Help Guide for Appealing a University Decision

The University provides students with the right to appeal some University decisions. The appeal process:

- provides the ability to restore trust where a mistake or error has been made;
- allows the University to amend a wrong where no current legislation, policies or procedures provide protection for a student; and
- ensures that all students are given the opportunity to seek procedural fairness should the need arise.

Before you appeal

Read the Student Appeal Regulations 2019 and Student Appeals Procedure so that you are aware of what appeals are and how they are managed.

Get some advice and support: To ensure that you present a strong case, it is recommended that you contact Student Advocacy prior to completing the Notice of Appeal Form. You can either email advocacy@vu.edu.au or ring +61 3 9919 5400 to speak to a staff member. Student Advocates have expertise in many areas, including appeals, and are an important resource for all students.

Read this guide to check that you can actually appeal the decision. If so, this guide will help you make sure your Notice of appeal is complete and presents a strong case.
A. Do you think you want to appeal?

1. Is this a University decision you want to appeal?

- Only certain University decisions can be appealed:
  - a misconduct decision;
  - a complaint decision;
  - a safety decision;
  - an academic progress decision; and
  - a statutory decision.

- More information and examples are provided below.

2. Has the University process been completed?

- The University process has been completed when you receive a written, dated decision. This decision also advises of you of the Appeals Process and deadlines. Do not lodge an appeal unless you have received this notification.

3. Are there eligible grounds for appeal?

- There are four eligible grounds for appeal:
  - the existence of new relevant material of a significant nature;
  - there was a misapplication of procedure resulting in some real disadvantage to the student or eligible person that was the subject of the decision;
  - the decision was manifestly wrong or manifestly excessive;
  - there was a bias or a conflict of interest on the part of the original decision maker/s.

- These are not eligible grounds for 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; and
  - simply being dissatisfied with the decision made by the University.

4. Are you within the allowable timeline of 20 University business days?

- Once you are notified of the decision, you have 20 University business days to appeal. Any later than this and your application will be invalidated. No further action can be taken within the University.

If the answer to all questions is ‘yes’, then you may lodge a Notice of Appeal.
Eligible grounds for appeal: more information and examples

1. 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

   Comment
   This material would not have been available at the time – not that you did not supply to the decision makers. For example, if you had a medical condition and had the appropriate documentation to confirm that you required special consideration it is expected that you would have applied for special consideration in accordance with Part D of the Assessment for Learning-Adjustments to Assessment Procedures. There are occasions when your ability to engage with the University is hampered by unexpected occurrences and this would be consistent with grounds for an appeal.

2. there was a misapplication of procedure resulting in some real disadvantage to the student or eligible person that was the subject of the decision;

   Comment
   This requires 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 website and if you are not clear you should discuss with Student Advocates. The University is a large organisation with many complex systems. An individual may be impacted by a misapplication of a procedure or a systems error. Usually these can be addressed before the appeal process- but if the matter cannot be resolved at the local level, then you may lodge an appeal on these grounds.

3. the decision was manifestly wrong or manifestly excessive;

   Comment
   You need to explain how the University decision was wrong or excessive. To do so requires you to identify how or why the decision is not within the range of possible sanctions related to the decision or based upon incorrect information. For example, if the University decision relates to academic misconduct you would need to indicate that the sanctions imposed were excessive in light of the listed sanctions listed in Part F of the Student Misconduct Procedure.

4. there was a bias or a conflict of interest on the part of the original decision maker or decision makers.

   Comment
   This would include evidence that the University decision maker/s had a conflict of interest when deciding on the matter or was not impartial. Involvement of the staff member in an earlier stage of the decision- making would also be considered a conflict of interest.
B. If you decide to lodge an Appeal

• Your Notice of Appeal Form is your only opportunity to have the matter considered by an Appeal Panel Chair. You will only be given an opportunity to speak to your case if you present a convincing case in the Notice of Appeal Form. Please read the information in section C below to ensure you complete the form correctly.

Submit a notice of appeal form

Appeal Panel Chair considers if case has merit

If the chair decides the case has merit, you will be invited to a Panel to hear your appeal

• The form will be presented to an Appeal Panel Chair in the first instance. The Chair will consider whether your case has merit.
• If the Chair decides the case has merit, an Appeal Panel will be convened.
• If the Chair decides the case does not have merit, the appeal will be dismissed.

C. How to Complete the Notice of Appeal Form

We recommend that you read the following guide before you complete the form, or while filling it out.

Student Advocacy is also available to assist you in understanding what you need to provide.

Download a Notice of Appeal Form from:

vu.edu.au/student–appeals

Section 1: Personal Details

Contact details—these must be 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 personal information requested in Section 1 of the Form will be not 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.

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1 Under the Privacy Act (1998) Personal Information includes information or an opinion, whether true or not, and whether recorded in a material form or not, about an identified individual, or an individual who is reasonably identifiable. Examples include individual's name, signature, address, telephone number, date of birth, medical records, bank account details and commentary or opinion about a person.
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 (see examples in Appendix). This will be one of the types of decisions listed under 2 (2) of the Form. The written decision will be dated and will advise you of the Appeals Process 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.

Do read the relevant policies and procedures linked to your appeal. Students and the general public can access all the policies and procedures from the following website: https://policy.vu.edu.au/. This is especially important, if you have ticked “misapplication of procedure” as grounds. Again, Student Advocacy has expertise to provide advice about policy and procedures.

| Note: a grade for an assessment task or final marks for a subject cannot be appealed. | To request a review of an assessment outcome you need to follow the process outlined in the following policies and procedures: |
| For Higher Education: Assessment for Learning Policy, the Assessment for Learning - Review of Individual Assessment Outcomes Procedure (HE) and the Assessment for Learning - Supplementary Assessment and Conceded Pass Procedure (HE) | For VET: VET Assessment and Resulting Procedure |

Section 3: Grounds for an Appeal

There are 4 grounds for appeal listed in Section 3 (1) of the Notice of Appeal. 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 [refer to Appendix One of these Guidelines for examples of various university decisions].

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 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.


Not all students have access to software to present all materials into a single consolidated file and Governance Services will accept separate files for each type of attachment. However, all files should be in either pdf, jpeg or Word format. It is very important to identify what has been presented in this section of the form and, where possible, length in pages.
APPENDIX ONE: TYPES OF UNIVERSITY DECISIONS

Type A: An Academic Progression Decision

The University Decision to Exclude

The date by which you have to submit your Notice of Appeal to gov.sec@vu.edu.au

Designated senior officer of the University making the decision.
APPENDIX ONE: TYPES OF UNIVERSITY DECISIONS

Type B: A Misconduct Decision

2 April 2015
Ms in Bingle
Footscray Park
Postcode VIC 3011
email: josephine.bingle@live.vic.edu.au
Student ID Number: X00000001

Dear Josephine,

Allegation of Student General Misconduct

As you are aware, a hearing of this matter took place on 3 December 2019 under the provisions of Victoria University’s Student Misconduct Regulations, 2019. It was alleged that you behaved in a manner which constitutes general misconduct of the nature the University regards as serious. This is to inform you of the outcome of the Student Misconduct Panel Hearing.

The Incident (in summary)

On 03/11/19 you attended the Footscray Park campus armed with a portable alarm with the purpose to disrupt the class E555 (Constructing Modularized Formulate). You set off the alarm in the class.

The effect of this action increased:
- Causing the class to be abandoned; and
- Creating a heightened sense of anxiety for students who were using the class time to prepare for their forthcoming examinations.

You agreed to participate in the panel hearing in order to have the opportunity for a right of response to the allegation and have theretofore decided.

Decision

The Panel unanimously agreed and found that in relation to the allegation of student general misconduct, you did breach Regulation 4(2) as set out in the Student Misconduct Regulations 2019 and the allegation was substantiated.

Sanctions

The Panel considered the sanctions for general misconduct set out in Regulation 18(2) of the Student Misconduct Regulations 2019 and impose the following outcome:

a) Reprimand - this means that you are found in breach of University policy.
b) Exclusion from the University for a period of 3 months.

Right of Appeal

If you can demonstrate that the process used to make this decision is in breach of any or more of the appeal principles you may request an appeal of the decision as applied to your matter. Any request for appeal of the process which is to be made must be sent to Governance and Secretariat within 20 University business days from the date of this correspondence. Please note that your request may not result in a different outcome. For more information (and access to the pre-formal document that you would need to request an appeal), refer to www.vu.edu.au/student-access

Yours sincerely,

Name
Title of Senior Officer delegated by Vice-Chancellor

VICTORIA UNIVERSITY ACN 0377698473 1 CRICOS Provider No. 00124K (Melbourne), 02475D (Sydney), RTO:3113
APPENDIX ONE: TYPES OF UNIVERSITY DECISIONS

Type C: A Student Complaint Decision

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05 February 2016
Mr Joseph Bloggs,
Student Road,
Footscray 3011
joseph.bloggs@vu.edu.au

Re: Student Matter: reference number 109501800; student ID XXXXXXX

Dear Joseph,

The Integrity Office is writing in response to your complaint, in accordance with the University’s Student Complaints Policy and Procedures, this matter has been considered a University-managed complaint.

Background (in summary)

Senior Officer Ms Florence Administrator (Director Students) has investigated your request for:

- an apology due to lack of adequate support from the University;
- a refund on tuition fees for all failed subjects or rescaling of the grades to pass marks.

Decision

Senior Officer, Ms Florence Administrator, determined that:

1. The investigation concluded that the detailed case notes indicate that University teaching and administrative staff have provided a personalized and comprehensive service to your needs.

2. The circumstances for fee refunds outlined in section 3 of Fee Adjustment Procedure - Domestic does not allow failure of subjects as criteria for refund. The current assessment grades stand and you will need to re-enroll and undertake these units again in order to successfully complete these five subjects. If students have substantive concerns or disputes regarding their grades Part C of the Assessment for Learning - Review of Individual Assessment Outcomes Procedure offers grounds and a process for students to address their disputes with the Course and Unit Administrator within 5 University business days of published results.

Reasons for the decision

Senior Officer Ms Florence Administrator (Director Students) a reviewed the student complaint submission b reviewed all case notes from the University or the student’s file and investigated the complaint in relation to those detailed case notes about the services that have been provided over multiple years. The record of assessments in the five failed subjects was disreconciled.

The decision will now close this matter. If you can demonstrate that the process used to make this decision is in breach of one or more of the appeal grounds, you may request an appeal of the process as appeal to your matter. Any request for appeal of the process which you choose to submit must be sent to Governance and Secretariat within 20 University business days from the date of this correspondence. Please note that your request may not result in a different outcome. For more information and assistance to the pro-forma document that you would need to request an appeal, please refer to Governance and Secretariat (http://www.vu.edu.au/about:university-administration:quality-assurance:appeals-appeals). If you are not satisfied with the appeal decision you may address your concerns with the Victorian Ombudsman: +61 3 9613 6222 or 1800 966 314; Level 5, 492 Collins Street, Melbourne 3003.

If you need assistance you can contact Student Welfare and speak to an Advocate 9010 5490/ advscheme@vu.edu.au

Yours sincerely,

Integrity Office

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Indicates the type of University decision to be appealed

Senior Officer and outcome of the investigation.

Identification of what can be appealed and when.