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## Learning and Teaching Committee Agenda

Committee Officer: Louise Young

Secretariat, Quadrangle, A14

Phone: 9036 7891; Fax: 9351 3572

E-mail: [l.young@secretariat.usyd.edu.au](mailto:l.young@secretariat.usyd.edu.au)

Web site: [www.usyd.edu.au/ab/committees/learn\\_teach/](http://www.usyd.edu.au/ab/committees/learn_teach/)

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**Supplementary Agenda** for the meeting to be held on Wednesday 28 October 2009, the in the Science Meeting Room (Carlaw Building, Room 450).

Members are asked to note the following revised items:

8. **Academic Board Resolutions: Assessment and Examination of Coursework**  
8.2 **Feedback from Counselling and Equity Support Services** pages [2-4](#)

**Recommendation**

*That the Learning and Teaching Committee:*

- (1) *discuss faculty Feedback from Counselling and Equity Support Services and agree on subsequent revisions; and following that*
- (2) *recommend that the Academic Board approve amendments to the Academic Board Resolutions: Assessment and Examination of Coursework with immediate effect, as set out in the report presented.*

9. **University of Sydney (Student Appeals against Academic Decisions) Rule 2006 (as amended)**  
9.1 **Latest revised version** pages [5-11](#)  
9.2 **Comments from the Faculty of Economics and Business** page [12](#)

**Recommendation**

*That the Learning and Teaching Committee recommend that the Academic Board:*

- (1) *recommend that Senate approve amendments to the University of Sydney (Student Appeals against Academic Decisions) Rule 2006 (as amended);*
- (2) *approve the rescission of the Academic Board Resolutions: Student Appeals against Academic Decisions, as of the date the revised Senate rule becomes effective; and*
- (3) *endorse subsequent development of a user's guide in conjunction with the revised Senate rule*  
*with immediate effect, as set out in the report presented.*



**The University of Sydney**

**Counselling and Equity Support  
Services**

Student Administration and Support

ABN 15 211 513 464

**Jordi Austin**  
*Acting Director  
Counselling and Equity Support Services*

Jane Foss Russell Building, G02  
The University of Sydney NSW 2006  
AUSTRALIA  
Telephone: +61 2 8627 8433  
Facsimile: +61 2 8627 8482  
Email: jaustin@usyd.edu.au

To: Prof Tony Aspromorgos  
Re: Assessment and Examination of Coursework

Date 23 October, 2009

Dear Prof Aspromorgos,

Thank you for the opportunity to comment on the Academic Board Resolutions: Assessment and Examination of Coursework document.

The points for discussion below are collated responses and consideration from myself; Lidia Nemitschenko, Head ISSU; Dr Phil Renner, Acting Head, Counselling Service; and Dr Ian Marshall, Director, University Health Service. In general, we are supportive of the thrust and content of the document. We would like to propose the following points for discussion:

1: to clarify that the only form of special consideration to be given to a student will constitute either extensions, re-weighting, or alternative assessment. To confirm that students will not be given the chance to move from a fail grade to a pass grade, or from pass to credit etc on the basis of application for consideration ( Clause 5.2.2 states that the student will be required to demonstrate achievement of learning outcomes).

2: in general we are supportive of the provision for students to submit application for special consideration after the 5 working day cutoff, with reasonable grounds (Clause 5.2.8) as there may be students who are unable to obtain documentation within the 5 working day timeframe.

3: in Clause 5.3.2.1.1 we recommend that "timeliness" of consideration by the faculty be stated clearly, such as 5 working days, to be consistent with other components of the policy document, and to minimize disruption and delay to students.

3: We support the introduction of an informal and formal application procedure. We would like to extend this to include the following

5.5.1.4 If a formal request is required by the lecturer, information about the process of submitting a formal request should be conveyed to the student at that time, including the option of submitting a Statutory Declaration (available at the Faculty Office), to minimize delay in submitting the formal request.

4: Clause 5.5.2.2 should read as follows to be consistent with 5.6.2.2

a) be supported by a Medical Certificate, or other authorized certificate provided by a registered health practitioner.

5: We would like to seek clarification around the determination of impact of an event. Clause 5.5.2.3 states that the extent to which a student's ability to prepare was affected. It may not be possible for persons completing the supporting certificate to state the severity or extent to which an event has impacted upon a student, beyond stating that there has been an adverse impact on their ability to prepare or demonstrate achievement of learning outcomes. Similar constraint for Clause 5.7.1.3

6: For consideration of group work, 5.5.4.2 part b, we would like to suggest that the members of the group not suffering misadventure be able to request Special Consideration through submission of a Statutory Declaration, rather than requiring the affected group member to disclose personal or potentially confidential material to the group.

7: Clause 5.6.7 states a 6 week timeframe for completion of replacement assessment. We suggest expanding to include " or within a reasonable timeframe given the condition and problems requiring consideration".

8: If a DNF grade is allocated to a student who is unable to complete the replacement assessment within 6 weeks, will that student be automatically able to access remittance of fees/Hecs credit as per DNF procedure?

9: Medical Certificates

Procedures are in place to monitor and supervise students who become unwell immediately preceding or during an examination/assessment. This arrangement is monitored and maintained by the Examinations Office and UHS.

10: We would appreciate feedback about the mechanisms for dissemination of the policy to students, as well as to staff involved in assisting students negotiating the Assessment and Special Consideration procedures.

I am happy to discuss the above further with you, or to provide clarification if required.

Please contact me if you require any additional information about the above.

Regards,

Jordi Austin  
Acting Director  
Counselling and Equity Support Services



## The University of Sydney

# University of Sydney (Student Appeals against Academic Decisions) Rule 2006 (as amended)

Latest amendment approved by: Senate on [insert date]

Date of effect: [Insert date]

### Part 1: Preliminary

#### 1.1 Citation

This Rule is made by the Senate of the University, pursuant to section 37(1) of the *University of Sydney Act 1989* and section 5(1) of the *University of Sydney By-law 1999 (as amended)*.

#### 1.2 Commencement

This Rule will commence on 28 November 2006.

#### 1.3 Purpose

The purpose of this Rule is to ensure that students are treated fairly in the assessment of their work, by providing an internal appeal mechanism that reflects the University's commitment to fair academic decision making.

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#### 1.4 Effect

This Rule repeals and replaces:

- 1.4.1 clause 18 of the *University of Sydney (Coursework) Rule 2000 (as amended)*;
- 1.4.2 the Resolutions of the Senate on *Student Appeals against Academic Decisions*; and
- 1.4.3 the Resolutions of the Academic Board on *Student Appeals against Academic Decisions*.

#### 1.5 Associated Resolutions

This Rule should be read in conjunction with the Resolutions of the Academic Board on:

- 1.5.1 *Identifying and Supporting Students at Risk*; and
- 1.5.2 *Assessment and Examination of Coursework*.

#### 1.6 Definitions

In this Rule:

- 1.6.1 **Academic Decision** means a decision by the University that affects the academic assessment or progress of a person within his or her Award Course, including a decision:
  - 1.6.1.1 to exclude a Student in accordance with the *University of Sydney (Coursework) Rule 2000 (as amended)*;

- 1.6.1.2 not to readmit or re-enrol a person following exclusion in accordance with the *University of Sydney (Coursework) Rule 2000* (as amended);
- 1.6.1.3 to terminate a Student's candidature for a post-graduate award.
- 1.6.2 **Appeal Hearing** means an Appeal Hearing under Part 8.
- 1.6.3 **Appellant** means:
  - 1.6.3.1 a person enrolled in an Award Course at the University at the time of, or in the semester immediately preceding, the lodgement of his or her appeal; or
  - 1.6.3.2 in the case of an Academic Decision by the University regarding an application for readmission or re-enrolment, a person who was excluded in accordance with the *University of Sydney (Coursework) Rule 2000* (as amended), prior to the lodgement of his or her appeal.
- 1.6.4 **Award Course** means a formally approved program of study that can lead to an academic award granted by the University.
- 1.6.5 **Dean** means the dean of the Faculty, or chairperson of the board of studies.
- 1.6.6 **Due Academic Process** means the making of Academic Decisions according to published Faculty, Academic Board and University rules, resolutions, policy and procedure, as amended from time to time and as current at the time the Academic Decision was made.
- 1.6.7 **Faculty** means a Faculty or College of the University.
- 1.6.8 **Registrar** means the Registrar of the University of Sydney for the time being, or his or her nominee.
- 1.6.9 **Special Consideration** is to be determined mutatis mutandis by reference to the Resolutions of the Academic Board on *Special Consideration*.
- 1.6.10 **Student** has the meaning prescribed by sub-clause 3(1) of the *University of Sydney By-law 1999* (as amended).
- 1.6.11 **Student Appeals Body** means a Student Appeals Body constituted by the Registrar in accordance with Part 7.
- 1.6.12 **Student Appeals Panel** means the Student Appeals Panel constituted by the Senate in accordance with Part 6.
- 1.6.13 **University** means the University of Sydney established by the *University of Sydney Act 1989* (as amended).

## Part 2: Principles

- 2.1 The University is committed to fair academic decision-making.
- 2.2 Academic Decisions are entrusted to members of the academic staff acting reasonably in accordance with Due Academic Process.
- 2.3 A Student who believes that there are genuine grounds for contesting an Academic Decision may apply to have the decision reviewed.

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- 2.4 Students and academic staff should endeavour to resolve concerns about Academic Decisions in the manner more fully described in clause 3.1 of this Rule, by way of personal communication.
- 2.5 Where attempts to resolve a concern about an Academic decision under clause 3.1 of this Rule are unsuccessful, Students may appeal to the relevant Faculty in the first instance.
- 2.6 Students who are not satisfied with the decision of the Faculty may appeal to the Student Appeals Body in accordance with this Rule.
- 2.7 The University will handle all Student concerns and appeals regarding Academic Decisions in a procedurally fair and reasonable manner, having regard to the principles of timeliness, confidentiality, absence of bias and freedom from victimisation.

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### Part 3: Procedures for Undergraduate and Postgraduate Coursework Students

#### 3.1 Resolution with Teacher or Unit of Study Coordinator

- 3.1.1 An undergraduate or postgraduate coursework Student who believes that there are genuine grounds for contesting an Academic Decision, should first discuss his or her concerns with the relevant teacher or unit of study co-ordinator.
- 3.1.2 Students are encouraged to take the earliest opportunity to discuss their concerns with relevant Faculty staff. This must occur within:
- (a) 15 working days of the Student being advised of the Academic Decision;
  - (b) in the case of Academic Decisions relating to completion of a unit of study, within 15 working days of the unit of study result being posted by the University; or
  - (c) such other extended time as the Dean may reasonably authorise.
- 3.1.3 The teacher or unit of study co-ordinator will address the Student's concerns promptly, and provide to the Student a full explanation of the reasons for the Academic Decision.
- 3.1.4 If the Student's concerns are not resolved by these means, the teacher or unit of study co-ordinator will:
- (a) explain the next step in the procedure, which is set out at clause 3.2 below; and
  - (b) give the Student a copy of this Rule or advise the Student how to access this Rule online.

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#### 3.2 Appeals to the Faculty

- 3.2.1 If the Student's concerns cannot be resolved under clause 3.1 above, the Student may appeal in writing to the Faculty.
- 3.2.2 The Student will submit his or her written appeal, including any supporting documentation:

- (a) to the office or staff member nominated by the Faculty to receive Student appeals (such information to be provided to Students at the start of each Semester);
- (b) within 15 working days of the date on which he or she was advised of the outcome of discussions under clause 3.1, or such other extended time as the Dean may reasonably authorise.

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3.2.3 The Faculty will acknowledge receipt of the appeal in writing within three working days of receipt.

3.2.4 The Faculty will determine who is to undertake an initial review of the appeal. This person will normally be the person to whom the relevant lecturer or unit of study co-ordinator reports, and may be the course co-ordinator, Head of Department or School, or relevant Associate Dean.

3.2.5 The person responsible for the initial review will prepare a report for consideration by the Dean, or by his or her nominee. Subject to sub-clause 3.2.6 below, the Dean retains final responsibility for any decision regarding a Student appeal to the Faculty.

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3.2.6 If the Dean is the relevant teacher or unit of study coordinator referred to in clause 3.1 above, the Deputy Vice-Chancellor (Education) will handle the Student's appeal to the Faculty, in accordance with this clause 3.2.

3.2.7 The Faculty will make all reasonable efforts to:

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- (a) advise the Student in writing of the Dean's decision and the reasons for the decision;
- (b) advise the Student of his or her right to appeal to the Student Appeals Body; and
- (c) give the Student a copy of this Rule or advise the Student how to access this Rule online;

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within 10 working days of receiving a Student's appeal.

#### Part 4: Procedures for Postgraduate Research Award Students

4.1 Subject to clause 4.2 below, a postgraduate research Student should follow the procedures for undergraduate and postgraduate coursework Students set out in Part 3 above.

4.2 A postgraduate research Student who believes that Due Academic Process has not been observed by the relevant Faculty in relation to an Academic Decision associated with:

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- (a) termination of candidature; or
- (b) the examination of a thesis;

is not required to follow the procedures set out in Part 3 above, and may lodge a written appeal to the Student Appeals Body in the first instance.

#### Part 5: Appeals to the Student Appeals Body

5.1 An Appellant may appeal to the Student Appeals Body against an Academic Decision on the ground that Due Academic Process has not been observed by the relevant Faculty in relation to the Academic Decision.

- 5.2 An Appellant must lodge his or her written appeal with the Registrar (on behalf of the Student Appeals Body) in accordance with sub-clause 5.3.2, within 20 working days of the date of the written decision of the Dean of the relevant Faculty (or the Deputy Vice-Chancellor (Education) pursuant to sub-clause 3.2.6) regarding the Academic Decision, or within such extended time as the Registrar, in his or her absolute discretion, authorises.
- 5.3 An appeal will not be heard by the Student Appeals Body unless:
- 5.3.1 the basis for the appeal has previously been considered by the relevant Faculty (except in the case of Postgraduate Research Award Students as set out in section 4);
  - 5.3.2 the Appellant has set out in the written appeal his or her reasons, including any written evidence and written submissions, for believing that Due Academic Process has not been observed by the Faculty in relation to the Academic Decision, including matters pertaining to Special Consideration; and
  - 5.3.3 the Registrar has confirmed that the requirements under sub-clause 5.3.1 and 5.3.2 above have been satisfied.
- 5.4 A Student who has lodged an appeal against a decision to exclude him or her in accordance with the *University of Sydney (Coursework) Rule 2000* (as amended), and who has complied with the requirements in this Part 5, may re-enrol pending determination of the appeal.
- 5.5 A person who has lodged an appeal against a decision not to readmit or re-enrol him or her following a period of exclusion may not re-enrol pending determination of the appeal, unless the Registrar, at his or her sole discretion, is satisfied that it is reasonable in the circumstances to permit re-enrolment.

#### **Part 6: Student Appeals Panel**

- 6.1 The Student Appeals Panel will comprise no fewer than 12 and no more than 20 persons appointed by Senate as members of the Student Appeals Panel on the recommendation of the Registrar.
- 6.2 At least one half of all members of the Student Appeals Panel will be a combination of members of the academic staff and Students of the University.
- 6.3 At least six members of the Student Appeals Panel will be undergraduate or postgraduate Students of the University, and at least six members of the Student Appeals Panel will be members of the Academic staff of the University.
- 6.4 The Registrar will consult with the Presidents of the Students' Representative Council and the Sydney University Postgraduate Representative Association, on behalf of the Senate, regarding Student appointments to the Student Appeals Panel, without prejudice to the Registrar retaining the ultimate discretion as to whom to recommend.
- 6.5 The Senate will not appoint a Senate Fellow (other than the Chair of the Academic Board) as a member of the Student Appeals Panel, and the Chair of the Academic Board is appointed in that capacity and not as a Fellow of Senate.

#### **Part 7: Student Appeals Body**

- 7.1 A Student Appeals Body will comprise three members of the Student Appeals Panel, including a Chairperson, selected by the Registrar to sit on the Student Appeals Body, such Student Appeals Body not being a committee of Senate.

- 7.2 The Chairperson of the Student Appeals Body will normally be, but is not required to be, the Chair of the Academic Board, who may in a particular case nominate a substitute from the Student Appeals Panel advising the Registrar accordingly.
- 7.3 The Student Appeals Body will normally include, but is not required to include:
- 7.3.1 a member with academic qualifications (who may but need not be a member of the academic staff of the University); and
- 7.3.2 a student (who may but need not be a Student of the University).
- 7.4 The Registrar will not select a member of the Student Appeals Panel to sit on a Student Appeals Body responsible for hearing an appeal arising from a Faculty in which the member is an enrolled student or staff member, or with which the member has other substantial involvements.
- 7.5 The Registrar will report annually to the Senate on:
- 7.5.1 Student Appeals Body decisions; and
- 7.5.2 the number of appeal hearings for which the membership of the Student Appeals Body did not include a Student of the University, as a proportion of the total number of appeal hearings.

### Part 8: Appeal Hearings

- 8.1 The Appellant will receive at least 10 business days notice of the date of an Appeal Hearing.
- 8.2.1 The relevant Faculty must provide written evidence and written submissions to the Registrar (on behalf of the Student Appeals Body), at least eight business days before the Appeal Hearing.
- 8.2.2 The Faculty's submissions must describe the process by which the Academic Decision was reached, and set out why the Faculty believes that Due Academic Process has been observed in the making of the Academic Decision.
- 8.2.3 The Registrar (on behalf of the Student Appeals Body) will provide copies of written evidence and written submissions made by the Faculty to the Appellant at least five business days before the Appeal Hearing.
- 8.3.1 The Appellant will be invited to appear in person at an Appeal Hearing.
- 8.3.2 The Appellant may be accompanied by a representative, who may speak on the Appellant's behalf.
- 8.4 A representative of the relevant Faculty will be invited to appear in person at an Appeal Hearing.
- 8.5 The Chairperson of the Student Appeals Body may invite independent officers of the University to attend an Appeal Hearing, for the sole purpose of providing expert advice that assists the Student Appeals Body in determining the appeal. An Appellant's treating practitioner or case worker is not an independent officer of the University for the purpose of this clause.
- 8.6 Members of the Student Appeals Body may address questions to the Appellant, the Appellant's representative, the Faculty representative, or any independent officer of the University invited to attend the Appeal Hearing in accordance with clause 8.5 above.
- 8.7 The purpose of an Appeal Hearing is for the Appellant and the Faculty to address any questions posed by the Student Appeals Body, but not to give further oral evidence or oral submissions unless the Student Appeals Body, in its absolute

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discretion, allows such further oral evidence or oral submissions.

- 8.8 If, due notice having been given, the Appellant or his or her representative does not attend an Appeal Hearing, the Student Appeals Body may, in its absolute discretion:
  - 8.8.1 defer consideration of the appeal; or
  - 8.8.2 hear and determine the appeal in the Appellant's or representative's absence.
- 8.9 A Student Appeals Body may uphold or dismiss an appeal and, in its absolute discretion:
  - 8.9.1 refer the Academic Decision back to the relevant Faculty for reconsideration in accordance with due academic process;
  - 8.9.2 make a new or amended Academic Decision; or
  - 8.9.3 determine that no further action should be taken in relation to the matter.
- 8.10 A decision of a Student Appeals Body is final.
- 8.11 The Appellant will be advised as soon as practicable of the Student Appeals Body's decision and the reasons for it.
- 8.12 Where a decision of a Student Appeals Body reveals a systemic or other serious failure by the Faculty to observe due academic process, the Chair of the Student Appeals Body will send a copy of the decision to the Provost and Deputy Vice-Chancellor for consideration and action.

#### **Part 9: Further provisions**

- 9.1 Where a Faculty requires further and more detailed provision for the resolution of Student concerns or appeals about Academic Decisions, the Academic Board, on the request of that Faculty, may by resolution establish such provisions.

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**From:** Kate Small  
**Sent:** Monday, September 14, 2009 2:25 PM  
**To:** Michele Scoufis  
**Cc:** Pearl Rozenberg  
**Subject:** Appeals policy, University LTC

Dear Michelle,

Reading the recent Academic Board minutes, I noted that the Appeals policy is to be returned to University LTC for further consideration at the meeting on 23 September.

With that in mind, I've compiled previous feedback from Pearl's area and SIO. Most of this Pearl has already sent to you in various forms, but it's consolidated here. Key issues are highlighted in **bold**.

Issues:

- Clause 1.6.3 – under the new **definition of student**, this clause would prevent exchange/study abroad/x-institutional/non-award students from being able to lodge an appeal. Should there be an allowance for these students to appeal?
- 3.2.5, which reads: *'The person responsible for the initial review will prepare a report for consideration by the Dean, or by his or her nominee. Subject to sub-clause 3.2.6 below (and notwithstanding any consideration of the report by the Dean's nominee), the Dean retains final responsibility for any decision regarding a Student appeal to the Faculty.'* This phrase has been subject to major rewording, and we are concerned that it contains an ambiguity which will impact on the procedures required from Faculty. What does the phrase *'notwithstanding any consideration of the report by the Dean's nominee'* mean? **Does the new phrase mean that there are now three levels of appeal in the Faculty** – the informal appeal, the Dean's delegate and then the Dean? If so, it represents a very substantial addition to Faculty workload and an additional and potentially time consuming step in the process.  
As background, only last year the AB changed the appeals policy specifically to reduce the levels of appeal in the Faculty from three to two. We're concerned that the rewording of this clause reinstates the third tier, previously found by the AB to be inefficient and unnecessary.
- 8.2.2 which read *'the Faculty's submissions must provide reasons for the Academic Decision, and may also address whether the Faculty believes that due academic process has been observed by the Faculty'*. Students can only appeal on the grounds of Faculty failure to observe **due academic process** (5.3.2), so why is the onus on the Faculty to explain the original decision, with due process as a 'may also'? clause?  
It appears that this policy significantly rolls back the **authority and trust vested in academic staff**. Has this issue been adequately considered, and is this the intention of the policy, or a result of the drafting? It appears that the SAB can now change an academic decision without procedural grounds, particularly as the statement which introduced the previous policy *'The University operates on the basis that academic decisions (e.g. in relation to assessment, examining, etc.) are entrusted to members of the academic staff acting in accordance with proper procedures established by the faculty in question'* has been deleted.
- 8.10 – International students have recourse to the **Ombudsman** for many decisions made by the university. Under the ESOS Act, I'm not sure that it can be truthfully said that the decision of SAB is 'final'.
- Finally, if **students at risk** are now to be included throughout the appeals process, rather than entering the process at the SAB stage, there will be a significant increase in workload and an extension of the (already lengthy) appeals process for students facing exclusion.

As the faculty's representative, could you please take these issues forward to the committee for us?

Many thanks,  
Kate

Kate Small | Senior Policy Officer  
Faculty of Economics and Business  
Rm 259 Merewether Building (H04)  
The University of Sydney NSW 2006

P 61 2 9351 8266 | F 61 2 9351 4433