

# Student Review and Appeals

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## 1.0 Purpose

This Policy and the *Student Review and Appeals Procedure* provide the mechanism for a student to:

- request a Review of and/or
- Appeal a decision of the University.

Decisions are subject to Review and/or Appeal (as appropriate) if there are grounds to suggest that they have not been made in accordance with the process established in a University policy or procedure that provides for the making of a decision about a student matter.

## 2.0 Scope

This Policy applies to all students of the University in all career levels, modes of study and locations, physical or digital, participating in activities organised by or under the auspices of the University.

It applies when students request, on specified grounds, a Review of the way:

- an academic decision (the exercise of Academic Judgement) of the University was made in relation to their studies or
- an administrative decision (the application of policy and process) of the University in relation to the student.

Some specified processes of the University also provide an opportunity for a student to Appeal if relevant grounds are met. An Appeal differs from a Review in that an Appeal has the ability to reconsider the matter on its merits and come to a different conclusion than the original Decision-maker. Typically, Appeals are available only for processes that carry potentially serious consequences and penalties for students.

For the purpose of this Policy, the term “student” includes:

- all enrolled students and Higher Degree Research (HDR) candidates at the University
- students with ‘active’ enrolment status, including those who are not ‘carrying load’ and students on approved Leave of Absence, Deferment or between enrolment periods and
- those persons seeking a Review or Appeal (within the required timeframe) of a decision type specified in the Student Review and Appeals Procedure’s Schedule of Review and Appeal Decision-Making.

This policy also applies to:

- applicants for admission to the University
- where the University has made a decision to revoke an award or prevent future enrolments by a person due to misconduct uncovered after graduation, a graduate of the University.

## 3.0 Policy statement

Students have the right to request a Review of or, where available, Appeal an eligible decision, as appropriate, in accordance with this policy and the *Student Review and Appeals Procedure*.

Reviews and Appeals are considered with respect, with due regard to confidentiality, and without prejudicial treatment. All students are afforded a fair opportunity to present their case and have the right to have a decision made by an unbiased Decision-maker.

Students are required to act responsibly and not seek Reviews or lodge Appeals for trivial or vexatious reasons. Students are expected to provide serious reasons and factual evidence in support of their case for reconsideration. The University will not set aside a decision simply because the student disagrees with it.

Requests to Review or Appeal a decision will be resolved in a timely fashion.

### 3.1 Difference between a Review and an Appeal

Decisions that may be reviewed and/or appealed and relevant Decision-makers, Review Officers and Appeal Bodies are set out in the *Student Review and Appeals Procedure*.

#### 3.1.1 Review

1. A Review is a check that the process used to reach a decision made by the University was consistent with its policy and procedures and that the outcome reached based on the material presented is reasonable.
2. Reviews can be requested on the following grounds:
  - a. procedural irregularities occurred during the making of the decision, which were material or potentially material to the decision reached or
  - b. there is new evidence of material significance that the student could not have reasonably known at the time of the original decision or
  - c. the decision or penalty applied is manifestly Unreasonable.
3. The Review Officer may:
  - a. Uphold the original decision, or
  - b. deem the application to be invalid, leaving the original decision unchanged
  - c. Set Aside the original decision and refer it back to the original Decision-maker for new consideration.

#### 3.1.2 Appeal

1. An Appeal is a request to reverse or overturn a decision made in a University process or by a Decision-maker or a Review Officer. An Appeal re-examines all the evidence the applicant brings to it, can make determinations of credibility, and can overturn or substitute the outcome imposed by the original Decision-maker.
2. Some decisions can be appealed to the University Appeals Committee, either following the Review or (in limited cases) instead of a Review. This generally occurs when the decision and/or the penalties applied have very serious academic, financial or other consequences for the student.
3. Appeals can be requested on the following grounds:
  - a. the decision or penalty applied is manifestly Unreasonable or
  - b. there was alleged bias on the part of either the Reviewer or the original Decision-maker or

- c. there is new evidence of material significance that the student could not have reasonably known at the time of the original decision or Review.
4. The Appeal Body may make any decision available to an original Decision-maker.
5. Students may be able to initiate a complaint under the *Student Complaints Policy* if dissatisfied with their treatment by an original Decision-maker or an Appeal Body or if a process was not conducted in accordance with the relevant published University policy or procedure, noting that complaints cannot be made about the review or appeal decision itself.

### **3.1.3 Principles for dealing with student Review and appeals**

1. In applying for the Review or Appeal of a decision, the student bears the onus of proof and is responsible for establishing that the decision was Unreasonable. The student is required to present their case in writing and provide the Review Officer or Appeal Body with all information relevant to the decision.
2. All documentation relating to student reviews and appeals will be kept confidential and will be disclosed only to those persons who have a need to know as part of the process or as required by law.
3. Employees involved in Review and Appeal processes must disclose actual, perceived or potential conflicts of interest (whether personal, financial or otherwise) as soon as they become aware of them. A Decision-maker, Review Officer or Appeal Body must act impartially, without bias.

### **3.1.4 Student Enrolment**

1. A student is entitled to continue their studies while the internal University Review or Appeal process is ongoing, with the exception of decisions related to:
  - a. a student undertaking professional practices
  - b. a decision that has resulted in a suspension (temporary) or permanent exclusion and
  - c. failure in a designated course.
2. A student who has been suspended or excluded from the University will have their enrolment status maintained until the Review and Appeal process has been completed.
3. Where a student's enrolment is suspended, and the Review and appeals process is found in favour of the student, the student's enrolment in their program of study is to be reinstated as soon as practicable.
4. While an internal University Review or Appeal process is ongoing, a student is not entitled to enrol in courses or programs that are the subject of or consequential to the decision under Review and require the decision be set aside.

## **4.0 Roles, responsibilities and delegations**

### **4.1 Decisions that may be reviewed and appealed**

University decisions that may be reviewed and/or appealed are set out in the Schedule of Decision-makers, Review Officers and Appeal Bodies, provided in the *Student Review and Appeals Procedure*.

Not all decisions are appealable. In cases where a Review under clause 3.1.1 of this policy has been completed, and no Appeal opportunity is listed in the *Student Review and Appeals Procedure*, this will be the final internal avenue at the University. Students may have external appeal options, which must be disclosed to them when the Review decision is communicated.

## 4.2 Process

The process for managing student reviews and appeals is outlined in the *Student Review and Appeals Procedure*.

## 5.0 Definitions

**Academic Judgement** refers to the considered application of academic expertise to matters by an academic employee of the University. It is a judgement that is made about a matter where only the opinion of an academic expert will suffice.

**Active Enrolment Status** refers to a student who has:

- accepted an offer of admission to a program or course (subject) and shall have completed the enrolment procedures prescribed by the University and
- paid such fees and charges as the University may require to be paid as a condition of enrolment and
- fulfilled the conditions prescribed for Commonwealth supported students, in the case of a student admitted to a program as a Commonwealth supported student and
- completed any other procedures which may be required as a condition of enrolment.

**Appeal** means a reconsideration of a decision by an officer or body specified in the Schedule of Decision-makers, Review Officers, and Appeal Bodies.

**Appeal Body** refers to the relevant senior officer or University Appeals Committee who is authorised to hear appeals in relation to decisions made by academic and professional employees on academic or administrative matters specified in the Schedule of Decision-makers, Review Officers, and Appeal Bodies.

**Decision-maker** refers to academic and professional employees who, through their role or position, are authorised as the responsible officer within a University policy or delegation schedule to make decisions about those matters.

**HDR Candidates** are students enrolled in a Research Masters or Research Doctorate where a:

- Research Masters means a Level 9 qualification as described in the Australian Quality Framework (AQF) and where a minimum of two-thirds of the program of learning is for research, research training and independent study.
- Research Doctorate means a Level 10 qualification as described in the AQF and where a minimum of two years of the program of learning and typically two-thirds of the qualification is research.

**Review** means a review of a decision by an officer specified in the Schedule of Decision-Makers – Student Reviews and Appeals.

**Review Officer** is an academic or professional employee not involved in making the original decision who is designated as the Review Officer in the Schedule of Decision-Makers: Student Reviews and Appeals.

**Set Aside** the decision refers to a determination that the original decision shall be set aside, in which case the Review Officer or the Appeal Body, as the case may be, may refer the matter back to the Decision-maker to make the decision afresh.

**Unreasonable** decision is a decision that is not reasonably open to the Decision-maker. A decision will not be an unreasonable decision merely because the Review Officer or Appeal Body may have arrived at a different decision.

An unreasonable decision may (but will not necessarily) include a decision:

- made without a documented reason at the time of the decision or the documented reasons are not supported under scrutiny or examination;
- the Decision-maker did not have the authority to make;

- where the Decision-maker failed to take into account a relevant consideration or took into account an irrelevant consideration in making the decision, and this materially affected the decision;
- the Decision-maker failed to follow University policy and procedures where they were required to do so, and this materially affected the decision;
- the Decision-maker was biased or exercised their discretion in an unprofessional manner; or
- where the penalty applied to a student was unduly harsh.

In determining whether an academic decision was an unreasonable decision, the Review Officer or the Appeal Body may determine that the decision was reasonably open to the Decision-maker by reference only to a review of the process followed by the Decision-maker in the exercise of the academic judgement and is not required to assess the academic judgement of the academic decision.

**Uphold** the decision refers to a determination that the original decision shall stand.

## 6.0 Information

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| Title                                   | Student Review and Appeals Policy   |
| Document number                         | 2023/0000419  |
| Purpose                                 | <p>This Policy and the <i>Student Review and Appeals Procedure</i> provide the mechanism for a student to:</p> <ul style="list-style-type: none"> <li>• request a Review of; and/or</li> <li>• Appeal a decision of the University.</li> </ul> <p>Decisions are subject to Review and/or Appeal (as appropriate) if there are grounds to suggest that they have not been made in accordance with the process established in a University policy or procedure that provides for the making of a decision about a student matter.</p> |
| Audience                                | Students  |
| Category                                | Academic  |
| Subcategory                             | Student Services  |
| UN Sustainable Development Goals (SDGs) | <p>This document aligns with Sustainable Development Goal/s:</p> <p>4: Quality Education</p>  |
| Approval date                           | 16 November 2023  |
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| Review date | 2029 |
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| Policy advisor | Registrar |
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| Approving authority | Academic Committee |
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## 7.0 Related Policy Documents and Supporting Documents

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| Legislation | Higher Education Standards Framework (Threshold Standards) 2021 |
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| Policy | <a href="#">Admission Policy</a><br><a href="#">Assessment Policy</a><br><a href="#">Conflicts of Interest Policy</a><br><a href="#">Student Academic Integrity Policy</a><br><a href="#">Student Complaints Policy</a><br><a href="#">Student Conduct, Safety and Wellbeing Policy</a><br><a href="#">Student Charter Framework</a> |
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| Procedure | <a href="#">Academic Progress Procedure</a><br><a href="#">Academic Records Procedure</a><br><a href="#">Admission Procedure</a><br><a href="#">Student Breaches of Academic Integrity Procedure</a><br><a href="#">Higher Degree by Research Academic Progress Procedure</a><br><a href="#">Higher Degree by Research Admission Procedure</a><br><a href="#">Student General Conduct Procedure</a><br><a href="#">Student Review and Appeals Procedure</a><br><a href="#">Student Complaints Procedure</a><br><a href="#">Assessment Procedure for Staff</a><br><a href="#">Assessment Procedure for Students</a> |
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| Local Protocol | <a href="#">Griffith University Privacy Plan</a> |
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| Form | <a href="#">Review of Decision Form</a> |
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