

## Online University English Entry Course - Student Appeal Policy

### 1. Purpose

- (a) This Policy details the principles for the management and Resolution of an Online University English Entry Course (OUEEC) student request for reconsideration or Appeal of a UNSW College (College) decision.
- (b) This includes:
  - i. academic decisions made by the College in relation to a student's studies, or
  - ii. administrative (non-academic) decisions made by the College in relation to a student.
- (c) A request for reconsideration or Appeal of an action or decision made by the 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. OUEEC Student Grievances and Complaints are managed in accordance with the [OUEEC Student Grievance and Complaints Policy](#). (However, any Appeals resulting from decisions made during the Complaints processes, are dealt with through this Policy.)

### 2. Scope

This Policy applies to:

- (a) all OUEEC students who are currently enrolled, where the request for reconsideration or Appeal relates to academic matters or non-academic matters;
- (b) former OUEEC students, where the former OUEEC 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 OUEEC Student Grievances and Complaints Policy;
- (c) prospective students seeking to enrol in the OUEEC, whose request for reconsideration or Appeal 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);
- (d) all College staff and affiliates; and
- (e) any third-party providing services on the College's behalf to OUEEC students, former OUEEC students or prospective OUEEC students (including Education Agents).

### 3. Policy Statement

The College is committed to providing an Appeal process for students that is transparent, fair and consistent. The College will monitor 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 [OUEEC Student Code of Conduct](#) and the [Staff Code of Conduct](#);
- (b) applications for reconsideration or Appeal must be submitted by the student in writing using the specified forms;
- (c) students are required to provide reasons and factual evidence to support their application for a reconsideration or Appeal;
- (d) all applications are considered with courtesy, with due regard to confidentiality and without fear of prejudicial treatment;
- (e) applications considered to be vexatious, malicious, trivial or lacking sufficient information will not be accepted and students will be advised accordingly;
- (f) students are provided with a fair opportunity to present their case at minimal or no cost and the right to a decision by an unbiased decision maker;
- (g) 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;
- (h) College staff will inform students, staff and other parties concerned about options for obtaining independent professional advice in connection with a request for reconsideration or Appeal;
- (i) applications for reconsideration or Appeal will be submitted as soon as possible after the decision which is the subject of the application for reconsideration or Appeal;
- (j) the reconsideration and Appeals process will be administered in a timely manner and in accordance with the principles of Procedural Fairness;
- (k) requests for reconsideration and Appeals must be decided by staff who are senior to those involved at earlier stages. Any staff involved in making decisions at earlier stages cannot be decision makers in any later Appeals processes;
- (l) students will receive a written statement of the outcome, including the reasons for the decision, recommended actions (if any) and information regarding avenues for further Appeal of the decision;
- (m) Staff, students and others who are involved in the process must treat grievances and Complaints confidentially and respect the privacy of all people concerned;
- (n) If, during any internal Appeal or external Appeal process, a decision is made which supports the student's application, the College will immediately implement the decision and advise the student of the outcome;
- (o) The College will abide by, and immediately implement, the decisions, recommendations and/or take corrective action required as an outcome of internal Appeal or external Appeal;



- (p) The College will not, and will ensure that others do not, victimise or discriminate against any student involved in the processes set out in this Policy.

## 5. Grounds for a request for reconsideration or Appeal

- (a) When applying for reconsideration or Appeal of a College decision, students must set out the grounds on which their request is based.
- (b) Examples of grounds for a request to reconsider 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 the decision-making process;
  - iv. publication of incorrect information by the College, which has led to student disadvantage;
  - v. a penalty imposed that is inconsistent with those published by the College.

## 6. 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 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 Policy.
- (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 [OUEEC Student Code of Conduct](#).

## 7. Stages of reconsideration and Appeal

### 7.1 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<sup>1</sup>.

## 7.2 Stage at which to commence the process

- (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 or prospective students:
- have completed Stage 1 (if desired) and/or Stage 2 through the [QUEEC Student Grievance and Complaints Policy](#) and seek to Appeal the decision;
  - have received a College Notification of Intent to Suspend or Exclude and wish to Appeal the decision;
  - have completed the Admissions review process and wish to Appeal a decision made in accordance with the [QUEEC Admissions Policy](#);
  - have completed a documented process involving the reconsideration of an academic or administrative decision of the College.

## 8. Stage 1: Informal process for understanding a decision (not mandatory)

### 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. This stage is not mandatory but may help in determining whether to seek a Stage 2 formal request.
- (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.

### 8.2 Possible outcomes of Stage 1

- (a) The outcome will be communicated to the student by email as soon as possible, but no later than five (5) working days after receipt of the student submission or a meeting with the student.
- (b) Outcomes include:
- a better understanding by the student of the basis for the decision and a

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<sup>1</sup> A person may request assistance from an external agency or lodge an application with an external agency at any time. Some external agencies may require the person to have lodged an internal Complaint first before they will become involved and they may have strict time limits.



decision not to progress to Stage 2;

- ii. The student is not satisfied with the outcomes and seeks to progress to Stage 2.

## 9. Stage 2: Formal request for reconsideration process

### 9.1 Student Submission

- (a) Students must submit a formal written Request for Reconsideration Form to [appeals@unswcollege.edu.au](mailto: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).
- (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.

### 9.2 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 Policy 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 Chief Executive Officer 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 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 that 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.
- (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.

## 10. Stage 3: Internal Appeal process

### 10.1 Student Submission

- (a) A student may Appeal a decision made in Stage 2 by submitting a [Request to Appeal Form](#) to [appeals@unswcollege.edu.au](mailto:appeals@unswcollege.edu.au) within twenty-eight (28) days following receipt of the decision/outcome of Stage 2.
- (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 basis for the decisions that were communicated to the student; and
  - 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 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.

### 10.3 Stage 3 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 and the reason for the decision.
- (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.

## 11. Stage 4: External Appeal process

- (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](#).

Contact details for the Resolution Institute are as follows:

- Resolution Institute: (02) 9251 3366; [Resolution Institute Website](#).

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

- (b) Other relevant external agencies include:
  - i. NSW Anti-Discrimination Board
  - ii. Australian Human Rights Commission
  - iii. NSW Police
- (c) Some of external agencies may require a complainant to have lodged an internal complaint first before they will become involved and have strict time limits. Individuals should seek advice from the relevant agency or from an independent advisor as soon as possible.

## 12. 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.

## 13. Privacy and Confidentiality

### 13.1 Confidentiality

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

## **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.

## **14. Decision Makers**

- (a) Decision makers for the various stages of the reconsideration and Appeal processes are identified in Schedule 1.
- (b) If the nominated decision maker is unable to engage in a specific review or Appeal process because of an actual or perceived Conflict of Interest, the Chief Executive Officer will appoint a suitably qualified person as a replacement.



**Schedule 1: Decision Makers**

#	Type of Decision	Stage 1: Informal Request/Query (not mandatory)	Stage 2: Formal Request for Reconsideration	Stage 3: Internal Appeal
1.	Notice of Intent to Suspend or Exclude in accordance with <a href="#">OUEEC Academic Progression and Exclusion Policy</a> , <a href="#">OUEEC Academic Integrity Policy</a> or <a href="#">OUEEC Student Misconduct Policy</a>	See relevant policy for process prior to Appeal	See relevant policy 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 the <a href="#">OUEEC Academic Integrity Policy</a> or <a href="#">OUEEC Student Misconduct Policy</a>	See policy for process prior to Appeal	See policy for process prior to Appeal	College Appeals Committee
4.	Readmission after Exclusion in accordance with <a href="#">OUEEC Admissions Policy</a> .	See policy for process prior to Appeal	See policy for process prior to Appeal	College Appeals Committee
5.	Rejection of application for Admission in accordance with the <a href="#">OUEEC Admissions Policy</a> .	Senior Manager, Admissions	Chief Academic Officer	College Appeals Committee
6.	Outcome of application for special consideration in accordance with the <a href="#">OUEEC Assessment Policy</a> .	Education Manager	Academic Head	College Appeals Committee
7.	Penalties applied for late enrolment withdrawal in accordance with the <a href="#">OUEEC Student Fees and Refund Policy</a> .	Manager, Student Services	Chief of Staff	College Appeals Committee
8.	Cancellation of enrolment in accordance with the <a href="#">OUEEC Academic Progression and Exclusion Policy</a> or <a href="#">OUEEC Student Misconduct Policy</a> .	See relevant policy for process prior to Appeal	See relevant policy for process prior to Appeal	College Appeals Committee
9.	Refusal for refund of tuition fees in accordance with the <a href="#">OUEEC Student Fees and Refund Policy</a> .	Finance Manager	Head of Financial Operations	College Appeals Committee
10	Dissatisfaction with the determination made of a matter dealt with under the <a href="#">OUEEC Student Grievances and Complaints Policy</a>	See policy for process prior to Appeal	See policy for process prior to Appeal	College Appeals Committee



### 15. Roles, responsibilities and delegations

This Policy operates within the context of, and subject to, relevant Australian State and Commonwealth legislation.

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.
College Executives and Managers	Assisting in the implementation of and adherence to this policy.

### 16. 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.
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.
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.
OUEEC / Online University English Entry Course	The UNSW College Program that builds academic and English language skills with all content, communication and distribution of learning resources delivered electronically.



Procedural Fairness	<p>A principle of law that is concerned with the procedures used by a decision-maker, rather than the actual outcome reached.</p> <p>Key requirements of Procedural Fairness include:</p> <ul style="list-style-type: none"> <li>(a) ensuring Respondents are provided with all necessary details of the allegations that have been made against them;</li> <li>(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);</li> <li>(c) that persons involved in deciding an outcome do not have any bias or Conflict of Interest;</li> <li>(d) that a decision is based only on relevant evidence.</li> </ul>
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.
Respondent	The person who is the subject of an Appeal.
Study Period	A defined teaching and study period for the completion of Subjects for a particular Program.
Subject	A component of an 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.

Related Policy Documents and Supporting Documents	
Policy	<ul style="list-style-type: none"> <li>• <a href="#">OUEEC Academic Integrity Policy</a></li> <li>• <a href="#">OUEEC Admissions Policy</a></li> <li>• <a href="#">OUEEC Academic Progression and Exclusion Policy</a></li> <li>• <a href="#">OUEEC Assessment Policy</a></li> <li>• <a href="#">OUEEC Student Code of Conduct</a></li> <li>• <a href="#">OUEEC Student Fees and Refund Policy</a></li> <li>• <a href="#">OUEEC Student Misconduct Policy</a></li> <li>• <a href="#">OUEEC Students Grievances and Complaints Policy</a></li> <li>• <a href="#">College Privacy Policy</a></li> </ul>
Forms	<ul style="list-style-type: none"> <li>• <a href="#">Request to Appeal Form</a></li> <li>• <a href="#">Request for Reconsideration Form</a></li> </ul>



## 17. Policy Governance

OUEEC – Student Appeal Policy	
Category/Business Group	Legal and Compliance
Published Externally (Yes/No)	Yes
Approver	Academic Board
Responsible Officer	Chief of Staff
Contact Officer	Head of Legal, Risk & Compliance
Effective Date	23 May 2024
Next Review Date	23 May 2027
Version	1.0

### Revision History

Version	Approved by	Approval date	Effective date	Sections modified
1	Academic Board	23 May 2024	23 May 2024	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)