

Guidance Notes for Students Appealing a University Decision

Contained in these Guidance Notes:

Introduction

At Victoria University students have the right to appeal some types of University decisions. An appeal often follows a decision made by a Panel or senior staff member delegated by the Vice-Chancellor to act on behalf of the University.

Types of decisions that can be appealed:

- a misconduct decision;
- a complaint decision;
- a safety decision;
- an academic progress decision; and
- a statutory decision.

Purpose of the appeal process:

- provides the ability to restore trust where a mistake or error has been made;
- allows the University to amend a wrong where no current legislation, policies or procedures provide protection for a student; and
- ensures that all students are given the opportunity to seek procedural fairness should the need arise.

Before you appeal

- **Read** the [Student Appeal Regulations 2019](#) and [Student Appeals Procedure](#) so that you are aware of what appeals are and how they are managed. You will find these documents on the Student Appeals Website.
- **Get some advice and support:** To ensure that you present a strong case, it is recommended that you contact [Student Advocacy](#) prior to completing the Notice of Appeal Form. You can either email advocacy@vu.edu.au or ring +61 3 9919 5400 to speak to a staff member. Student Advocates have expertise in many areas, including appeals, and are an important resource for all students.
- **Read these Guidance Notes** to check that you can actually appeal the decision. If so, this guide will help you make sure your Notice of Appeal is complete and presents a strong case.

Deciding on whether to appeal the University decision– 4 questions to ask yourself

Q1

Is this a University decision you want to appeal?

Only the following can be appealed:

- a misconduct decision;
- a complaint decision;
- a safety decision;
- an academic progress decision; and
- a statutory decision.



Q2

Has the University process been completed?

The University process has been completed when you receive a written, dated decision. This decision also advises of you of the Appeals Process



Q3

Are there eligible grounds for an appeal?

There are four eligible grounds for appeal:

- a. the existence of **new relevant material of a significant nature**
- b. there was a **misapplication of procedure resulting in some real disadvantage** to the student or eligible person that was the subject of the decision;
- c. the decision was **manifestly** wrong or the sanction was **manifestly** excessive;
- d. there was a **bias or a conflict of interest** on the part of the original decision maker/s



Q4

Are you within the allowable timeline of 20 University business days?

Once you are notified of the decision, you have 20 University business days to appeal. Any later than this and your application will be invalidated. No further action can be



If the answer to all 4 questions is 'yes', then you may lodge a **Notice of Appeal**

These are not eligible grounds for appeal:

- simply being dissatisfied with the decision made by the University.
- misunderstanding or not being aware of the published University regulations and procedures;
- being unaware of the situation due to not reading your student emails:

How to provide evidence in support of your grounds

1. *the existence of **new relevant material of a significant nature**, being relevant material that was not reasonably available to the student or eligible person prior to the original decision being made and which is inherently different from material that was available*

This material would **not** have been available at the time for you to present to the original decision maker– **not** that you did not supply to the decision maker. The new material also must be significant enough to suggest that had the original decision maker had access to this information then the decision would have been different.

New evidence may include compassionate and compelling circumstances beyond the control of the student and they have an impact on the student's capacity and/or ability to attend/present information in original submission. There are occasions when your ability to engage with the University is hampered by unexpected occurrences and this would be consistent with grounds for an appeal.

2. *there was a **misapplication of procedure resulting in some real disadvantage** to the student or eligible person that was the subject of the decision;*

This ground requires you to read the related regulations and procedures used leading to the University decision. All Regulations and Procedures are published on the [University's policy website](#) and, if you are not clear on sections of the procedures you should discuss with Student Advocates. You will also need to describe how the misapplication of the procedures by the decision maker resulted in real disadvantage to you.

The University is a large organisation with many complex systems. An individual may be impacted by a misapplication of a procedure or a systems error. Usually these can be addressed before the appeal process- but if the matter cannot be resolved at the local level, then you may lodge an appeal on these grounds.

To successfully use this ground you should provide evidence that the decision maker breached the relevant University policy or legislation during the decision making process.

3. *the decision was **manifestly wrong** or the sanction was **manifestly excessive**;*

You need to explain how the University decision was wrong or the sanction applied to you was excessive in relation to the options provided in the relevant regulations or policy.

4. *there was a **bias or a conflict of interest** on the part of the original decision maker or decision makers.*

You will need to provide evidence that the person making the decision had previous involvement in your case leading to the decision or that there was a lack of impartiality in deciding your case. You need to present a case that this earlier involvement or previous knowledge would have had some influence on the final decision or sanctions.

How to Complete the Notice of Appeal Form

We recommend that you read these Guidance Notes and the information presented on the Student Appeals website before completing the Notice of Appeal Form

[Student Advocacy](#) is also available to assist you in understanding what you need to provide.

Download a Notice of Appeal Form from:

vu.edu.au/student-appeals

Section 1: Personal Details

Contact details- these must be accurate. We will be contacting you via email – so if you are an enrolled student of VU you **must** include your student email address and may include any other email address that is regularly accessed.

Your **course and campus details** are important for reporting purposes only. Please note that personal information¹ requested in Section 1 of the Form will be not published or used as part of any internal reporting requirements of the University.

As the University must notify the relevant government authorities of any exclusions of international students, it is important that you identify **whether you are an international student studying in Australia** in this section.

Section 2: Type of Appeal (Which Decision Are You Appealing?)

You will have received a dated copy of the **University decision** which advises you of which Regulation or policy the decision has been made (see examples in Appendix). This will be one of the types of decisions listed under 2 (2) of the Form. The written decision will be dated and will advise you of the Appeals Process and deadlines. You need to mark the correct decision.

A copy of the University decision **must** be attached or sent with your Notice of Appeal.

Do read the relevant policies and procedures linked to your appeal. Students and the general public can access all the policies and procedures from the following website: <https://policy.vu.edu.au/>. This is especially important, if you have ticked “misapplication of procedure” as grounds. Again, Student Advocacy has expertise to provide advice about policy and procedures.

¹ Under the DPD Act (2014) Vic Personal Information includes *or an opinion ..that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion...Examples of such information can be found here.*

[Your privacy rights - Office of the Victorian Information Commissioner \(ovic.vic.gov.au\)](http://ovic.vic.gov.au)

Section 3: Grounds for an Appeal

There are 4 grounds for appeal listed in Section 3 (1) of the Notice of Appeal. You may tick more than one ground in support of your appeal. Read through *How to Produce Evidence to Support Your Grounds* in this publication.

Section 4: Evidence or Documentation

You are expected to list all attachments that have been submitted with your Notice of Appeal. A compulsory attachment for all appeals is the copy of the University decision [refer to Appendix One of these Guidelines for examples of various university decisions].

The evidence is extremely important when presenting your case. The Panel Chair will make a decision about whether there is merit in the grounds for your appeal based on what you present.

Not all appeals will require the types of evidence/documentation listed in Section 4 of the Form. For example, if your appeal is based upon a complaint decision related to non-academic matters your academic transcript is not required.

Please note that any medical documentation must pertain to the applicant only. If you have been impacted by the health condition of a family member then you should submit a statutory declaration to that effect.

Refer: <https://www.justice.vic.gov.au/justice-system/legal-assistance/statutory-declarations>

Not all students have access to software to present all materials into a single consolidated file and Governance Services will accept separate files for each type of attachment. However, all files should be in either pdf, jpeg or Word format. It is very important to identify what has been presented in this section of the form and, where possible, length in pages.

What will happen to my appeal after I lodge it?

Once you have emailed your appeal to gov.sec@vu.edu.au you will receive confirmation that your appeal has been received.

CONSIDERATION OF AN APPEAL (2 TIER PROCESS)

Tier 1: The Appeal Panel Chair will consider the Notice of Appeal form (and relevant documents) and determine if there are grounds for appeal (refer [Regulation 6](#)).

If a clear error or deficiency has occurred, the Chair may remit the matter back to the original decision maker/s for reconsideration, with guidance how to remedy the error or procedural deficiency.

TIER 1-THE CHAIR WILL DETERMINE IF THE APPEAL HAS MERIT

The Chair will consider your Notice of Appeal Form, the documentation that you have submitted and the University decision and any other material considered by the original decision maker.

YES

NO

The appeal has merit, the Chair will refer the appeal to a Panel for hearing (**Tier 2**). The Appeals Secretariat will appoint members of the Appeal Panel in accordance with [Regulation 10](#) & schedule a hearing of the Appeal Panel.

The appeal lacks merit. The Chair may dismiss the appeal without a hearing. The original decision stands.
There is no further appeal within Victoria University from the decision of an Appeal.

TIER 2- PANEL HEARING

You will meet with the Chair and the Panel to present your case. Students can bring a support person or may have advocacy accompany them. Students will be provided the opportunity to speak to the Panel about their case.

OUTCOME FROM PANEL HEARING

Following the hearing of an appeal, an Appeal Panel will either '**allow the appeal in whole or in part**' or '**dismiss the appeal**'. The student will be notified of the outcome within **5 business days** by the Secretariat.

APPENDIX ONE: TYPES OF UNIVERSITY DECISIONS

Type A : An Academic Progression Decision

VICTORIA UNIVERSITY
MELBOURNE AUSTRALIA

STUDENT SERVICES

Student ID: 1234567
Student Name: Joe Blogs

Dear Joe,

We recently sent you an email advising that your progress in BBA - BACHELOR OF BUSINESS (ACCOUNTING) was unsatisfactory and you will be excluded from your course.

Our records indicate that you have elected not to attend a Show Cause Panel.

I am writing to confirm that you will be excluded from your course on 21 February 2018.

If you wish to appeal an exclusion decision you may do so before 21 February 2018 in accordance with the [Student Appeals Regulations](#).

You are able to enrol and continue to study until this process has been finalised.

Student Advocacy
[Student Advocacy](#) can provide support or assistance with reviewing your draft letter or advising you on preparing your appeal. Before speaking to an Advocate, prepare a short statement (half to one page) outlining the key points of your case.

Onshore International students
According to Standard 8 of the National Code made Under Education Services for Overseas Students Act 2000, the University is required to report your unsatisfactory progress to the Commonwealth Government. If your enrolment is cancelled you should seek advice from the Department of Home Affairs on the potential impact on the student visa.

Victoria University is committed to making sure your student experience is the best it can be. If you need assistance, or if you believe you have received this advice in error, please [contact us](#).

Yours sincerely,

Louise Batchelor
Director Student Administration

Our team is here to assist

vu.edu.au/askvu myvuportal.vu.edu.au vu.edu.au/chat +61 3 9919 6100 Service Centres

VICTORIA UNIVERSITY
MELBOURNE AUSTRALIA

31025 Nonda Dr. 00129W Melbourne and CR/05 Plover Dr. 07475B Geelong 320 Code 3113

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. If you have

The University Decision to Exclude

The date by which you have to submit your Notice of Appeal to gov.sec@vu.edu.au

Designated senior officer of the University making the decision.

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APPENDIX ONE: TYPES OF UNIVERSITY DECISIONS

Type B: A Misconduct Decision

2 April 2019

Ms Jo Bloggs
Footscray Street
Footscray VIC 3011
Email: Josephine.Bloggs@live.vu.edu.au
Student ID Number: XXXXXXXX

Dear Josephine,

Allegation of Student General Misconduct

As you are aware, a hearing of this matter took place on 1 December 2019 under the provisions of Victoria University's [Student Misconduct Regulations 2019](#). It was alleged that you behaved in a manner which constitutes general misconduct of the nature the University regards as serious. This is to inform you of the outcome of the Student Misconduct Panel Hearing.

The Incident (In summary)
On 03.11.19 you attended the Footscray Park campus armed with a portable alarm with the purpose to disrupt the class EEB3550 Constructing Modularized Formulae. You set off the alarm in the class.

The effect of this action included:

- Causing the class to be abandoned; and
- Creating a heightened sense of anxiety for students who were using the class time to prepare for their forthcoming examinations.

You agreed to participate in the Panel hearing in order to have the opportunity for a right of response to the allegation and have the matter decided.

Decision

The Panel unanimously agreed and found that in relation to the allegation of student general misconduct, you did breach Regulation 6(2)a, and b, of the Student Misconduct Regulations 2019 and the allegation was substantiated.

Sanctions

The Panel considered the sanctions for general misconduct set out in Regulation 18 (2) of the Student Misconduct Regulations 2019 and impose the following sanctions

- a) **Reprimand** - this means that you are found in breach of University policies
- b) **Exclusion from the University** for a period of 3 months.

Right of Appeal

If you can demonstrate that the process used to make this decision is in breach of one or more of the [appeal grounds](#), you may request an appeal of the process as applied to your matter. Any request for appeal of the process which you choose to submit must be sent to Governance and Secretariat within 20 University business days from the date of this correspondence. Please note that your request may not result in a different outcome. For more information (and access to the pro-forma document that you would need to request an appeal,) please refer to vu.edu.au/student-appeals

Yours sincerely

Name
Title of Senior Officer delegated by Vice-Chancellor

Indicates the type of University decision to be appealed

Outcome of the investigation.

Identification of what can be appealed and when.

APPENDIX ONE: TYPES OF UNIVERSITY DECISIONS

Type C: A Student Complaint Decision



INTEGRITY OFFICE FOOTSCRAY PARK CAMPUS BALLARAT ROAD
PO BOX 14428 MELBOURNE VICTORIA 8001 AUSTRALIA Phone +61 3 9919 5007
Fax +61 3 9919 9542 integrity.office@vu.edu.au vu.edu.au

05 February 2016
Mr Joseph Bloggs
Ballarat Road
Footscray 3011
joseph.bloggs@ive.vu.edu.au

Re: Student Matter: reference number 160501000; student ID XXXXXXXX

Dear Joseph,

The Integrity Office is writing in response to your complaint. In accordance with the University's [Student Complaints Policy and Procedures](#), this matter has been considered as a University-managed complaint.

Background (In summary)

Senior Officer Ms Florence Administrator (Director Students) has investigated your requests for:

- an apology due to lack of adequate support from the University; and
- a refund on tuition fees for all failed subjects or rescaling of the grades to pass marks.

Decision

Senior Officer, Ms Florence Administrator, determined that:

1. The investigation concluded that the detailed case notes indicate that University teaching and administrative staff have provided a personalised and comprehensive service to your needs.
2. The circumstances for fee refunds outlined in section 3 of *Fee Adjustments Procedure - Domestic* does not allow failure of subjects as criteria for refund. The current assessment grades stand and you will need to re-enrol and undertake these units again in order to successfully complete those five subjects. If students have substantive concerns or disputes regarding their grades Part C of the [Assessment for Learning - Review of Individual Assessment Outcomes Procedure \(IAE\)](#) offers grounds and a process for students to address their disputes/concerns with the Course and Unit Administrator within 5 University business days of published results.

Basis for the decision

Senior Officer Ms Florence Administrator (Director Students): a) reviewed the student complaint submission b) retrieved all case notes from the University on the student's file and investigated the complaint in relation to those detailed case notes about the services that have been provided over multiple years. The record of assessments in the five failed subjects was also reviewed.

The Integrity Office will now close this matter. If you can demonstrate that the process used to make this decision is in breach of one or more of the [appeal grounds](#), you may request an appeal of the process as applied to your matter. Any request for appeal of the process which you choose to submit must be sent to Governance and Secretariat within 20 University business days from the date of this correspondence. Please note that your request may not result in a different outcome. For more information (and access to the pro-forma document that you would need to request an appeal), please refer to [Governance and Secretariat](#) (<https://www.vu.edu.au/about-us/administration-governance/governance-secretariat>). If you are not satisfied with the appeal decision you may address your concerns with the Victorian Ombudsman: +61 3 9613 6222 or 1800 806 314; Level 9, 459 Collins Street, Melbourne 3000.

If you need assistance you can contact Student Wellbeing and speak to an Advocate: 9919 5400 / advocacy@vu.edu.au.

Yours sincerely,

Integrity Office

Indicates the type of University decision to be appealed

Senior Officer and outcome of the investigation.

Identification of what can be appealed and when.