

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 6 December 2010
Date of effect: 10 December 2010

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 ensure that students are treated fairly in the assessment of their work, by providing an internal appeal mechanism 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)*;
- 1.4.2 the Resolutions of the Senate relating to *Student Appeals against Academic Decisions*; and
- 1.4.3 the Resolutions of the Academic Board on *Student Appeals against Academic Decisions*.

1.5 Associated Resolutions

This Rule should be read in conjunction with the *Assessment Policy 2011* and *Assessment Procedures 2011*.

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 person 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 person 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 8.

- 1.6.3 **Appellant** means:
- 1.6.3.1 a person enrolled in an Award Course at the time of, or in the semester immediately preceding, the lodgement of his or her appeal;
or
- 1.6.3.2 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), prior to the lodgement of his or her appeal.
- 1.6.4 **Award Course** means a formally approved program of study that can lead to an academic award granted by the University or by any other higher education institution that offers credit for units of study undertaken at the University.
- 1.6.5 **Dean** means the dean of the Faculty, or chairperson of the board of studies.
- 1.6.6 **Due Academic Process** means the making of Academic Decisions according to published Faculty, Academic Board and University rules, resolutions, policy and procedure, as amended from time to time and as current at the time the Academic Decision was made.
- 1.6.7 **Faculty** means a Faculty or College of the University.
- 1.6.8 **Registrar** means the Registrar of the University of Sydney for the time being, or his or her nominee.
- 1.6.9 **Special Consideration** is to be determined mutatis mutandis by reference to the Resolutions of the Academic Board on *Special Consideration*.
- 1.6.10 **Student** means a person who is currently admitted to candidature in an Award Course.
- 1.6.11 **Student Appeals Body** means a Student Appeals Body constituted by the Registrar in accordance with Part 7.
- 1.6.12 **Student Appeals Panel** means the Student Appeals Panel constituted by the Senate in accordance with Part 6.
- 1.6.13 **University** means the University of Sydney established by the *University of Sydney Act 1989* (as amended).

Part 2: Principles

- 2.1 The University is committed to fair academic decision-making.
- 2.2 Academic Decisions are entrusted to members of the academic staff acting reasonably in accordance with Due Academic Process.
- 2.3 A Student who believes that there are genuine grounds for contesting an Academic Decision may apply to have the decision reviewed.
- 2.4 Students and academic staff should endeavour to resolve concerns about Academic Decisions in the manner more fully described in clause 3.1 of this Rule, by way of personal communication.
- 2.5 Where attempts to resolve a concern about an Academic decision under clause 3.1 of this Rule are unsuccessful, Students may appeal to the relevant Faculty in the first instance.
- 2.6 Students who are not satisfied with the decision of the Faculty may appeal to the Student Appeals Body in accordance with this Rule.
- 2.7 The University will handle all Student concerns and appeals regarding Academic Decisions in a procedurally fair and reasonable manner, having regard to the principles of timeliness, confidentiality, absence of bias and freedom from victimisation.

Part 3: Procedures for Undergraduate and Postgraduate Coursework Students

3.1 Resolution with Teacher or Unit of Study Coordinator

- 3.1.1 An undergraduate or postgraduate coursework Student who believes that there are genuine grounds for contesting an Academic Decision should first discuss his or her concerns with the relevant teacher or unit of study co-ordinator.
- 3.1.2 Students are encouraged to take the earliest opportunity to discuss their concerns with relevant Faculty staff. This must occur within:
- (a) 15 working days of the Student being advised of the Academic Decision;
 - (b) in the case of Academic Decisions relating to completion of a unit of study, within 15 working days of the unit of study result being posted by the University; or
 - (c) such other extended time as the Dean may reasonably authorise.
- 3.1.3 The teacher or unit of study co-ordinator will address the Student's concerns promptly, and provide to the Student a full explanation of the reasons for the Academic Decision.
- 3.1.4 If the Student's concerns are not resolved by these means, the teacher or unit of study co-ordinator will:
- (a) explain the next step in the procedure, which is set out at clause 3.2 below; and
 - (b) give the Student a copy of this Rule or advise the Student how to access this Rule online.

3.2 Appeals to the Faculty

- 3.2.1 If the Student's concerns cannot be resolved under clause 3.1 above, the Student may appeal in writing to the Faculty.
- 3.2.2 The Student will submit his or her written appeal, including any supporting documentation:
- (a) to the office or staff member nominated by the Faculty to receive Student appeals (such information to be provided to Students at the start of each Semester);
 - (b) within 15 working days of the date on which he or she was advised of the outcome of discussions under clause 3.1, or such other extended time as the Dean may reasonably authorise.
- 3.2.3 The Faculty will acknowledge receipt of the appeal in writing within three working days of receipt.
- 3.2.4 The Faculty will determine who is to undertake an initial review of the appeal. This person will normally be the person to whom the relevant lecturer or unit of study co-ordinator reports, and may be the course co-ordinator, Head of Department or School, or relevant Associate Dean.
- 3.2.5 The person responsible for the initial review will prepare a report for consideration by the Dean, or by his or her nominee. Subject to sub-clause 3.2.6 below the Dean retains final responsibility for any decision regarding a Student appeal to the Faculty.
- 3.2.6 If the Dean is the relevant teacher or unit of study coordinator referred to in clause 3.1 above, the Deputy Vice-Chancellor (Education) will handle the Student's appeal to the Faculty, in accordance with this clause 3.2.
- 3.2.7 The Faculty will make all reasonable efforts to:
- (a) advise the Student in writing of the Dean's decision and the reasons for the decision;
 - (b) advise the Student of his or her right to appeal to the Student Appeals Body; and
 - (c) give the Student a copy of this Rule or advise the Student how to access this Rule online;

within 10 working days of receiving a Student's appeal.

Part 4: Procedures for Postgraduate Research Award Students

- 4.1 Subject to clause 4.2 below, a postgraduate research Student should follow the procedures for undergraduate and postgraduate coursework Students set out in Part 3 above.
- 4.2 A postgraduate research Student who believes that Due Academic Process has not been observed by the relevant Faculty in relation to an Academic Decision associated with:
- (a) termination of candidature; or
 - (b) the examination of a thesis;
- is not required to follow the procedures set out in Part 3 above, and may lodge a written appeal to the Student Appeals Body in the first instance.

Part 5: Appeals to the Student Appeals Body

- 5.1 An Appellant 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.
- 5.2 An Appellant must lodge his or her written appeal with the Registrar (on behalf of the Student Appeals Body) in accordance with sub-clause 5.3.2, within 20 working days of the date of the written decision of the Dean of the relevant Faculty (or the Deputy Vice-Chancellor (Education) pursuant to sub-clause 3.2.6) regarding the Academic Decision, or within such extended time as the Registrar, in his or her absolute discretion, authorises.
- 5.3 An appeal will not be heard by the Student Appeals Body unless:
- 5.3.1 the basis for the appeal has previously been considered by the relevant Faculty (except in the case of Postgraduate Research Award Students as set out in section 4);
 - 5.3.2 the Appellant 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
 - 5.3.3 the Registrar has confirmed that the requirements under sub-clause 5.3.1 and 5.3.2 above have been satisfied.
- 5.4 If the Academic Decision is to exclude a student in accordance with the University of Sydney (Coursework) Rule 2000 (as amended) or, in the case of a student enrolled in a postgraduate research award, to terminate his or her candidature, the relevant faculty will not enforce the exclusion or termination until the appeal period specified in clause 5.2 has expired, or, where an appeal is lodged, until such time as the appeal has been determined.
- 5.5 A person who has lodged an appeal against a decision not to readmit or re-enrol him or her following a period of exclusion may not re-enrol pending determination of the appeal, unless the Registrar, at his or her sole discretion, is satisfied that it is reasonable in the circumstances to permit re-enrolment.

Part 6: Student Appeals Panel

- 6.1 The Student Appeals Panel will comprise no fewer than 12 and no more than 48 persons appointed by Senate as members of the Student Appeals Panel on the recommendation of the Registrar.
- 6.2 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.
- 6.3 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.
- 6.4 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.
- 6.5 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 7: Student Appeals Body

- 7.1 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.
- 7.2 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.
- 7.3 The Student Appeals Body will normally include, but is not required to include:
- 7.3.1 a member with academic qualifications (who may but need not be a member of the academic staff of the University); and
- 7.3.2 a student (who may but need not be a Student of the University).
- 7.4 The Registrar will not select a member of the Student Appeals Panel to sit on a Student Appeals Body responsible for hearing an appeal arising from a Faculty in which the member is an enrolled student or staff member, or with which the member has other substantial involvements.
- 7.5 The Registrar will report annually to the Senate on:
- 7.5.1 Student Appeals Body decisions; and
- 7.5.2 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 8: Appeal Hearings

- 8.1 The Appellant will receive at least 10 business days notice of the date of an Appeal Hearing.
- 8.2.1 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.
- 8.2.2 The Faculty's submissions must describe the process by which the Academic Decision was, and set out why the Faculty believes that Due Academic Process has been observed in the making of the Academic Decision.
- 8.2.3 The Registrar (on behalf of the Student Appeals Body) will provide copies of written evidence and written submissions made by the Faculty to the Appellant at least five business days before the Appeal Hearing.
- 8.3.1 The Appellant will be invited to appear in person at an Appeal Hearing.
- 8.3.2 The Appellant may be accompanied by a representative, who may speak on the Appellant's behalf.
- 8.4 A representative of the relevant Faculty will be invited to appear in person at an Appeal Hearing.
- 8.5 The Chairperson of the Student Appeals Body may invite independent officers of the University to attend an Appeal Hearing, for the sole purpose of providing expert advice that assists the Student Appeals Body in determining the appeal. An Appellant's treating practitioner or case worker is not an independent officer of the University for the purpose of this clause.
- 8.6 Members of the Student Appeals Body may address questions to the Appellant, the

- Appellant's representative, the Faculty representative, or any independent officer of the University invited to attend the Appeal Hearing in accordance with clause 8.5 above.
- 8.7 The purpose of an Appeal Hearing is for the Appellant 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.
- 8.8 If, due notice having been given, the Appellant or his or her representative does not attend an Appeal Hearing, the Student Appeals Body may, in its absolute discretion:
- 8.8.1 defer consideration of the appeal; or
- 8.8.2 hear and determine the appeal in the Appellant's or representative's absence.
- 8.9 A Student Appeals Body may uphold or dismiss an appeal and, in its absolute discretion:
- 8.9.1 refer the Academic Decision back to the relevant Faculty for reconsideration in accordance with due academic process;
- 8.9.2 make a new or amended Academic Decision; or
- 8.9.3 determine that no further action should be taken in relation to the matter.
- 8.10 A decision of a Student Appeals Body is final.
- 8.11 The Appellant will be advised as soon as practicable of the Student Appeals Body's decision and the reasons for it.
- 8.12 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 9: Further provisions

- 9.1 Where a Faculty requires further and more detailed provision for the resolution of Student concerns or appeals about Academic Decisions, the Academic Board, on the request of that Faculty, may by resolution establish such provisions.

Previous amendments approved by Senate from November 2009:

- 2 November 2009