



## STUDENT ACADEMIC APPEALS

### Procedures

#### DEFINITIONS

Terms in this document, for which definitions are not provided in the text or may not be self-evident or for which usage at ACC may differ to that in other higher education institutions are as follows:

**Program Exclusion (or Program Dismissal):** Termination of the student's enrolment. After a specified period, the student may apply again for admission, in accordance with the ACC's *Recruitment, Admission and Orientation Policy*.

**External Assessors:** Designated associates of the College who have been given responsibility for assessing student learning outcomes (knowledge and skills), be it a written or oral assessment or clinical practice based.

**External and Independent Appeal:** Avenues of Appeal that are external to, and independent of the College.

**Internal Processes:** Refers to those processes (in this instance Appeal processes) conducted by the ACC staff and/or its Boards.

#### PURPOSE

In an effort to maintain full accountability, fairness and academic transparency, the ACC has established an Academic Appeals Committee of the Academic Board. This Committee is available as a formal avenue for review of all manner of student academic issues including review of grade, academic progress and academic misconduct. A full outline of the Appeals Committee functions, responsibilities and membership can be found within the Appeals Committee Terms of Reference within the ACC Governance Charter.

The Appeals Procedures provide clear disclosure of the appropriate processes that are to take place to ensure that all students are treated in a fair equitable and confidential manner.

#### SCOPE

The procedures apply to all enrolled ACC students.

#### PROCEDURES

##### 1. Grounds for Appeal

1.1. A student has the right to make a formal appeal in the following circumstances:

- i. An application for grade review was denied / unsuccessful;
- ii. Failure to follow due process;
- iii. New or differing grounds for appeal have been identified;

- iv. Unit, Subject or Program exclusion or dismissal as a result of failure to meet academic progress requirements;
- v. Unit, Subject, Program exclusion or dismissal on grounds of academic misconduct.

## **2. Lodging an Appeal**

- 2.1. All applications for appeal must be received in writing by the College Administration as soon as possible and no later than fifteen (15) working days after notification of the initial determination.
- 2.2. Appeal applications must be made using the ACC Appeal Application Form and contain the following:
  - Student's full name, student identification number, date of birth, address and contact details;
  - Documentation surrounding the nature of the appeal, previously handed down decisions, basis for the current appeal;
  - Name and details of a support person that can advocate for the student and attend an appeals hearing; and
  - Any other relevant documents.

## **3. Acceptance of Appeal**

- 3.1. Within 10 working days of the Appeal Application, the Student Academic Appeals Committee will meet to review and consider the application and decide whether the appeal should be accepted, in whole or in part, or should be dismissed.
- 3.2. Appeals maybe dismissed on the following grounds:
  - i. No reasonable grounds for appeal;
  - ii. Insufficient evidence demonstrating a lack of due process;
  - iii. No new or different grounds for appeal have been demonstrated than those previously considered by the initial decision maker;
  - iv. The appeal is lodged outside the allocated timeline.
- 3.3. Where an appeal is denied the student will be notified in writing via e-mail, the result of the application and the reasons for dismissal.
- 3.4. Where an appeal is accepted, in whole or in part, the student will be notified in writing, via e-mail, and will be provided with information on which elements of the appeal have been accepted or denied on what grounds they have been accepted or denied.
- 3.5. On those occasions where the result of appeal relates to the student's continued enrolment, the College shall maintain enrolment whilst all internal and external appeal processes are taking place.

## **4. Meeting**

- 4.1. Responsibility for the orderly and just running of the appeal lies with the Chair of the Appeals Committee.
- 4.2. The Academic Dean, Subject/Unit Coordinator, relevant teaching staff and external assessors must be present in cases where appeal relates to a review of grade.
- 4.3. The President may also be present at the hearing meeting.
- 4.4. If required by the Appeals Committee, the student may be required to attend the meeting. In line with Standard 10 of the National Code of Practice for Providers of Education and Training to Overseas Students

2018 (National Code 2018) all overseas students will be invited to attend the hearing meeting to state their case. A support person of their choosing will also be invited to attend to assist the student.

- 4.5. A request for adjournment may be presented by any party at the hearing, prior to the final determination. This request will be considered by the Committee in cases the nature of the case being heard is deemed to warrant it, and/or to ensure fair and just proceeding.

## **5. Decision**

- 5.1. The result of the all appeals shall be provided in writing to the following:
  - i. Appeal Committee Members;
  - ii. Student responsible for the appeal;
  - iii. College President;
  - iv. College Admissions and Administration for student record management and storage within the relevant student's files;
  - v. Academic Staff involved within the appeal;
  - vi. The Academic Board through general reporting;
  - vii. Any other relevant parties that maybe affected by the result.
- 5.2. Notification of result will be e-mailed to the student with formal written statement(s) issued to the address provided in the appeal application within 5 days of the decision.
- 5.3. All notifications will include the written decision of the Student Academic Appeals Committee along with reasons for the decision and advice of their right to escalate their appeal internally through to the Academic Board.

## **6. Other avenues of appeal**

- 6.1. Should the complainant wish to appeal the decision of the Student Academic Appeals Committee, they have the right to escalate the appeal to a hearing by the full Academic Board. The complainant must submit in writing to the ACC Academic Dean and the ACC President an application for review by the Academic Board within 5 days of the decision notification.
- 6.2. The Academic Board will consider the original application and the decision of the Academic Appeals Committee and make a determination to uphold the decision, overturn the decision in favour of the appellant or make an alternative decision. The Academic Board must make a decision within 10 days of the appeal and formally notify the student within 5 days of the decision. The notification
- 6.3. If the student is still unsatisfied with the outcome of the appeal, the student may request that an external arbiter is appointed. The Academic Board will nominate and approve an appropriately qualified, experienced and independent external arbiter to hear and consider the academic appeal. The arbiter will have the necessary academic qualifications and experience in higher education academic governance. ACC will notify the student of the details of the external arbiter and the timeline for the decision. The final findings of the external arbiter must be communicated to the Academic Board within 21 working days. The Academic Board will notify the student within 5 days of the final outcome.
- 6.4. In the event that a student, having exhausted all internal processes, is still dissatisfied with the Appeal process outcome, that student may wish to seek an opinion and /or assistance from the Office of the Commonwealth Ombudsman or other suitable external expert source for external and independent Appeal.

- 6.5. The Board will also advise the student that in most cases the purpose of the external review is to consider whether the registered provider has followed its policies and procedures, rather than make a decision in place of the institution.
- 6.6. In the event that a domestic student, having exhausted all internal processes, is still dissatisfied with the Appeal process outcome, the student may wish to seek an opinion and /or assistance from South Australian State Ombudsman or other suitable expert source for external and independent Appeal.
- 6.7. The College will only report an overseas student for unsatisfactory course progress in PRISMS after:
- the internal and external complaints processes have been completed and the breach has been upheld; or
  - the overseas student has chosen not to access the internal complaints and appeals process within a twenty (20) working day period;
  - the overseas student has chosen not to access the external complaints and appeals process; or
  - the overseas student withdraws from the internal or external appeals process, by notifying the registered provider in writing.
- 6.8. In line with Standard 10 of the National Code 2018, if the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of an overseas student, the College will immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the overseas student of that action.

## **7. Implementation**

It is the responsibility of the ACC Academic Dean to ensure the implementation of the resulting decision of the Academic Appeals Committee and any appeal arising from that decision.

## **8. Reporting**

The Academic Appeals Committee reports to the Academic Board. All decisions made by the Academic Appeals Committee are reported to the Academic Board. The Academic Board in turn reports to the Board of Directors.

## **9. Record Management**

ACC administration will be responsible for lodging and maintaining a record of all documents that pertain to an Appeals process including ensuring that the appeal application and the outcome documents are securely recorded in the student file, and in a manner that preserves the confidentiality of the Appeals process.

## **POLICY REVIEW**

The ACC's *Student Academic Appeals Procedures* is normally reviewed every three years.

It is a policy of the ACC that any Policy or Procedure may be reviewed earlier as indicated by internal or external factors (including but not limited to such factors as changes in the guidelines of regulatory authorities, accreditation/registration requirements of the profession, or relevant legislation at state or federal level) as determined the Board of Directors and/or Academic Board.

## **RELATED POLICY DOCUMENTS**

- Student Academic Progress Policy and Procedures
- Student Support Policy and Procedures
- Assessment of Coursework Policy and Procedures

- Academic Moderation Policy and Procedures
- Review of Grades Policy and Procedures

## VERSION CONTROL

<b>Document:</b> T005 Student Academic Appeals Procedures		
<b>Responsible Officer:</b> Academic Dean		
<b>Initially Approved by:</b> Academic Board		<b>Date:</b> 15 October 2018
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