

STUDENT APPEALS – STUDENT INFORMATION BOOKLET

Governance and Secretariat

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Version 1.0

Acknowledgement of Country



Victoria University acknowledges, recognises and respects the Ancestors, Elders and families of the Bunurong/Boonwurrung, Wadawurrung and Wurundjeri/Woiwurrung of the Kulin who are the traditional owners of University land in Victoria, the Gadigal and Guring-gai of the Eora Nation who are the traditional owners of University land in Sydney, and the Yulara/YUgarapul people and Turrbal people living in Meanjin (Brisbane).

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Purpose of Student Appeals

Some decisions of the University are able to be appealed by students. The appeal process:

- ◆ Provides the ability to restore trust where a mistake or error has been made;
- ◆ Allows the University to review a decision where no other relevant legislation, policies or procedures exist to provide a right of appeal for a student; &
- ◆ Ensures that all students are given the opportunity to seek procedural fairness should the need arise.

The Appeals Process – Questions to Answer

Is this an appealable University decision?

Only certain University decisions can be appealed.

Type of Appeal	Definition
Misconduct Decision	A decision made under sub-regulation 15(3) or 15(4) of the <u>Student Misconduct Regulations 2019</u>
Complaint Decision	A decision made under the University's general student complaint policy and procedure
Safety Decision	A decision made under sub-regulation 7(1) or 8(1) of the <u>Exclusion for Safety Reasons Regulations 2019</u>
Academic Progress Decision	A decision made under any Regulation or supporting Instrument regarding Academic progress
Statutory Decision	A decision in respect of which Commonwealth or State legislation requires the University to provide a right of appeal to a student or eligible person which is not covered by another review process.

You can lodge an appeal through the Governance and Secretariat department if the decision relates to one of the decisions above. No other decisions can be appealed under the **Student Appeals Regulation 2019**.

However, other University decisions, made under other relevant University Policy or Regulation may have their own separate review processes. A summary of these decisions can be found [here](#).

Has the University process been completed?

The University process has been completed when you receive a written, dated report of the outcome of an investigation or review. This notification will be signed by a Senior Officer of the University and where applicable will advise you of the appeals process and deadlines for appealing the decision.

You cannot lodge an appeal through the Governance and Secretariat department unless you have received this notification.

Have you submitted your appeal on time?

Once you have been notified of a University decision, you have 20 University business days to appeal. Any later than 20 days and your application will be invalidated.

No further action can be taken within the University.

Grounds for an Appeal

Are there eligible grounds for an appeal?

The following grounds are the only grounds that a student can use for an appeal:

Grounds for Appeal	Comment
<p>The existence of new relevant material of a significant nature, being relevant material that was not reasonably available to the student or eligible person prior to the original decision being made and which is inherently different from material that was available</p>	<p>This material would not have been available at the time of the decision, not that it was not supplied to the decision makers.</p> <p>There are occasions when your ability to engage with the University is hampered by unexpected occurrence and this would be consistent with grounds for an appeal.</p>
<p>There was a misapplication of procedure resulting in some real disadvantage to the student or eligible person that was the subject of the decision</p>	<p>This required you to ensure that you have read the various procedures used leading to the University decision. All Regulations and Procedures are published on the University's Policy website and if you are not clear you should discuss with Student Advocates.</p> <p>An individual may be impacted by a misapplication of one of the various procedures leading to the University decision. Usually, these impacts can be addressed before the appeal process, but if the matter cannot be resolved at the local level, then an appeal may be lodged on these grounds.</p>
<p>The decision was manifestly wrong or the sanction was manifestly excessive</p>	<p>You need to explain how the University decision was wrong in the context of the University's legislation or policies or Commonwealth legislation. The student may also argue that the decision was wrong in light of the specifics in relation to your case.</p> <p>If the argument is made that the sanctions are excessive, you must identify how or why the</p>

Grounds for Appeal	Comment
	<p>imposed sanction is not within the range of possible sanctions related to the decision or based upon incorrect information.</p> <p>For example, if the University decision relates to sanctions imposed for academic misconduct you would need to indicate that the sanctions imposed were excessive in light of the sanctions listed in Part F of the Student Misconduct Procedure.</p>
<p>There was a bias or a conflict of interest on the part of the original decision maker or decision makers</p>	<p>This would include evidence that the University decision maker/s had a conflict of interest when deciding on the matter, or were not impartial.</p> <p>Involvement of the staff member in an earlier stage of the decision-making may also be considered a conflict of interest.</p>

The following are **not eligible grounds** for an appeal:

- ◆ Misunderstanding or not being aware of the published University regulations and procedures;
- ◆ Being unaware of the situation due to not reading your student emails;
- ◆ Not using the University’s support systems available at the time of the University decision being made; &
- ◆ Simply being dissatisfied with the decision made by the University.

How to Complete the Notice of Appeal Form

We recommend that you read this Information Booklet and the information presented on the Student Appeals website before completing the [Notice of Appeal Form](#).

[Student Advocacy](#) are also available to assist you in understanding what you need to provide.

Section 1: Personal Details

Contact details – these must be current and accurate. We will be contacting you via email, so if you are an enrolled student of VU you **must** include your student email address and may include any other email address that is regularly accessed.

Your **course and campus details** are important for reporting purposes only. Please note that the personal information requested in Section 1 of the Form will not be published or used as part of any internal reporting requirements of the University.

As the University must notify the relevant government authorities of any exclusions of international students, it is important that you identify **whether you are an international student studying in Australia** in this section.

Section 2: Type of Appeal (Which Decision Are You Appealing?)

You will have received a dated copy of the **University decision** which advises you of which Regulation or policy the decision has been made. This will be one of the types of decisions listed under Section 2 of the Notice of Appeal form. The written decision will be dated and will advise you of the Appeals Processes and deadlines. You need to mark the correct decision.

A copy of the University decision **must** be attached or sent with your Notice of Appeal.

Section 3: Grounds for an Appeal

There are 4 grounds for appeal listed in Section 3 of the Notice of Appeal form. You may tick more than one ground in support of your appeal.

Section 4: Evidence or Documentation

You are expected to list all attachments that have been submitted with your Notice of Appeal. A compulsory attachment for all appeals is the copy of the University decision.

The evidence is extremely important when presenting your case. The Panel Chair will make a decision about whether there is merit in the grounds for your appeal based on what you present.

Not all appeals will require the types of evidence/documentation listed in Section 4 of the Notice of Appeal form. For example, if your appeal is based upon a complaint decision related to non-academic matters your academic transcript is not required.

Please note that any medical documentation must pertain to the applicant only. If you have been impacted by the health condition of a family member then you should submit a **statutory declaration** to that effect.

After you have lodged an appeal

The University has a two-tiered process for consideration of all valid appeals lodged with the Governance and Secretariat department.

Tier 1

- The first stage (Tier 1) will involve an Appeals Chair considering the appeal documentation.
- If the Appeal Chair **finds your case has merit** an Appeal Panel Hearing will be convened.
- If the Appeal Chair decides the **case does not have merit**, the appeal will be dismissed and no further consideration will be given.

Tier 2

- If you are granted an Appeal Panel Hearing (Tier 2), you will be advised of the date, time and venue for the hearing
- You will be:
 - provided with the Panel Hearing documentation (By the Student Appeals secretariat) that has been presented to the Panel members.
 - allowed to be accompanied by a support person or student advocate.
 - provided the opportunity to speak to your case (usually about 20 minutes) and then answer any questions that may arise.
- The Panel may ask you to leave the room while it considers your case. Often you will be presented with the outcome of the Panel Hearing at the conclusion of the meeting. However, a written report will be provided to you and the original decision maker within 5 University business days of the hearing.

External Review

- If you believe that at the end of the Appeal process that the University has not followed due process, you may seek a review* with an external agency such as:
 - [Victorian Ombudsman](#)
 - [Victorian Equal Opportunity and Human Rights Commission](#)
 - [Australian Human Rights Commission](#)
- *All visa holders must contact the Director of Student Administration if they intend to lodge a request for an external review

Access and Inclusion

Victoria University strives to ensure all students are provided with equity in participation, access and opportunity in their university studies. The following support systems are in place for students at Victoria University:

VUHQ (Student Service Centres)

VUHQ is the first point of contact for assistance, advice and support. VU's Student Advisors are on hand to answer your questions and to help you access the wide range of support services at VU. With locations across all VU campuses, you can drop in, email or call the Student Services team who can provide information and support for personalised advice, and can connect you with the other services for further support.

Moodani Balluk

Moondani Balluk is committed to providing a culturally safe environment and access to education for Aboriginal and Torres Strait Islander people. Moondani Balluk can provide assistance and support for students in a range of areas.

Student Advocacy

Student Advocacy provides advice, support, representation and assistance to Victoria University students on a wide range of topics and issues.

Student Welfare

VU's Student Welfare service offers comprehensive support in welfare, finance, and housing to help you succeed during your academic journey.

Student Wellbeing

For enrolled students, VU Counselling provides professional services designed to support students in personal, psychological, academic and social development through counselling sessions, and mental health and wellbeing resources.

International Student Support – Welfare Services

The Manager Student Services can assist you as an advocate, mediator or support person with any issues you may encounter during your studies. There is also a counselling service available on campus at VU Sydney for assistance with any personal issues students may experience while in Australia.

Disability and Accessibility Services

If you are a VU student with a disability or medical condition that impacts your studies, Accessibility Services can support you. By working with one of our Accessibility Liaison Officers (ALOs), you can access the following help:

- ◆ Support services and resources
- ◆ Adjustments for study and assessment

Policy Decisions – Review Processes

A number of decisions can be reviewed through their respective policies and procedures, rather than through the formal Student Appeals process. These decisions and how to appeal them are listed in the table below:

Table 1 – Policy and Procedure Reviews (Domestic Students)

What do you want to review?	How to submit a review
<u>Admissions Policy</u>	(63) Applicants may seek a review of an Admission decision by the Director, Student Administration (domestic) or the Senior Manager, International Admissions (International). The review is final and cannot be appealed within VU.
<u>Admissions Procedure</u>	<p>(109) An applicant who is not offered a place, or is made an alternate offer, is entitled to seek a review of the selection decision on the following grounds:</p> <ul style="list-style-type: none"> a. the applicant demonstrably met all relevant VU and course admission criteria b. the application was lodged completely, including providing all requested additional or supporting information, on time and in the correct manner; and c. the Admissions policy and/or procedure was not correctly applied. <p>(110) a request to review the decision must be lodged in writing, addressed to the Director, Student Administration (for domestic students) or to the Chief International Officer (for international onshore students) within 10 University business days of the selection decision.</p>
<u>Assessment for Learning – Adjustments to Assessment Procedure (HE)</u>	<p>Part D – Special consideration</p> <p>(46) If a student is dissatisfied with a decision regarding Special Consideration, they can request a review of the decision by the Course Chair or equivalent.</p> <p>(47) Such a request for review must be made within three (3) working days of the student receiving notification of the initial decision.</p> <p>Part F – Ongoing modified assessment arrangements</p> <p>(63) If a student is dissatisfied with a decision regarding modified assessment, they may opt to lodge a Student Complaint via the Student Complaints Resolution process.</p>

What do you want to review?

How to submit a review

<p><u>Assessment for Learning – Assessment Procedure (VET)</u></p>	<p>Part F – Assessment Extensions</p> <p>(48) Where a student is dissatisfied with the outcome of an application for a short extension, the student can request a review by the Manager or Course Coordinator. Requests for review must be made in writing.</p> <p>(49) Where a student is dissatisfied with the outcome of an application for student consideration, the student can request a review by the relevant Executive Director. Requests for review must be made in writing.</p> <p>Part J – Assessment Review</p> <p>(67) A student who wishes to appeal an assessment review decision can only do so on one the following grounds:</p> <ul style="list-style-type: none">a. a procedural irregularity;b. evidence of bias on the part of the reviewers;c. the assessment was not within the requirements of the Training Package or VET accredited course. <p>(68) Appeals should be lodged in writing identifying the grounds for the appeal and should be submitted to the relevant Executive Director within five University business days.</p>
<p><u>Assessment for Learning - Review of Individual Assessment Outcomes Procedure (HE)</u></p>	<p>Stage 1 – Informal Discussion</p> <p>Students are encouraged to review feedback and discuss assessment results with their unit convenor/assessor in the first instance</p> <p>Stage 2 - Review: Course Chair or equivalent</p> <p>Students must submit a written concern or dispute regarding grades with the relevant Course and Unit Administrator.</p>
<p><u>Credit Policy</u></p>	<p>(70) Applicants who are dissatisfied with a credit outcome may request a review of the decision on the grounds that:</p> <ul style="list-style-type: none">a. the applicant demonstrably met all relevant requirements for the granting of credit; andb. the application was lodged completely, including providing all requested additional or supporting information, on time and in the correct manner; andc. the Credit Policy and/or related procedures were not correctly applied.

What do you want to review?

How to submit a review

	<p>(71) A request to review the decision must be lodged in writing, addressed to the Director, Student Administration within 10 University business days of the communication of the credit decision.</p>
<u>Enrolments Policy</u>	<p>(32) A student whose enrolment has been denied, altered or cancelled for failing to maintain an active enrolment in the course may request a review of the decision to deny, alter or cancel their enrolment via Enrolments and Student Financials.</p> <p>(33) Enrolment determinations will be reviewed by the Director, Student Administration, or when required, the Chief Student Officer.</p>
<u>Fees Policy</u>	<p>(40) Students who dispute their fee obligation may apply to have the matter reviewed by the Director, Student Administration or the Campus Director and Principal (for VU Sydney students)</p> <p>(41) Students who wish to dispute the application of a library fine may apply to the Associate University Librarian, Education and Research Services as per the Fee Adjustment Procedure</p> <p>(42) Students may apply to have a fee refund determination reviewed by the Director, Student Administration or nominee; or the Campus Director and Principal (for VU Sydney students)</p> <p>(43) Students who are denied a fee extension may apply to have this decision reviewed by the Senior Manager, Wellbeing Services or nominee; the Director, VU College (for VU English students); or the Campus Director and Principal (For VU Sydney students)</p> <p>(44) Students who are denied a fee waiver may apply to have this decision reviewed by the Director, Student Services or nominee.</p>
<u>Fee Adjustment Procedure</u>	<p>(91) A student whose refund application is not approved may apply to have the decision reviewed by the Director, Student Administration or the Campus Director and Principal (for VU Sydney students)</p> <p>(92) The application should be submitted within 10 working days of the date on which the notification of the decision was sent to the student. The decision of the above delegates is final and there are no further appeal avenues within the University. External appeals may be available depending on the circumstances.</p>

What do you want to review?

How to submit a review

<p><u>Remission of Debt and Post Census Amendment of Enrolment Procedure</u></p>	<p>(28) Students have a right to a review of the decision not to remit, re-credit or refund fees. ... (30) The review application must be made within 28 days from the decision notification. The student must state why they are seeking a review.</p>
<p><u>Scholarships – Higher and Vocational Education Procedure</u></p>	<p>(34) Applicants may request a review of a scholarships decision by the Manager Admissions Pathways and Scholarships, in circumstances where: a. unsuccessful applicants believe there was a breach of process in the handling of their application; or b. Scholarship recipients have been determined as ineligible for continuation of their scholarship.</p>
<p><u>Student Complaints Procedure</u></p>	<p>(49) If a student is dissatisfied with the outcome of a formal complaint decision, the student can submit a Request for Internal Review form within 10 University Business days of the formal complaint decision being communicated. (50) Requests for review must be submitted via the Integrity Officer.</p>
<p><u>Student Loan and Grant Fund Procedure</u></p>	<p>(34) Where an application for a loan or loan extension is refused or varied by a Loans Officer, the applicant may seek an independent review of the decision by referring to the Senior Manager, Wellbeing Services, who shall have the discretionary right to vary or uphold a decision made by the Loans Officer and Senior Coordinator, Student Support and Advocacy.</p>

Table 2 – Policy and Procedure Reviews (International Students)

What do you want to review?

How to submit a review

<p><u>Admissions Policy</u></p>	<p>(63) Applicants may seek a review of an Admission decision by the Director, Student Administration (domestic) or the Senior Manager, International Admissions (International). The review is final and cannot be appealed within VU.</p>
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What do you want to review?

How to submit a review

<p><u>Admissions Procedure</u></p>	<p>(109) An applicant who is not offered a place, or is made an alternate offer, is entitled to seek a review of the selection decision on the following grounds:</p> <ul style="list-style-type: none"> a. the applicant demonstrably met all relevant VU and course admission criteria b. the application was lodged completely, including providing all requested additional or supporting information, on time and in the correct manner; and c. the Admissions policy and/or procedure was not correctly applied. <p>(10) A request to review the decision must be lodged in writing, addressed to the Director, Student Administration (for domestic students) or to the Chief International Officer (for international onshore students) within 10 University business days of the selection decision.</p>
<p><u>Assessment for Learning – Assessment Procedure (VET)</u></p>	<p>Part F – Assessment Extensions</p> <p>(48) Where a student is dissatisfied with the outcome of an application for a short extension, the student can request a review by the Manager or Course Coordinator. Requests for review must be made in writing.</p> <p>(49) Where a student is dissatisfied with the outcome of an application for student consideration, the student can request a review by the relevant Executive Director. Requests for review must be made in writing.</p> <p>Part J – Assessment Review</p> <p>(67) A student who wishes to appeal an assessment review decision can only do so on one the following grounds:</p> <ul style="list-style-type: none"> a. a procedural irregularity; b. evidence of bias on the part of the reviewers; c. the assessment was not within the requirements of the Training Package or VET accredited course. <p>(68) Appeals should be lodged in writing identifying the grounds for the appeal and should be submitted to the relevant Executive Director within five University business days.</p>
<p><u>Assessment for Learning - Review of Individual Assessment Outcomes Procedure (HE)</u></p>	<p>Stage 1 – Informal Discussion</p> <p>Students are encouraged to review feedback and discuss assessment results with their unit convenor/assessor in the first instance</p>

What do you want to review?

How to submit a review

	Stage 2 - Review: Course Chair or equivalent
	Students must submit a written concern or dispute regarding grades with the relevant Course and Unit Administrator.
<u>Fees Policy</u>	<p>(40) Students who dispute their fee obligation may apply to have the matter reviewed by the Director, Student Administration or the Campus Director and Principal (for VU Sydney students)</p> <p>(41) Students who wish to dispute the application of a library fine may apply to the Associate University Librarian, Education and Research Services as per the Fee Adjustment Procedure</p> <p>(42) Students may apply to have a fee refund determination reviewed by the Director, Student Administration or nominee; or the Campus Director and Principal (for VU Sydney students)</p> <p>(43) Students who are denied a fee extension may apply to have this decision reviewed by the Senior Manager, Wellbeing Services or nominee; the Director, VU College (for VU English students); or the Campus Director and Principal (For VU Sydney students)</p> <p>(44) Students who are denied a fee waiver may apply to have this decision reviewed by the Director, Student Services or nominee.</p>
<u>Fee Adjustment Procedure</u>	<p>(91) A student whose refund application is not approved may apply to have the decision reviewed by the Director, Student Administration or the Campus Director and Principal (for VU Sydney students)</p> <p>(92) The application should be submitted within 10 working days of the date on which the notification of the decision was sent to the student. The decision of the above delegates is final and there are no further appeal avenues within the University. External appeals may be available depending on the circumstances.</p>
<u>International Student Transfer Procedure</u>	<p>(28) If a transfer request is refused, the student has the right to request a review of the decision made.</p> <p>(29) A student can request a review of a decision by completing the <u>Request A Review Of Decision To Transfer To Another Provider</u> form as per the instructions on the form.</p> <p>(30) A review of the decision will be made by the Director, Student Administration.</p>
<u>Remission of Debt and Post Census Amendment of Enrolment Procedure</u>	<p>(28) Students have a right to a review of the decision not to remit, re-credit or refund fees.</p> <p>...</p>

What do you want to review?

How to submit a review

	(30) The review application must be made within 28 days from the decision notification. The student must state why they are seeking a review.
<u>Student Complaints Procedure</u>	(49) If a student is dissatisfied with the outcome of a formal complaint decision, the student can submit a Request for Internal Review form within 10 University Business days of the formal complaint decision being communicated. (50) Requests for review must be submitted via the Integrity Officer.

