website to ensure that you have the latest version of this Policy. Policies are available at: [unswcollege.edu.au/about/policies](https://unswcollege.edu.au/about/policies)