

Policy Title

Appeals Policy

Preamble

This Policy has been approved by Deakin College's Academic Board of Studies on 19 April, 2018.

This Policy is consistent with:

- The Higher Education Support Act (HESA) 2003
- The Higher Education Standards Framework 2015 (Threshold Standards) Standard 2.4 Student Grievances and Complaints
- The Education Services for Overseas Students Act (ESOS) 2000 and
- The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018)

Purpose

This Policy has been developed to affirm Deakin College's commitment to a supportive, fair and equitable learning environment by ensuring that students have access to an appeals process which is independent, free, effective and, resolved in an efficient and timely manner.

Scope

This policy applies to all current and prospective students in all campuses.

Policy

1. This Policy is underpinned by the following principles:
 - 1.1. All appeals will be considered and dealt with according to the principles of natural justice and procedural fairness;
 - 1.2. All appeals will be dealt with in a supportive environment and the appellant will not be subjected to victimisation, intimidation, discrimination or harassment;
 - 1.3. An appeal does not restrict a student's right to access Australia's consumer protection laws or to pursue other legal remedies. Students are however, encouraged to access Deakin College's review processes prior to lodging a formal appeal to the Deakin College Appeals Committee;
 - 1.4. All appeals will be submitted, assessed and resolved within the time-frames specified in this policy and its associated procedures;
 - 1.5. Deakin College will take all reasonable steps to ensure that information and communication regarding any appeals remain confidential and will only be disclosed to a person who have a right to the information by virtue of their role in the appeals process;
 - 1.6. Appellants have the right to present his or her case to the Deakin College Appeals Committee and, be accompanied by a third person providing that the person is not a qualified and practising lawyer;
 - 1.7. Where the appeal is against Deakin College's decision to cancel an appellant's enrolment due to unsatisfactory academic progress or unsatisfactory attendance which may result

in reporting to the relevant Australian Government higher education and immigration agencies, Deakin College will maintain the appellant's enrolment by not completing the reporting until all avenues of appeal, internal and external (if accessed), is completed;

- 1.8.** Deakin College's appeals process allows for the outcome of only one external appeal. For overseas students, where the external appeal (if accessed) supports Deakin College's decision, Deakin College will proceed and report the student to the relevant Australian Government higher education and immigration agencies;

2. Appeals

- 2.1.** In the first instance, students are encouraged to access Deakin College's review processes related to academic and non-academic matters prior to lodging a formal appeal. Students who are not satisfied with the outcome of a review related to an academic or non-academic matter may lodge a formal appeal to the Deakin College Appeals Committee.
- 2.2.** Appeals of an academic nature are those related to admissions, assessment, enrolment, attendance and academic progress;
- 2.3.** Appeals of a non-academic nature are those related to fees and, an appellant's conduct which may result in perceived victimisation, intimidation, discrimination or harassment;
- 2.4.** Appeals against a Deakin College decision must be submitted within twenty (20) working days from the date the written outcome of the decision is communicated to the appellant. Late appeals may be dismissed by the Deakin College Appeals Committee;
- 2.5.** A *Deakin College Appeal Application Form* must be submitted to commence the appeal process. The grounds for appeal must be stated in the application and, supporting documentation provided;
- 2.6.** There is no cost to the appellant in accessing Deakin College's internal appeal as set out in this policy, however, an external agency may choose to charge a fee for their services;
- 2.7.** An appeal will commence within ten (10) working days of its lodgement and finalised as soon as practicable. At a minimum, this will comprise of a written acknowledgement of the appeal to the appellant with the assignment of a case reference number;
- 2.8.** If a request to present his or her case to the Deakin College Appeals Committee is received from the appellant, at least five (5) working days' notice regarding the date, time and location of the meeting must be provided;
- 2.9.** An appellant may be accompanied by a support person providing that the person is not a qualified and practising lawyer;
- 2.10.** If an appellant fails to attend the scheduled meeting, the appeal will be considered and finalised by the Deakin College Appeals Committee;
- 2.11.** The outcome of an appeal and reason(s) for the decision will be communicated to the appellant in writing within ten (10) working days from the completion of the appeal process;
- 2.12.** The written appeal outcome will be sent by email to the appellant's Deakin College email address and personal email address recorded in the student management system. Outcome of appeals which may result in the cancellation of an appellant's enrolment and, for overseas students, reporting to the relevant Australian Government higher education and immigration agencies, will also be posted to the appellant's most recent correspondence address as per Deakin College's student management system;

- 2.13.** It is the student's responsibility to ensure that his or her correspondence details (postal address, phone/mobile number and personal email address) are provided to Deakin College and updated regularly;
- 2.14.** The Deakin College Appeals Committee will make all reasonable attempts to resolve appeals as soon as practicable so not to disadvantage the appellant.

3. Grounds for appeal

- 3.1.** An appeal will be considered and assessed by the Deakin College Appeals Committee in the following circumstances:
- The appellant believes that the decision by Deakin College was not in accordance with the applicable Deakin College policy and/or procedure;
 - New information or evidence previously not provided or considered is made available
- 3.2.** The Deakin College Appeals Committee may dismiss an appeal on the following basis:
- the circumstances which resulted in the appellant's appeal submission does not reflect the grounds for appeal;
 - failure to receive email or postal correspondence from Deakin College due to the appellant's failure to provide or update his or her correspondence details;
 - the appeal is lodged outside the time-frame allowed for lodgement;
- 3.3.** In the event that an appeal is dismissed, the appellant will be notified in writing and, the notification will include the reason(s) for the appeal's dismissal.

4. Deakin College Appeals Committee

- 4.1.** The Deakin College Appeals Committee is responsible for the assessment and determination of appeals received from Deakin College students. The Deakin College Appeals Committee is also responsible for communicating the appeal outcome to the appellant.
- 4.2.** An appeal to the Deakin College Appeals Committee is the final avenue of internal appeal at Deakin College and the outcome determined by the committee is final.
- 4.3.** Membership:
- College Director and Principal (or delegate)
 - Academic Director (or delegate)
 - Director, Recruitment and Admissions (or delegate)
 - Student and Academic Services Manager / Campus Manager (or delegate)
 - Quality and Compliance Manager (or delegate)
- 4.4.** Members of the Deakin College Appeals Committee are expected to act in good faith, with integrity and, with no conflict of interest or bias. Any conflict of interest, whether real or perceived, must be disclosed.
- 4.5.** A member with prior involvement in the matter forming the subject of appeal, or a close association with the appellant will be excused from participating in the appeal process.

- 4.6. It is expected that members of the Deakin College Appeals Committee are familiar with all Deakin College policies and procedures and, the relevant legislations.
- 4.7. The Deakin College Appeals Committee provides feedback to Deakin College's Senior Management Group and may recommend a change in policy or procedure.

5. External Appeal

- 5.1. If an appellant is not satisfied with the outcome, the appellant may pursue the matter externally through an independent appeals agency within ten (10) working days following the written notification of the outcome by the Deakin College Appeals Committee. Examples of an external appeals agency include, but are not limited to:

- **Overseas Students Ombudsman**

GPO Box 442

Canberra ACT 2601

Website: <http://www.ombudsman.gov.au/about/overseas-students>

- **Victorian Ombudsman**

Level 2, 570 Bourke Street

Melbourne VIC 300

Website: <https://www.ombudsman.vic.gov.au/Home>

- 5.2. Deakin College students who are on an Australian student visa may contact the Overseas Students Ombudsman. Domestic students or non-student visa holders may contact the Victorian Ombudsman.
- 5.3. If the external appeal agency makes a recommendation in relation to an appeal, Deakin College will ensure that the recommendations are implemented immediately and advise the appellant of the outcome.

6. Record Keeping

- 6.1. Deakin College will keep records of an appeal for five (5) years after the appellant ceases to be an accepted student.

7. Appeals Procedure

- 7.1. There are separate procedures depending on the type of appeal:

- Academic Integrity
- Academic Progress
- Admission
- Attendance
- Enrolment, Fees and Charges
- General Misconduct
- Review of Assessment at the end of Trimester

- Review of Assessment during Trimester
- Special Consideration
- Overseas Student Transfers

Related Policies

Academic Integrity Policy
 Academic Progress Policy
 Equity and Diversity Policy
 Admission Policy
 Assessment Policy
 Attendance Policy
 Enrolment, Fees and Charges Policy
 Privacy Policy
 Refund Policy

Procedure

Appeals Procedure

Definitions

Key Term or Acronym	Definition
Appeal	A formal process to challenge and request for a decision to be reversed
Appellant	A student who submits an appeal
Deakin College Appeals Committee	The final appeals body at Deakin College that considers appeals from students against any decision by Deakin College or Deakin College Indonesia of an academic or non-academic nature.
Overseas Student	A student who holds an Australian student visa.
Victimise	To act or omit to act towards a person in a way which is unfair or intended to cause disadvantage to that person.
Working Day	Excludes Victorian and Australian public holidays and weekends.

Status and Details

Status	Current
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Domain	Student and Academic Services
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Implementation Officer	Quality and Compliance Manager
Enquiries Contact	Robert Close