

Student Review and Appeal Procedure

1. Purpose

The Student Review and Appeal Procedure is designed to implement the UNSW College (College) [Student Review and Appeal Policy](#) and should be read in conjunction with that Policy.

It sets out the processes for management and resolution of a student request to review or appeal a College decision that, in the student's opinion, relates to a lack of procedural fairness or an inconsistent application of College policy or procedure.

2. Scope

This Procedure 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. Grounds for review or appeal

- (a) A student can initiate a review or appeal of a College decision that, in the student's opinion, relates to a lack of procedural fairness or an inconsistent application of College Policy or Procedure.
- (b) Examples of grounds for a review or appeal include, but are not limited to, the following:
 - i. inconsistent application of College regulations, rules or policies;
 - ii. an administrative error in the determination of a mark or final result;
 - iii. lack of procedural fairness in applying special consideration due to compassionate or compelling circumstances;
 - iv. publication of incorrect information by the College, which has led to student disadvantage;
 - v. a penalty that has been imposed that is inconsistent with those published by the College.

4. Compassionate or compelling circumstances

- (a) Compassionate or compelling circumstances are matters which, in most cases, are beyond the control of the student and will impact the student's capacity to progress with their planned course of study.
- (b) They can include but are not limited to:

- i. serious illness or injury;
 - ii. death of a close family member;
 - iii. childcare/maternity reasons;
 - iv. major political upheaval or natural disaster in the home country of a student that has impacted on their studies;
 - v. a traumatic experience, which could include:
 - involvement in, or witnessing of a serious accident; or
 - witnessing or being the victim of a serious crime that has impacted the student (these cases should be supported by a police or psychologist report);
 - vi. a situation in which the College is unable to offer any other courses because of the structure of the student's program;
 - vii. if the student has been identified as being at risk of progressing satisfactorily and the College recommends a reduced study load as a formal intervention strategy.
- (c) Documented evidence of circumstances surrounding a case for compassionate or compelling circumstances is required before it can be considered. Such evidence may include:
- i. a detailed medical statement from a physician or medical specialist;
 - ii. a detailed statement from a counsellor who has been involved in the assessment and/or treatment;
 - iii. a police statement;
 - iv. a copy of a death certificate or death notice for a close family member.
- (d) Supporting documentation for compassionate or compelling circumstances must clearly indicate:
- i. what the special circumstances were;
 - ii. when they occurred;
 - iii. how long they lasted;
 - iv. the level of impact of the special circumstances.

5. Procedural fairness

- (a) Students will not suffer detriment or disadvantage as a result of raising a concern directly with the College.
- (b) Students may seek advice from a member of the Student Support team at any stage of the review or appeal process.
- (c) 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.
- (d) Requests to review or appeal a decision will be resolved in a timely fashion.

- (e) Resolution of reviews 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](#).

6. Decision makers

- (a) Decision makers for the various stages of review 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.

7. Stages of review and appeal

7.1 Review and appeal stages

The four stages of the review and appeal process are:

- (a) Stage 1: Informal Review process;
- (b) Stage 2: Formal Decision Review process;
- (c) Stage 3: Internal Appeal process;
- (d) Stage 4: External Appeal process.

7.2 Students seeking a review or appeal:

- (a) Students must commence the process at Stage 1 before proceeding to other higher-level stages, with some exceptions identified below.
- (b) The process can commence at Stage 3, if students:
 - i. have completed Stages 1 and 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 Integrity Policy](#) and [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.

7.3 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.

8. Stage 1: Informal review process

8.1 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.
- (b) This approach can be verbal, in writing or through a Student Support Officer if that is the student's preference.
- (c) The informal review 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.

8.2 Possible outcomes of the Stage 1 review

- (a) The decision-maker will communicate the outcome of the informal review by email to the student as soon as possible, but no later than five (5) working days after receipt of the informal review submission or meeting with the student.
- (b) Outcomes include:
 - i. a better understanding by the student of the basis for the decision;
 - ii. the student is not satisfied with the outcome and seeks to progress to Stage 2 of the review process.

9. Stage 2: Review process

9.1 Student Submission

- (a) Students must submit a formal written Review of Decision Form, to reviewdecision@unswcollege.edu.au within ten (10) working days of notification of the outcome of the Stage 1 Review.
- (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 review is being made;
 - iii. the basis for the application of review, including how the decision is inconsistent with College rules, policies or procedures or lacked procedural fairness;
 - iv. any evidence in support of the application.

9.2 Stage 2 review process

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

9.3 Stage 2 outcome

- (a) The outcomes of a Stage 2 review process include:
 - i. the application for review is deemed to be invalid;
 - ii. the original decision is set aside;
 - iii. the original decision is affirmed by the review 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 submission.
- (c) The notification to the student will advise the review process that was undertaken, the decision made, the reason 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 review decision.
- (e) The student may:
 - i. better understand the grounds for the original decision resulting from the review and elect not to progress to the appeal stage; or
 - ii. proceed to Stage 3 and submit a formal appeal, within 10 working days of receipt of the outcome of the Stage 2 review process.

10. Stage 3: Internal appeal process

10.1 Student submission

- (a) A student may appeal a decision resulting from a review by submitting a Request to Appeal Form to appeals@unswcollege.edu.au within twenty (20) working days of receipt of the outcome of the Stage 2 review process.
- (b) Appeals may be made on the basis of lack of procedural fairness, which may include:
 - i. there was insufficient opportunity to present their case;
 - ii. the decision was affected by bias or conflict of interest; or
 - iii. the process was not carried out in accordance with College policy or procedures.

An appeal cannot be based on the merits of the decision or simply because the student does not agree with the decision.

- (c) The 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, including how the decision is inconsistent with College rules, policies or procedures or lacked procedural fairness;
 - iv. review steps 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.

10.2 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 review process;
 - 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 review process.

10.3 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 set aside;
 - 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 Appeal Committee decision.
- (e) The student may:
 - i. accept the ruling of the Appeals Committee; or
 - ii. proceed to Stage 4 an External Appeal.

11. Stage 4: External appeals process

After completion of Stage 3, if a student remains dissatisfied with the final decision, an external review may be sought.

11.1 External appeals process for international students

- (a) An international student who is dissatisfied with the final decision or process, can make a complaint to the Office of the Commonwealth Ombudsman.
- (b) The service provided by the [Commonwealth Ombudsman](#) to international students is free of charge.
- (c) 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.

11.2 External appeals process for Australian residents or Australian or New Zealand citizens

- (a) Students who 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; [website](#).
- (c) Students would 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 would 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 Internal Appeal process.

12. Record keeping

- (a) Records of all formal reviews and appeals are retained and recorded in the College [Review and Appeals Register](#).
- (b) De-identified analysis and trends are reported to Academic Board twice a year.

13. Privacy and Confidentiality

13.1 Confidentiality

- (a) Information and records collected during the processes outlined 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.

13.2 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.

Schedule 1: Decision Makers

#	Type of Review / Appeal	Stage 1: Informal Review	Stage 2: Formal Review	Stage 3: Internal 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
2.	Marks / grades awarded	Lecturer	Education Manager	College Appeals Committee
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
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
5.	Rejection of application for Admission in accordance with the Admissions Policy	Senior Manager, Admissions	Chief Academic Officer	College Appeals Committee
6.	Outcome of application for special consideration in accordance with the Assessment Procedure	Education Manager	Academic Head	College Appeals Committee
7.	Award of credit in accordance with the Recognition of Prior Learning and Credit Transfer Policy	Education Manager	Chief Academic Officer	College Appeals Committee
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
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

#	Type of Review / Appeal	Stage 1: Informal Review	Stage 2: Formal Review	Stage 3: Internal 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
11.	Refusal for remission of FEE-HELP debt in accordance with Student Fees Procedure or Student Refund Procedure and Enrolment Policy	Finance Manager	Head of Financial Operations	College Appeals Committee
12.	Refusal for refund of tuition fees in accordance with the Student Fees Procedure or Student Refund Procedure and Enrolment Policy	Finance Manager	Head of Financial Operations	College Appeals Committee
13.	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

14. Roles and responsibilities

Role	Responsibility
Academic Board	Set academic standards across the whole institution.
College Staff	Educate and advise students of the quality assurance framework and provide student support as required in the processes which frame their enrolment and study.
Students	Understand the policies and procedures in which the College operates and maintains quality standards.

15. Definitions

Definitions and Acronyms	
Academic Standards	Benchmarks or indicators that are used to define a level or quality of achievement or performance in academic activities and academic outcomes, such as student selection, teaching, curriculum, assessment, learning outcomes, and research.

Related Policy Documents and Supporting Documents	
Legislation	<ul style="list-style-type: none"> • <u>Education Services for Overseas Students (ESOS) Act 2000 (Cth)</u> • <u>Higher Education Standards Framework (Threshold Standards) 2021 (Cth)</u> • <u>Higher Education Support Act 2003 (Cth)</u> • <u>National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Cth)</u> • <u>TEQSA Guidance Note: Academic Integrity, Version 1.2</u>
Policy	<ul style="list-style-type: none"> • <u>Assessment Policy</u> • <u>Student Code of Conduct</u> • <u>Student Review and Appeal Policy</u> • <u>Student Misconduct Policy</u>
Procedures	<ul style="list-style-type: none"> • <u>Assessment Procedure</u> • <u>Student Review and Appeal Procedure</u> • <u>Student Misconduct Procedure</u>
Forms	<ul style="list-style-type: none"> • <u>Request to Appeal Form</u> • <u>Review of Decision Form</u> • <u>Review and Appeals Register</u> • <u>Notice of Suspected Breach Form</u>

16. Procedure Governance

Student Review and Appeal Procedure	
Category/Business Group	Academic Programs
Published Externally (Yes/No)	Yes
Approver	Executive Director Academic
Responsible Officer	Executive Director Academic
Contact Officer	Executive Director Academic
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Revision History

Version	Approved by	Approval date	Effective date	Sections modified
1	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