Academic Appeals Policy

Section 1 - Introduction

(1) Academic decisions made by the University of Newcastle (University) are integral to the completion of programs and awards and student success. In ensuring that the integrity of academic decisions are upheld, the University will ensure that students are able to access appropriate mechanisms to appeal such decisions.

Section 2 - Purpose

(2) This Policy establishes the principles that govern the appeal of an academic decision made on behalf of the University.

Section 3 - Scope

(3) This Policy applies to:

a. academic decisions regarding a student and in association with a University undergraduate coursework program, postgraduate coursework program, an undergraduate or postgraduate course, non-award courses, and enabling programs.

(4) This Policy does not apply to:

a. Higher Degree by Research Programs or candidates (please refer to Higher Degree by Research Policy);
b. English Language Intensive Courses for Overseas Students (ELICOS) student academic decisions (please refer to English Language Bridging Program Manual);
c. student academic decisions relating to the Joint Medical Program (please refer to Joint Medical Program Schedule);
d. student misconduct matters dealt with under the provisions of the Student Conduct Rule; or
e. complaints dealt with under the provisions of the Complaint Management Policy.

Section 4 - Definitions

(5) In the context of this document the following definitions apply:

a. “Academic decision” refers to a decision made by a University staff member or committee where the outcome of the decision has significant impact on the student's enrolment, progress or program completion;
b. “Original decision maker” – means a staff member of the University who has made an academic decision;
c. “Principles of procedural fairness” requires that:
    i. the decision maker is impartial, and free from actual or apparent bias;
    ii. the student whose interests will be affected by a decision receives a fair hearing, including the opportunity to respond to any adverse material that could influence the decision; and

iii. a finding is based on evidence that is relevant and logically capable of supporting the findings made.

Section 5 - Principles

(6) A student may lodge an appeal against an academic decision. The University and its staff will support a student in making an appeal, and will ensure the process is discrimination free, confidential, and respectful.

(7) A student is not permitted to lodge multiple appeals against a single academic decision.

(8) An appeal against an academic decision is permitted where:

a. there is evidence that the relevant procedure for dealing with the matter was not complied with;
b. there is evidence to establish that there was a lack of procedural fairness; or
c. new information, that was not able to be obtained at the time of the original decision, has become available and should be taken into consideration.

(9) The University reserves the right to not consider an appeal, where the appeal:

a. is not in accordance with the provisions of clause 8;
b. cannot be supported by sufficient evidence;
c. is solely on the basis of disagreement with the original decision; or
d. is considered to be vexatious, frivolous or misconceived.

(10) An appeal made by a student must:

a. clearly stipulate the basis on which the appeal is being made;
b. be supported by all relevant evidence;
c. be made in writing (digital or handwritten).

(11) A relevant University appeal procedure may:

a. establish timeframes for submitting, considering and determining the appeal;
b. provide for additional valid or invalid grounds for appeal; and
c. dictate the method of submitting an appeal (please refer to Section 6 – Relevant Procedures).

(12) Prior to making an appeal a student should attempt to resolve the matter with the assistance of the College or business unit responsible for the original decision.

(13) A student will remain enrolled at the University until an appeal is resolved, unless their enrolment is impacted by a different or related matter being considered under the provisions of the Student Conduct Rule.

Appeal Decision Makers

(14) Appeals against a final result must be dealt with by the relevant College Progress and Appeals Committee or Pathways and Academic Learning Support Centre Progress and Appeals Committee. Appeals against all other academic decisions must be dealt with by a University staff member who:

a. is not the original decision maker;
b. holds a position that is at least one management level above the original decision maker; and
c. is appointed to a position that holds appropriate delegated authority to consider the matter and make a

determination (see Delegations Register).

(15) All staff members or committee members considering an appeal must comply with the University's Disclosure of Interest Policy and its associated procedure.

Considering an Appeal

(16) A staff member or committee considering an appeal may:

a. seek further information from the original decision maker;
b. seek further information from the student making the appeal; and/or
c. invite the student to attend an appeal hearing in person or via video conference (e.g. Zoom).

(17) A student attending an appeal hearing is permitted to bring a support person to the hearing. The support person is not permitted to present evidence at the hearing, and will only be permitted to speak at the hearing upon invitation by the committee or staff member considering the appeal.

(18) An appeal must be considered on the basis of:

a. the material and evidence that was considered by the original decision maker;
b. any new or fresh evidence that was submitted by the student in making the appeal, or responding to a request for further information; and
c. the submission made by the student to request the appeal.

(19) The consideration of all appeals will be timely and transparent, and conducted according to the principles of procedural fairness.

(20) The process undertaken to consider an appeal must comply with all relevant legislation and University policy.

Appeal Determinations

(21) The outcome of an appeal will be advised in writing to the student, and will be either:

a. the appeal is dismissed; or
b. the appeal is partially upheld; or
c. the appeal is fully upheld.

(22) A notification of an outcome of an appeal will provide sufficient information to the student to:

a. establish that the principles of procedural fairness have been upheld;
b. provide transparency in relation to how the determination was made;
c. notify the student of support services available to them; and
d. notify the student of any further available avenues of appeal, external review or complaint.

(23) If a determination is made to dismiss the appeal, the original decision will remain.

(24) If a determination is made to uphold the appeal, the actions to be taken by the University will be notified to the student in writing. The staff member or committee determining to uphold an appeal is responsible for ensuring all actions to be taken by the University are undertaken in a timely manner.

(25) The original decision maker will be notified of the outcome of an appeal against their decision.

(26) Once a determination is made the student will have no further avenue of appeal within the University, unless provided for in the relevant appeals procedure. A student may have access to an external review process, such as through the National Student Ombudsman.

Record Management

(27) All records relating to appeals must be managed in accordance with the Records Governance Policy.

Section 6 - Relevant Procedures

Academic Decision	Relevant Appeal Procedure
Final result	Course Assessment and Grading Manual
Credit	Academic Credit Manual
Sanction applied for academic progress	Student Academic Progress Procedure
Leave of absence	Enrolment Manual
Admission	Admissions Manual - Coursework and Enabling Programs
Adverse Circumstances	Adverse Circumstances Affecting Assessment Items Procedure

Status and Details

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Responsible Executive	Belinda Yourn Senior Deputy Vice-Chancellor (Academic & Global)
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Glossary Terms and Definitions

"University" - The University of Newcastle, a body corporate established under sections 4 and 5 of the University of Newcastle Act 1989.

"Award" - When referring to a University qualification, this term means an academic qualification approved by Academic Senate that is conferred when a student has met the relevant program requirements. For all other uses of this term, the generic definition applies.

"Course" - When referring to a course offered by the University, a course is a set of learning activities or learning opportunities with defined, assessed and recorded learning outcomes. A course will be identified by an alphanumeric course code and course title. Course types include core courses, compulsory courses, directed courses, capstone courses and electives. For all other uses of this term, the generic definition applies.

"Student" - A person formally enrolled in a course or active in a program offered by the University or affiliated entity.

"Student misconduct" - Academic misconduct, non-academic misconduct and/or research misconduct.

"Candidate" - With regard to Higher Degree by Research it has the same meaning as student. For all other instances it is a person considered for appointment to a position.

"Postgraduate" - Any qualification being at the level of Graduate Certificate or above.

"Program" - When referring to learning, a program is a sequence of approved learning, usually leading to an Award. For all other uses of this term, the generic definition applies.

"Staff" - Means a person who was at the relevant time employed by the University and includes professional and academic staff of the University, by contract or ongoing, as well as conjoint staff but does not include visitors to the University.

"Undergraduate" - Refers to any qualification up to and including the level of a Bachelor Honours degree.

"College" - An organisational unit established within the University by the Council.

"Delegated authority" - refers to the specific description of the authority that is delegated or sub-delegated to a holder.

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