



The University of Sydney

Student Appeals Against Academic Decisions – Academic Board Resolutions

N.B.: Please also refer to “Student Appeals Against Academic Decisions – Senate Resolutions”

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

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, college board or department in question. A student dissatisfied with an adverse decision should be able to apply to have the decision reconsidered and in appropriate cases reviewed. Since Senate has the ultimate authority over the University and since it is by authority of the Senate that all degrees, diplomas etc. are awarded, there is always an ultimate appeal to Senate against decisions, including academic decisions made within faculties. However, Senate has determined that appeals on questions of academic judgement will not be heard by the Senate unless, in the view of the Chair of the Academic Board, there are grounds for believing due academic process has not been observed.

In any appeal based solely on questions of academic judgement it will be sufficient for the Chair of the Academic Board to be satisfied that the academic process established by the faculty college board or department have been duly followed, and that the procedures set out below have been complied with.

Principles for Student Appeals Against Academic Decisions

Preliminary

1. Any student may complain about 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 complains about an academic decision:
 - (1) First, at a local level, to enable a student’s concerns to be addressed in an informal way; and
 - (2) Secondly, by means of a formal, central procedure.
2. These procedures apply to all academic decisions made in relation to undergraduate and postgraduate course awards. A separate set of procedures applies with respect to postgraduate research awards.
3. In these procedures, an ‘**academic decision**’ means a decision of a member of the academic staff that affects the academic assessment or progress of a student.

4. Each stage below represents an opportunity to resolve the complaint. Members of academic staff are expected to attempt to resolve all students' complaints at a local, informal level, wherever possible.

Principles that underpin these procedures

5. The following principles apply with respect to any dispute about an academic decision, whether dealt with formally or informally:

- (1) **Timeliness.** All disputes should, wherever possible, be resolved as quickly as possible. A procedure that creates a number of opportunities to resolve a problem should not be treated as a series of hurdles which prolong the dispute. Unresolved disputes have a detrimental effect on the performance of both students and staff involved.

Deadlines prescribed in these procedures should always be followed, unless there are exceptional circumstances. If the deadline is to be exceeded by staff, the student must always be informed of the length of, and the reason for, the delay.

Time limits allowed to students are generally longer than those allowed to staff. As a general rule, it may be more appropriate to relax time limits for students within reason. Students may find pursuing a complaint or an appeal a difficult and stressful undertaking.

They may need further time to marshal the confidence, support and evidence they need to pursue a complaint. Students should also be able to express their complaint in their own terms.

- (2) **Confidentiality.** All student appeals must be treated confidentially at all stages of the process. Any information about a complaint must be strictly limited to those staff who need to know about it in order to deal with the complaint. For example, where a complaint is dealt with at departmental or faculty level, any sensitive personal information about the student should only be available to the head of the department, dean (or college principal) or the staff member assigned to the appeal. If information needs to be distributed at a broader level, then the student's written consent must first be obtained.
- (3) **Without disadvantage.** The fact that a student has made a complaint under these procedures should not disadvantage the student in any way, especially by way of victimisation. That said, the fact that a student has had to complain often does, of itself, cause disadvantage, for example, delay in finalising the mark for a unit of study. However, students should be able to complain under these procedures and feel confident that they will not be disadvantaged in any other way.
- (4) **Procedural fairness.** All staff involved in a complaint or an appeal have a duty to observe the principles of procedural fairness (sometimes called natural justice), which include the following.
 - (a) Staff and students involved in a complaint are entitled to raise all issues which are important to them, and to put their points of view in their own terms. In most cases, any formal complaint will be dealt with by means of written submissions. In some cases, however, it may be appropriate to deal with the matter by interviewing the relevant parties. This will be determined by the relevant decision-maker.
 - (b) Staff and students are entitled to have matters dealt with in an unbiased manner, and lack of bias should always be apparent. It is impossible to list all types of potential bias. One example is where a staff member involved in conciliating a complaint has a close personal relationship with the student. The question for any

decision-maker is whether he or she has a pre-conceived view that is so strong, and so related to the matter being decided by the staff member, that it is reasonable to suspect that he or she is unable to listen to the complaint in a fair manner, and to deal with that complaint on its merits alone. Any person concerned about bias is expected to raise it with the appropriate person promptly.

- (c) 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 a student to be able to understand the decision.
- (5) **Support.** 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.
- (6) **Record-keeping.** In order to facilitate resolution of student complaints, it is important that staff establish and maintain proper records (through the Records Management Services filing system) once a complaint becomes formal. Staff are also advised to keep brief notes of any informal 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. This may be important to the speedy resolution of a complaint.
- (7) **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

6. Informal resolution with teacher

- (1) If a student is concerned about any academic decision, he or she should first discuss the issue informally with the relevant teacher or unit of study co-ordinator. This should be done within three months of the particular academic decision being made.
- (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. Many complaints should be resolved at this stage.
 - (a) If the student's concerns are not resolved by this means, then the teacher should:
 - (i) Explain the next step and the procedure, which is set out in paragraph 7 below; and
 - (ii) Give to the student a copy of these principles and procedures.
- (3) If the teacher or unit of study co-ordinator is the head of the department or school, then the student should approach the dean or college principal or director (see 8 below).

7. Approach head of department or school

Informal complaints

- (1) If the student's concerns cannot be resolved under paragraph 6, or because of a failure to follow procedures, the student may then approach the head of department or school. The student may, at this point, choose to approach the head of department on an informal

basis, or else put his or her complaint in writing. The student should do either of these things within 15 working days of the outcome of discussions under paragraph 6.

- (2) If a student chooses to approach the head of department informally under paragraph 7(1), this does not later preclude the student from proceeding formally under this paragraph 7 by putting his or her complaint in writing to the head of department.
- (3) The head of department should deal with informal complaints promptly, giving a full explanation to the student of the reasons for the academic decision. Many complaints should be resolved at this stage.

Formal complaints

- (4) The head of department must acknowledge receipt of a formal complaint in writing within 3 working days of receipt.
- (5) The head of department must try to resolve the complaint within 10 working days of receiving the complaint, and then advise the student in writing of his or her decision:
 - (a) setting out the reasons;
 - (b) advising that if the student does not agree with the decision, then the student has a right of appeal under these procedures; and
 - (c) giving to the student a copy of these principles and procedures, if the student does not already have a copy.

8. Approach the dean or college principal or director or their nominee

Informal complaints

- (1) If the student's concerns cannot be resolved under paragraph 7, or because of a failure to follow procedures, the student may then approach the dean or college principal or director. The student may, at this point, choose to approach the dean or college principal or director on an informal basis, or else put his or her complaint in writing. The student should do either of these things within 15 working days of the outcome of discussions under paragraph 7. In some cases the dean, college principal or director may nominate another faculty officer, for example a pro-dean or associate dean to deal with the matter.
- (2) If the dean or college principal or director is the decision-maker under paragraphs 6 or 7, then the pro-vice-chancellor of the relevant academic college shall act as decision-maker under this paragraph 8.
- (3) If a student chooses to approach the dean or college principal informally under paragraph 8(1), this does not later preclude the student from proceeding formally under this paragraph 8 by putting his or her complaint in writing to the dean or college principal or director.
- (4) The dean or college principal or director should then deal with informal complaints promptly, giving a full explanation to the student of the reasons for the academic decision. Many complaints should be resolved at this stage.

Formal complaints

- (5) The dean or college principal or director must acknowledge receipt of a formal complaint in writing within 3 working days of receipt.

- (6) The dean or college principal or director must try to resolve the complaint within 10 working days of receiving the complaint, and then advise the student in writing of his or her decision:
 - (i) setting out the reasons;
 - (ii) advising that if the student does not agree with the decision, then the student has a right of appeal under these procedures; and
 - (iii) giving to the student a copy of these principles and procedures, if the student does not already have a copy.

9. Written appeal to the Senate

- (1) If the student is not satisfied that his or her concerns have been addressed satisfactorily under paragraph 8, then the student may make a written appeal to Senate.
- (2) Note that an appeal to Senate is covered by the Senate resolutions 'Student Appeals against Academic Decisions – Senate Resolutions'. These resolutions provide that an appeal to Senate will not normally be heard unless the student has exhausted all other avenues. In other words before the student makes an appeal to Senate he or she should have followed the procedures set out in this document by attempting to find a resolution with his or her teacher, head of department and dean or college principal or director.
- (3) Note that the Senate resolutions provide for a hearing before the Senate Appeals Committee, but a complaint does not go straight to that Committee. It is first referred to the Chair of the Academic Board who attempts to resolve the matter. The procedures are outlined below. In some cases the Chair of the Academic Board may nominate the Alternative Chair or a deputy chair of the Academic Board to deal with the matter.
- (4) A written appeal to Senate should outline the matter clearly, concisely and fully, and include any relevant documentation or evidence. The written appeal should be submitted to the Registrar, Main Quadrangle, A14.
- (5) The Registrar will refer the appeal to the Student Centre. The Student Centre will check that the student has exhausted all avenues. If the student has not exhausted all other avenues the Student Centre will advise the student what steps can be taken. If the student has exhausted all other avenues, the Student Centre will collect together the complaint, the student's file and documentation from the faculty and forward it to the Chair of the Academic Board normally within five working days.
- (6) The Chair of the Academic Board will seek to resolve the matter as informally and quickly as possible in accordance with the principles set out in this document. Normally within ten working days of receiving the file from the Student Centre, the Chair of the Academic Board will communicate his or her decision on the complaint to the student.
- (7) Note that the Senate resolutions provide that where the appeal is solely against a question of academic judgement, the Chair of the Academic Board will not refer the appeal to the Student Appeals Committee if:
 - (a) the complaint has been thoroughly investigated by the faculty; and
 - (b) these procedures, especially the principles of procedural fairness, have been followed.
- (8) If the matter has not been resolved by the Chair of the Academic Board, the Chair will refer it to the Senate Appeals Committee.

- (9) The procedure which the Senate Appeals Committee will follow is set out in the resolutions of Senate, “Student Appeals Against Academic Decisions – Senate Resolutions”, referred to in paragraph 9(2) above.

Procedures for Student Appeals Against Academic Decisions for Postgraduate Research Awards

Informal resolution

1. Students are expected to seek to resolve any problems or difficulties through, in order, the supervisor, departmental postgraduate coordinator, the head of department or school, chair of the faculty board of postgraduate studies or equivalent.

Approach the dean or college director or principal or chair of the board of studies

2. (1) A student who has not resolved a problem in respect of an academic decision made by the faculty, college or board of studies (hereafter referred to as “the faculty”) in respect of the award of a degree or other matter which affects the student’s candidature may approach the relevant dean or college principal or director or chairperson of the board of studies.
 - (2) The student may, at this point, choose to approach the dean or college principal or director or chairperson of the board of studies (hereafter referred to as “the dean”) on an informal basis, or else put his or her complaint in writing. A student intending to approach the dean informally or formally must:
 - (a) give notice of this intent to the dean within one calendar month of the date of notification of the decision; and
 - (b) lodge the formal appeal with the dean within two calendar months from the date of the notification of the decision.

Informal complaints

- (3) In some cases the dean may nominate another faculty officer, for example a pro-dean or associate dean, to deal with the matter, except that the dean may not nominate any faculty officer to deal with the matter under this paragraph 2. who was the decision-maker in respect of the matter concerned.
- (4) If the dean was the decision-maker in respect of the matter concerned, then the pro-vice-chancellor of the relevant academic college shall act as decision-maker under this paragraph 2.
- (5) If a student chooses to approach the dean informally under paragraph 2(2), this does not later preclude the student from proceeding formally under paragraph 2(2) by putting his or her complaint in writing to the dean.
- (6) The dean should then deal with informal complaints promptly, giving a full explanation to the student of the reasons for the academic decision. Many complaints should be resolved at this stage.

Formal complaints

- (7) The dean must acknowledge receipt of a formal complaint in writing within three working days of receipt.
- (8) The dean must try to resolve the complaint within ten working days of receiving the complaint, and then advise the student in writing of his or her decision:
 - (i) setting out the reasons;

- (ii) advising that, if the student does not agree with the decision, then the student has a right of appeal under these procedures; and
- (iii) giving to the student a copy of these principles and procedures, if the student does not already have a copy.

Approach the Chair of the Graduate Studies Committee

3. (1) A student who has not resolved a problem relating to an academic decision made by the faculty in respect of the award of a degree or which affects the student's candidature under paragraph 2. may approach the Chair of the Graduate Studies Committee.
- (2) The student may, at this point, choose to approach the Chair of the Graduate Studies Committee on an informal basis, or else put his or her complaint in writing. A student intending to approach the Chair of Graduate Studies informally or formally must:
 - (a) give notice of this intent to the Chair within one calendar month of the date of notification of the decision by the dean under paragraph 2; and
 - (b) lodge the formal appeal with the Chair within two calendar months from the date of the notification of the decision under paragraph 2.

Consideration of appeal by the Chair of the Graduate Studies Committee

4. (1) The Chair must acknowledge receipt of a formal complaint in writing within three working days of receipt.
- (2) The Chair must seek a report from the dean of the faculty and may consult with other persons as appropriate.
- (3) If, after considering that report, the Chair concludes:
 - (a) that the appeal is based solely on a question of academic judgement;
 - (b) that the proper academic procedures (including any procedures specifically established by the faculty or department) have been followed; and
 - (c) that the appeal raises no issue of general principle requiring consideration by the Graduate Studies Committee;
the Chair should disallow the appeal.
- (4) If the Chair does not disallow the appeal he or she must:
 - (a) refer the matter back to the dean for action and report; or
 - (b) refer the matter to the Graduate Studies Committee.

Having received a report after referring the matter to the dean the Chair may refer the matter to the Graduate Studies Committee.

- (5) The Chair shall inform the student in writing of his or her decision. If the decision is to disallow the appeal, the student will be informed of any further avenues of appeal. If the decision is to allow the appeal to proceed, the student will be informed that the appeal has been referred to the Appeal committee of the Graduate Studies Committee.

Appeal Committee of the Graduate Studies Committee

5. There is to be an Appeal Committee of the Graduate Studies Committee consisting of:
 - (a) three academic staff members of the Committee (not involved in the candidature),
 - (b) one postgraduate student member of the Committee selected by the Chair,
 - (c) the Dean of Graduate Studies, and
 - (d) the Chair or the Chair's nominee (who is to preside).Any four members constitute a quorum.
6. If the appeal raises an issue of general principle, the Appeal Committee may consider that issue and may direct the Chair of Graduate Studies Committee or the dean of the faculty concerned to deal with the appeal in accordance with its decision on that issue.
7. The Appeal Committee may:
 - (a) refer the matter back to a faculty with a recommendation for action,
 - (b) dismiss the appeal, or
 - (c) if the faculty declines to accept the recommendation for action, amend or alter the decision (including amending the result on behalf of the Board of Postgraduate Studies or Board of Examiners).

Procedure

8. An Appeal Committee under these resolutions must allow the student to make written observations on the appeal and may, if it thinks the issue raised is sufficiently serious, allow the student to appear in person. The student may be accompanied by a friend.
9. An Appeal Committee must reach a determination under these resolutions within a reasonable period of time. The dean or Chair must keep a record of the process of the appeal.
10. The decision of an Appeal Committee under these resolutions shall be communicated in writing to the parties with a brief statement of the reasons for the decision. If the appeal is dismissed the appellant shall be advised of any further avenues of appeal and of sources of advice.

Appeal to Senate

11. The student may, at this point, choose to make a formal approach in writing to the Senate. A student intending to approach the Senate must:
 - (a) give formal notice in writing of this intent to the Student Centre within one calendar month of the date of notification of the Appeal Committee's decision; and
 - (b) lodge the formal written appeal with the Student Centre within two calendar months from the date of the notification of the Appeal Committee's decision.