

Sydney Law School: Appeals Procedure

Student Appeals Against Academic Decisions

This document is to be read in conjunction with the Academic Board resolution *Student Appeals Against Academic Decisions* (http://www.usyd.edu.au/ab/policies/Student_Appeals_Ac_AB.pdf) and the University of Sydney (Student Appeals Against Decisions) Rule 2006.

This procedure applies to students undertaking undergraduate coursework, postgraduate coursework, and postgraduate research. The procedures for student appeals against academic decisions relating to postgraduate research awards is dealt with in paragraph 9.

Purpose

- 1 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 in question.
- 2 This procedure applies to a student wishing to appeal an academic decision relating to him or her. **Academic decision** means a decision of a member of the academic staff that affects the academic assessment or progress of a student.

Principles

- 3 The following principles apply with respect to any dispute about an academic decision, whether dealt with formally or informally.
 - 3.1 **Timeliness.** All disputes should, wherever feasible, be resolved as quickly as possible. Timelines prescribed in these procedures should be followed, unless there are exceptional circumstances. If the timeline is to be exceeded by staff, the student must always be informed of the length of, and the reason for, the delay. A student may request an extension to these timelines where they can provide good grounds for the granting of such an extension. Such requests are to be made in writing and, where possible, before the timeline expires. In assessing whether or not a student has submitted an appeal in a timely fashion, or whether an extension should be granted, due regard should be given to the circumstances surrounding the appeal and the personal circumstances of the student. A request for an extension of the period in which a student may submit an appeal will not be unreasonably denied.
 - 3.2 **Confidentiality.** All student appeals must be treated confidentially at all stages of the process. Any information about an appeal must be strictly limited to those staff who need to know about it in order to deal with the appeal.
 - 3.3 **Procedural fairness.** All staff involved in an appeal have a duty to observe the principles of procedural fairness, which include the following —
 - 3.3.1 Staff and students involved in an appeal are entitled to raise all issues which are important to them, and to put their points of view in their own terms.

- 3.3.2 Staff and students are entitled to have matters dealt with in an unbiased manner, and lack of bias or conflict of interest should always be apparent. Any person concerned about bias or conflict of interest is expected to raise it with the appropriate person promptly (Refer to the University's *Code of Conduct* for staff members).
- 3.3.3 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 both the staff and student involved to be able to understand the decision.
- 3.3.4 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.
- 3.4 **Record-keeping.** It is important that staff establish and maintain proper records, particularly once an appeal becomes formal. Staff are also advised to keep notes of any 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.
- 3.5 **Access.** Students should normally have a right of free access to all documents concerning their appeal.

Fail grades

4 Double-marking of fail grades

It is Faculty policy that all fail grades are double-marked in the initial marking process.

Procedure

5 Self-reflection and analysis of feedback

If a student is concerned about any academic decision, he or she should first engage in self-reflection on the matter, and consider:

- a) information provided to them by the Faculty and University in advance of the academic decision; and
- b) feedback or reasons provided for the academic decision in question.

5.1 Students are encouraged to seek support and advice regarding their appeal/concern from student services such as:

- Students' Representative Council (SRC – <http://www.src.usyd.edu.au/>) for undergraduate students
- Sydney University Postgraduate Representative Association (SUPRA - <http://www.supra.usyd.edu.au/>) for postgraduate students

6 Resolution with lecturer or course/unit coordinator

6.1 If a student continues to be concerned about an academic decision he or she should appeal in writing, setting out the reasons for their concern, to the relevant teacher or unit of study coordinator or, in the case of postgraduate courses, the course coordinator. Students are encouraged to take the earliest opportunity to discuss their concerns with relevant staff. This should normally be done within a)

15 working days of the student being advised of the particular academic decision or, b) in the case of academic decisions relating to a unit of study, within 15 working days of the unit of study result being posted by the University. During this time the student should attempt to resolve the matter with the relevant teacher or unit/course coordinator.

Email is acceptable for an appeal in writing.

- 6.2 The teacher or unit/course coordinator (hereafter referred to as the “decision-maker”) should then deal with the issue promptly. The process of handling the appeal must commence within 10 working days of receipt. The decision-maker should give a full explanation to the student of the reasons for the academic decision. This explanation may incorporate feedback or comments originally given. It should be possible to resolve many issues at this stage.
- 6.3 If the student’s concerns are not resolved by these means, the decision-maker should explain the next step and the procedure, which is set out below, and give to the student a copy of these principles and procedures or advise the student how to access the document online.

7 **Appeal to the Dean**

- 7.1 If the student’s concerns cannot be resolved with the teacher or unit/course coordinator, or because of an apparent failure to follow procedures, the student may then appeal to the Dean of the Faculty.
- 7.2 The Dean may appoint another staff member to undertake the functions in this paragraph 7, but retains final responsibility for any decision made in respect of the appeal.
- 7.3 Where the appeal involves an academic decision made by the Dean, the Pro Vice-Chancellor (Learning and Teaching) shall act for the Dean in paragraphs 7.6 to 7.9.
- 7.4 The student must put his or her concerns in writing and should submit them to lawdean@usyd.edu.au within 15 working days of the outcome of discussions with the decision-maker (under paragraph 6). The appeal should include:
- a) the reasons for the appeal;
 - b) the response of the decision-maker under paragraph 5; *and*
 - c) reasons why the student is not satisfied with the response of the decision-maker under paragraph 6.

Parts a) and c) above should be no longer than two A4 pages.

- 7.5 The Dean must acknowledge receipt of an appeal in writing within 3 working days of receipt.
- 7.6 The Dean will undertake a review of the student’s appeal. **Review** means an assessment of whether there appear to be valid reasons for the appeal and, if so, what further action should be taken (e.g. that an item of academic work should be reassessed by an independent examiner).
- 7.7 The Dean must try to resolve the appeal within 10 working days of receiving the complaint.

- 7.8 The Dean may resolve the appeal by:
- 7.8.1 affirming the academic decision of the decision-maker; or
 - 7.8.2 varying the academic decision of the decision-maker; or
 - 7.8.3 making a decision in substitution for that of the decision-maker; or
 - 7.8.4 referring the matter for consideration by an examiner other than the decision-maker; or
 - 7.8.5 remitting the matter for reconsideration by the decision-maker in accordance with any directions or recommendations.
- 7.9 If the Dean refers the matter for consideration by an examiner other than the decision-maker, the Dean will appoint an examiner who will report to the Dean with recommendations.
- 7.10 The Dean must advise the student in writing of the outcome of the appeal:
- 7.10.1 setting out the reasons; and
 - 7.10.2 advising that if the student does not agree with the decision, then the student has a right of appeal under these procedures (see paragraph 8).

8 Appeal to the University

(See <http://www.usyd.edu.au/secretariat/students/AcAppealsStudents.shtml#3> for further details.)

- 8.1 If the student is not satisfied that his or her concerns have been addressed satisfactorily under paragraph 6, the student may lodge a written appeal, in accordance with the *University of Sydney (Student Appeals against Academic Decisions) Rule 2006*.
- 8.2 The *Education Services for Overseas Students (ESOS) Act 2000* (as amended), and the related National Code of Practice, states that the University “must have arrangements in place for a person or body independent of and external to the registered provider to hear complaints or appeals arising from the registered provider’s internal complaints and appeals process or refer students to an existing body where that body is appropriate for the complaint or appeal”. In the case of the University of Sydney, the independent and external person is the NSW Ombudsman.

9 Procedures for Student Appeals against Academic Decisions for Postgraduate Research Awards

- 9.1 If a postgraduate research student wishes to appeal an academic decision associated with:
- 9.1.1 termination of their candidature, or
 - 9.1.2 the examination of a thesis.
- they should lodge a written appeal in accordance with the *University of Sydney (Student Appeals against Academic Decisions) Rule 2006*.
- 9.2 If a student wishes to appeal an academic decision associated with any other matter, they should follow the steps outlined for coursework matters in paragraphs 5 to 8 above.