



The University of Sydney

## Student Appeals Against Academic Decisions – Academic Board Resolutions

Approved by: Academic Board  
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### Procedures Approved by the Academic Board in Respect of Student Appeals Against Academic Decisions

#### Glossary

**Academic decision** means a decision of a member of the academic staff that affects the academic assessment or progress of a student.

**Academic unit** means a school, department or other unit within a Faculty

**Dean** means the dean, college principal or director, or chairperson of the board of studies

**Decision-maker** means the person or academic unit responsible for the decision which is the subject of any given appeal

**Faculty** means the faculty, college board, department, school or board of studies

#### Introduction

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. A student dissatisfied with a decision should be able to apply to have the decision reconsidered and in appropriate cases reviewed. As set out below, a student would first approach their relevant teacher to discuss the issue and attempt to resolve it in person. If this were unsuccessful the student would have the opportunity to write formally to the Faculty. Where the issue under discussion involves an academic decision made by a dean, the student has the opportunity to write formally to the Pro Vice-Chancellor (Learning and Teaching). Any student who was not satisfied with the Faculty's decision would be able to appeal to the Student Appeals Body against the academic decision if he or she believed that due academic process had not been observed by the relevant Faculty in relation to the academic decision. A student wishing to appeal must lodge his or her written appeal with the Registrar (on behalf of the Student Appeals Body) within 20 working days of the date of the written decision of the Dean of the relevant Faculty regarding the academic decision, or within such extended time as the Registrar, in his or her absolute discretion, authorises.

An appeal will not be heard by the Student Appeals Body unless

- (a) the basis for the Student's appeal has previously been considered by the relevant Faculty, as set out below;
- (b) the Student 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
- (c) the Registrar has confirmed that the requirements under clauses (a) and (b) above have been satisfied.

(extract from the *University of Sydney (Student Appeals against Academic Decisions) Rule 2006*)

## Principles for Student Appeals Against Academic Decisions

### Preliminary

1. Any student may contest an academic decision that affects him or her. This document describes the principles and procedures to be followed by students, academic units and decision-makers when a student contests an academic decision:
  - 1.1 First, at a local level, to enable a student's concerns to be addressed via personal communication; and
  - 1.2 Secondly, by means of a formal procedure.
2. The procedures in clauses 5 to 7 apply to all academic decisions made in relation to undergraduate and postgraduate coursework awards. A separate set of procedures in clause 8 applies to postgraduate research awards.
3. Each stage below represents an opportunity to resolve the issue. Members of academic staff are expected to attempt to resolve all students' concerns at a local level, wherever possible. If at any stage further information comes to light which causes a staff member or a faculty to reverse a decision taken previously, a note recording the reasons and the new recommendation should be sent by the staff member or faculty to the person or group currently dealing with the issue.

### Principles that underpin these procedures

4. The following principles apply with respect to any dispute about an academic decision, whether dealt with formally or informally:
  - 4.1 **Timeliness.** *All disputes should, wherever feasible, be resolved as quickly as possible.* Timelines prescribed in these procedures should always be followed, unless there are exceptional circumstances. If the timeline is to be exceeded by staff, the student must always be informed of the length of, and the reason for, the delay. A student may request an extension to these timelines where they can provide good grounds for the granting of such an extension. Such requests are to be made in writing and, where possible, before the timeline expires. In assessing whether or not a student has submitted an appeal in a timely fashion, or whether an extension should be granted, faculties should give due regard to the circumstances surrounding the appeal and the personal circumstances of the student. Faculties will not unreasonably deny a request for an extension of the period in which a student may submit an appeal.
  - 4.2 **Confidentiality.** All student appeals must be treated confidentially at all stages of the process. Any information about an appeal must be strictly limited to those staff who need to know about it in order to deal with the appeal.
  - 4.3 **Procedural fairness.** All staff involved in an appeal have a duty to observe the principles of procedural fairness (sometimes called natural justice), which include the following:
    - 4.3.1 Staff and students involved in an appeal are entitled to raise all issues which are important to them, and to put their points of view in their own terms.
    - 4.3.2 Staff and students are entitled to have matters dealt with in an unbiased manner, and lack of bias or conflict of interest should always be apparent. Any person concerned about bias or conflict of interest is expected to raise it with the appropriate person promptly (Refer to the University's *Code of Conduct* for staff members).
    - 4.3.3 Parties are entitled to know the basis on which decisions about them have been made, and accordingly reasons should be given for a decision, in sufficient detail that it is reasonable to expect both the staff and student involved to be able to understand the decision.

- 4.3.4 Any person involved in this process who is disadvantaged in any way in their ability to present their case should be allowed the support and advice they need to participate effectively. While a conciliatory approach is preferred and encouraged under these rules it may be appropriate, in some circumstances, that the student or staff member has another person speak on his or her behalf.
- 4.4 **Record-keeping.** It is important that staff establish and maintain proper records (through the Records Management Services filing system) once an appeal becomes formal. Staff are also advised to keep notes of any discussions with students. Copies of documentation given to students in relation to a unit of study should be kept, as well as a record of the date on which that information was supplied to students and the means by which it was disseminated.
- 4.5 **Access.** Students should normally have a right of free access to all documents concerning their appeal. This right does not apply to any documents for which the University claims legal professional privilege.

## **Procedures for Student Appeals Against Academic Decisions for Undergraduate and Postgraduate Coursework Awards**

### **5. Resolution with teacher**

- 5.1 If a student is concerned about any academic decision, he or she should first discuss the issue with the relevant teacher or unit of study co-ordinator. Students are encouraged to take the earliest opportunity to discuss their concerns with relevant staff. This should normally be done within a) 15 working days of the student being advised of the particular academic decision or, b) in the case of academic decisions relating to a unit of study, within 15 working days of the unit of study result being posted by the University. During this time the student should attempt to resolve the matter with the relevant teacher or unit of study co-ordinator.
- 5.2 The teacher or unit of study co-ordinator should then deal with the issue promptly, giving a full explanation to the student of the reasons for the academic decision. It should be possible to resolve many issues at this stage.
- 5.2.1 If the student's concerns are not resolved by these means, then the teacher should:
- 5.2.1.1 Explain the next step and the procedure, which is set out in clause 6 below; and
- 5.2.1.2 Give to the student a copy of these principles and procedures or advise the student how to access the document online.

### **6. Approach the Faculty**

- 6.1 If the student's concerns cannot be resolved under clause 5, or because of an apparent failure to follow procedures, the student may then approach the Faculty. The student should put his or her concerns in writing within 15 working days of the outcome of discussions under clause 5. The student will submit their written concerns to the office or staff member nominated by the Faculty to receive student appeals (this information is to be provided to students at the start of each Semester).
- 6.2 If the Dean is the decision-maker under clause 5, then the Deputy Vice-Chancellor (Education) shall act as decision-maker under this clause 6.
- 6.3 The Faculty must acknowledge receipt of a formal complaint in writing within 3 working days of receipt.
- 6.4 The Faculty will determine who is to undertake the initial review of the student's appeal. This person will normally be the person to whom the decision-maker (of clause 5) reports, and may be the course co-ordinator, Head of Department or

School or relevant Associate Dean. The report of the reviewer will be considered by the Dean or his or her nominee (where the Dean chooses to nominate another staff member to consider review reports, it will be on the understanding that the Dean retains final responsibility for any decision made regarding a student appeal to the Faculty).

- 6.5 The Faculty must try to resolve the complaint within 10 working days of receiving the complaint, and then advise the student in writing of the Faculty's decision:
  - 6.5.1 setting out the reasons;
  - 6.5.2 advising that if the student does not agree with the decision, then the student has a right of appeal under these procedures; and
  - 6.5.3 giving to the student a copy of these principles and procedures, if the student does not already have a copy or advising the student how to access the document online.

## **7. Student Appeals Rule**

- 7.1 If the student is not satisfied that his or her concerns have been addressed satisfactorily under clause 6, the student may lodge a written appeal, in accordance with the *University of Sydney (Student Appeals against Academic Decisions) Rule 2006*.
- 7.2 The *Education Services for Overseas Students (ESOS) Act 2000* (as amended), and the related National Code of Practice, states that the University "must have arrangements in place for a person or body independent of and external to the registered provider to hear complaints or appeals arising from the registered provider's internal complaints and appeals process or refer students to an existing body where that body is appropriate for the complaint or appeal". In the case of the University of Sydney, the independent and external person is the NSW Ombudsman.

## **Procedures for Student Appeals Against Academic Decisions for Postgraduate Research Awards**

8. If a student wishes to appeal an academic decision associated with:
  - 8.1 termination of their candidature, they should lodge a written appeal in accordance with the *University of Sydney (Student Appeals against Academic Decisions) Rule 2006*;
  - 8.2 the examination of a thesis, they should lodge a written appeal in accordance with the *University of Sydney (Student Appeals against Academic Decisions) Rule 2006*; or
  - 8.3 any other matter, they should follow the steps outlined for coursework matters in clauses 5 to 7 above.