



The University of Sydney

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

Approved by: Senate on 6 November 2006
Date of effect: 28 November 2006

Latest amendment approved by: Senate on 3 November 2008
Date of effect: 7 November 2008

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 provide a mechanism for the hearing of Student Appeals against Academic Decisions that reflects the University's commitment to fair academic decision-making.

1.4 Effect

This Rule repeals and replaces:

- 1.4.1 clause 18 of the *University of Sydney (Coursework) Rule 2000 (as amended)*; and
- 1.4.2 the Resolutions of the Senate relating to *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 *Student Appeals against Academic Decisions*; 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 Student 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 Student 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 5.
- 1.6.3 **Award Course** means a formally approved program of study that can lead to an academic award granted by the University.
- 1.6.4 **Faculty** means a Faculty or College of the University.
- 1.6.5 **Registrar** means the Registrar of the University of Sydney for the time being, or his or her nominee.
- 1.6.6 **Special Consideration** is to be determined *mutatis mutandis* by reference to the Resolutions of the Academic Board on *Assessment and Examination of Coursework*.
- 1.6.7 **Student** means:
 - 1.6.7.1 a person enrolled in an Award Course or Unit of Study at the University at the time of, or in the semester immediately preceding, the lodgement of his or her appeal; or
 - 1.6.7.2 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)*.
- 1.6.8 **Student Appeals Body** means a Student Appeals Body constituted by the Registrar in accordance with Part 4.
- 1.6.9 **Student Appeals Panel** means the Student Appeals Panel constituted by the Senate in accordance with Part 3.
- 1.6.10 **Unit of study** means a stand-alone component of an Award Course.
- 1.6.11 **University** means the University of Sydney established by the *University of Sydney Act 1989 (as amended)*.

Part 2: Student Appeals against Academic Decisions

- 2.1 Any Student 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.
- 2.2 A Student must lodge his or her written appeal with the Registrar (on behalf of the Student Appeals Body) in accordance with clause 2.3.2, 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.
- 2.3 An appeal will not be heard by the Student Appeals Body unless:
 - 2.3.1 the basis for the Student's appeal has previously been considered by the relevant Faculty;
 - 2.3.2 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
 - 2.3.3 the Registrar has confirmed that the requirements under clause 2.3.1 and 2.3.2 above have been satisfied.
- 2.4 A Student who has been excluded in accordance with the *University of Sydney (Coursework) Rule 2000 (as amended)* (other than a Student whose appeal concerns a decision not to readmit or re-enrol the Student following exclusion, save where the Registrar is satisfied that it is reasonable to permit re-enrolment, in that regard the Registrar retaining a discretion), and who has complied with this Part 2, may re-enrol pending determination of his or her appeal if it has not been determined prior to commencement of classes in the next appropriate semester.

Part 3: Student Appeals Panel

- 3.1 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.
- 3.2 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.
- 3.3 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.
- 3.4 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.
- 3.5 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 4: Student Appeals Body

- 4.1 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.
- 4.2 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.
- 4.3 The Student Appeals Body will normally include, but is not required to include:
 - 4.3.1 a member with academic qualifications (who may but need not be a member of the academic staff of the University); and
 - 4.3.2 a student (who may but need not be a student of the University).
- 4.4 The Registrar will not select a member of the Student Appeals Panel to sit on a Student Appeals Body responsible for hearing a Student Appeal arising from the member's Faculty.
- 4.5 The Registrar will report annually to the Senate on:
 - 4.5.1 Student Appeals Body decisions; and
 - 4.5.2 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 5: Appeal Hearings

- 5.1 A Student will receive at least 10 business days notice of the date of an Appeal Hearing
 - 5.2.1 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.
 - 5.2.2 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.
 - 5.2.3 The Registrar (on behalf of the Student Appeals Body) will provide copies of written evidence and written submissions made by the Faculty to the Student at least five business days before the Appeal Hearing.
- 5.3.1 A Student will be invited to appear in person at an Appeal Hearing.
- 5.3.2 A Student may be accompanied by a representative, who may speak on the Student's behalf.

- 5.4 A representative of the relevant Faculty will be invited to appear in person at an Appeal Hearing.
- 5.5 The Medical Director of the University Health Service and/or a member of the Counselling Service will be invited to attend an Appeal Hearing, to advise the Student Appeals Body on interpretation of health and personal issues.
- 5.6 Members of the Student Appeals Body may address questions to the Student, the Student's representative, or the Faculty representative.
- 5.7 The purpose of an Appeal Hearing is for the Student 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 discretion, allows such further oral evidence or oral submissions.
- 5.8 If, due notice having been given, a Student or his or her representative does not attend an Appeal Hearing, the Student Appeals Body may, in its absolute discretion:
 - 5.8.1 defer consideration of the appeal; or
 - 5.8.2 hear and determine the appeal in the Student's or representative's absence.
- 5.9 A Student Appeals Body may uphold or dismiss a Student's appeal and, in its absolute discretion:
 - 5.9.1 refer the Academic Decision back to the relevant Faculty for reconsideration in accordance with due academic process;
 - 5.9.2 make a new or amended Academic Decision; or
 - 5.9.3 determine that no further action should be taken in relation to the matter.
- 5.10 A decision of a Student Appeals Body is final.
- 5.11 The Student will be advised as soon as practicable of the Student Appeals Body's decision and the reasons for it.
- 5.12 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 6: Transitional Provisions

- 6.1 This Rule applies to all appeals against Academic Decisions, whether lodged before or after 28 November 2006.
- 6.2 A Student who has lodged an appeal prior to Commencement of this Rule will be exempt from the requirement in clause 2.2 above, provided that his or her appeal has not previously been considered and determined under the *University of Sydney (Coursework) Rule 2000 (as amended)* or the Academic Board Resolutions on *Student Appeals against Academic Decisions*.