

Policy Owner	College Director & Principal
Contact Officer:	Academic Director
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Approved by:	Academic Board
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Related Policies:	Access, Diversity, Equity and Inclusion Policy College Code of Conduct Complaints Policy Privacy Policy Progression and Intervention Policy Refund Policy
Related documents:	Formal Appeal Against Termination and Progress form Formal Appeal of Final Grade form (Service Taught Unit) Formal Appeal of Result form Informal Appeal of a Result form (in class assessment)

1. Overview

1.1. This policy has been developed to ensure all current and prospective students of Curtin College or any partner provider are given access to a free, effective and fair appeals process.

1.2. There are four separate processes depending on whether the appeal is related to:

- Assessments including exam (refer to section 5.1);
- Final results (refer to section 5.2);
- Termination or Conditional Academic Status (refer to section 5.3);
- Appeal against assessment for service taught unit (refer to section 5.4)

Section 5 sets out the valid grounds and procedures for each type of appeal.

1.3. This policy has been developed in line with requirements set out in Higher Education Support Act 2003, The Education Services for Overseas Students Act (ESOS) 2000, the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (National Code 2018) – Standard 10; and the Higher Education Standards Framework 2015 (Threshold Standards) - Standard 2.4.

2. Organisational Scope

2.1. Any current or prospective student of the College or its partner provider is entitled to access the appeals process set out in this policy, regardless of the location of the campus at which the matter has arisen, the student's place of residence or the mode in which they study.

3. Definitions

- 3.1. **Appeal:** In this context an appeal constitutes a request to review a decision or outcome relating to any aspect of the student's results, conditions of enrolment, academic progress and attendance, or admission to the College.
- 3.2. **Appellant:** A person lodging an appeal.
- 3.3. **Assessment:** Any assessment that the student undertakes during a period of study, including the final examination, but not limited to: assignments, tests, mid-semester/trimester exams, presentations, and portfolios etc.
- 3.4. **Immigration:** Refers to the Department of Home Affairs, the Australian government agency responsible for multicultural affairs, immigration and border-related functions and agencies. The Department of Home Affairs is responsible for issuing Student Visas.
- 3.5. **Final Results:** The final score awarded to a student incorporating all in class assessment marks and if applicable, the final exam mark.

- 3.6. **Higher Education Standards Framework 2015:** Evaluation and performance of higher education providers against the Threshold Standards.
- 3.7. **International Student:** A student who is not an Australian or New Zealand citizen or the holder of a permanent residency or humanitarian visa. For the purposes of this policy, students who are in Australia, as a result of their parents/legal guardians being on a temporary business visa (eg visa subclass 457), are regarded as International Students.
- 3.8. **Domestic Student:** A student who is a permanent resident of Australia, citizen of Australia or New Zealand or the holder of a permanent humanitarian visa who will be resident in Australia for the duration of a course of study.
- 3.9. **Overseas Students Ombudsman (OSO):** Independent office that acts as an independent third party to assist in settling complaints and appeals between international students and private registered education providers.
- 3.10. **Partner Provider:** An institution that provides a program that is registered by the College, who for the purposes of this document oversees all matters relating to the delivery of those programs.
- 3.11. **Respondent:** A person responding to an appeal.
- 3.12. **Terminated Status:** Student has not achieved satisfactory progress and is terminated from the College.
- 3.13. **Working Days:** Refers to College working days, which excludes when the College is closed.

4. Policy Principles

4.1. The principles which underpin this policy are as follows:

- 4.1.1. The consideration of appeals will be dealt with according to principles of procedural fairness which respects the right of a complainant to be heard by an impartial party;
- 4.1.2. Appellants and respondents will not be subject to discrimination or harassment resulting from their participation in the appeals process in line with the College's Access, Diversity, Equity and Inclusion Policy;
- 4.1.3. This appeals process does not restrict a student's or person's right to pursue other legal remedies;
- 4.1.4. Staff will make all attempts to respond to appeals within the time limits set out in this policy;
- 4.1.5. This policy will be made available to the public on the College's website (www.curtincollege.edu.au) and all new students are informed of this policy, its location and where to get more information, during Orientation.
- 4.1.6. Appellants and/or respondents have the right to be represented by a third person (such as family member, friend, counsellor, translator or other professional support person, other than a qualified legal practitioner), if they so desire;
- 4.1.7. All communications arising from the appeals process, together with the proceedings of the Appeals Committee, will remain confidential, except to the extent necessary to give effect to this Appeals Policy;
- 4.1.8. Where the appeal relates to suspension of enrolment, students may maintain their enrolled status whilst awaiting the outcome of the appeal;
- 4.1.9. The appellant has the opportunity to formally present his/her case at no cost to them, to the external agent listed under point 5.6 of this policy;
- 4.1.10. If an internal or any external appeal process results in a decision that supports the student, the College will implement the decision immediately or take the appropriate corrective/preventative action as required.

Version:	Last changes:
V1.10 (Feb '21)	<ul style="list-style-type: none"> • Updated 1.3 • Updated 4.1.2 • Updated 4.1.5
V 1.9 (Nov '18)	<ul style="list-style-type: none"> • Separated policy principles from policy implementation.

5. Policy Implementation

5.1. Assessments (not including final exam)

Upon notification of the mark awarded for an assessment item, a student who believes that their result is incorrect or unfair may submit an appeal against their mark. Students must be aware that when submitting an appeal, the results can be changed either upward or downward. There is a four-step process for appealing:

5.1.1. Informal Appeal of Result

Students may request a review of marks by completing the **Application for an Informal Appeal of a Result** form. Applications must be submitted to the lecturer for the Unit by email within 10 working days of the publication of the marks for the assessment item in question. All parts of the form must be completed and submitted along with the assessment piece that is to be re-evaluated. Refer to Section 5.2 below for details on how to review Final Marks.

The Informal Appeal of Result will be reviewed by the Lecturer (respondent). The Lecturer (respondent) is to write their decision in the space provided on the form and the appellant will be advised of the outcome by email to the student's Curtin College email account within 10 working days of receipt of the Informal Appeal of Result. The appeal will either be upheld, with the mark revised accordingly, or will be provided with an explanation of why the marks awarded are correct and fair, in that case the mark will not be changed.

5.1.2. Formal Appeal of Result

If the appellant is dissatisfied with the outcome from the Informal Appeal of Result (5.1.1. above), they may apply for a formal appeal by completing an **Application for Formal Appeal of Results** form. Applications must be submitted within 10 working days of receiving feedback from the Informal Appeal of Result process. All applications for a formal review of result must be submitted to Curtin College Reception. Appellants will be issued with a receipt for their application.

The application must include an explanation as to why the student wishes to appeal the result. The application must include the completed "**Informal Appeal of Results**" form with the lecturer's decision and signature.

In cases where students have been unable to undertake an Informal Appeal of Results, a student must provide evidence that they have made a serious attempt to contact their Lecturer but were unable to do so. This must be supported with a printout of email or messages from the Curtin College Student Portal email account.

The Formal Appeal will be reviewed by the Program Manager or nominee (respondent). The respondent is to write their decision in the space provided on the form and the appellant will be advised of the outcome by email to the student email account within 10 working days of receipt of the Formal Appeal.

To avoid any conflict of interest, where the Program Manager has been responsible for the decision being appealed or has been involved in the outcome of step 5.1.1 above, they must nominate another senior staff member to review the appeal.

Note: The appellant is entitled to view their marked exam paper and if deemed appropriate, have the assessment remarked by an independent marker.

5.1.3. Appeals Committee

Where the appellant is unsatisfied with the outcome of step 5.1.2 above and believes that:

- they did not have sufficient opportunity to present their case to the decision-maker; or
- the process was not carried out in accordance with Curtin College policy or procedures; or
- the decision was made contrary to the evidence provided;

the appellant can lodge a written appeal to the Appeals Committee via appeals@curtincollege.edu.au. This statement should be lodged within 10 working days of receiving the written notification of the outcome of step 5.1.2 above. The appeal should include a copy of the **Application for an Informal Appeal of Result form** and the **Application for a Formal Appeal of Result form**.

To avoid any conflict of interest, where the Program Manager has been responsible for the decision being appealed or has been involved in the outcome of step 5.1.1 or 5.1.2, they must nominate another senior staff member to stand in their place on the Appeals Committee.

The appellant will be advised of the outcome by email to the student email account within 10 working days of receipt of the Appeal.

5.1.4. External Appeal

Where the appellant is unsatisfied with the outcome of step (5.1.3), they may lodge an appeal with an External body in accordance with step 5.6.

5.2. **Final Result Appeal (including final exam)**

Upon notification of the final result, students who believe that their result is incorrect or unfair may submit an appeal against their mark.

There is a three-step process for appealing the Final Result:

5.2.1. Formal Appeal

Students who believe that their final result is incorrect or unfair may apply for a formal appeal by completing an **Application for Formal Appeal of Results** form. Applications must be submitted within 10 working days of publication of the final results. All applications for a Formal Appeal of Results must be submitted to Curtin College Reception or submitted online via the Student Portal's '*Application for a Formal Appeal of Results*' link available on the Curtin College portal page when final results published. Appellants will be issued with a receipt for their application.

The application must include an explanation as to why the student wishes to appeal the final result (to appeal the final assessment mark, including exams please refer to 5.1). All parts of the form must be completed, including relevant evidence such as marking keys for all assessments undertaken, and the form must be signed by the student.

Students should not contact their Lecturer to discuss their final result.

The Formal Appeal will be reviewed by the Program Manager or nominee (respondent). The respondent is to write their decision in the space provided on the form and the appellant will be advised of the outcome by email to the student email account within 10 working days of receipt of the Formal Appeal.

To avoid any conflict of interest, where the Program Manager has been responsible for the decision being appealed, they must nominate another senior staff member to review the appeal.

5.2.2. Appeals Committee

Where the appellant is unsatisfied with the outcome of the Formal Appeal (step 5.2.1) and believes that:

- they did not have sufficient opportunity to present their case to the decision-maker; or
- the process was not carried out in accordance with Curtin College policy or procedures; or
- the decision was made contrary to the evidence provided;

the appellant can lodge a written appeal to the Appeals Committee via appeals@curtincollege.edu.au. Appeals can only be accepted from the Student email account. This statement should be lodged within 10 working days of receiving the written notification of the outcome of the Formal Appeal (step 5.2.1. above). The appeal should include a copy of the **Application for a Formal Appeal of Result** form.

To avoid any conflict of interest, where the Program Manager has been responsible for the decision being appealed or has been involved in the outcome of step 5.2.1, they must nominate another senior staff member to stand in their place on the Appeals Committee.

The appellant will be advised of the outcome by email to the student email account within 10 working days of receipt of the appeal.

5.2.3. External Appeal

Where the appellant is unsatisfied with the outcome of the Appeals Committee (step 5.2.2 above) they may lodge an appeal with an External Appeal body in accordance with clause 5.6.

5.3. **Appeals against Termination or Conditional Academic Status**

There is a two-step process for appealing Termination or Conditional Status:

5.3.1. Appeals Committee

Following the release of results each study period students who are not achieving satisfactory academic progress are placed on Conditional Academic status in accordance with the College's Progress and Intervention Policy.

International students whose academic status is Terminated may also be in breach of Student Visa Condition 8202 'Achieving Satisfactory Course Progress' and subsequently may be reported to Immigration (Intent to Report) in accordance with the relevant legislation.

Once a student has received notification of their Terminated academic status and potential Intent to Report to Immigration (if on a student visa), they may appeal this decision with the Curtin College Appeals Committee. Appeals must be lodged in writing within 20 working days from the date of the formal notification of their academic status using the "**Curtin College - Application for Formal Appeal against Termination and Progress**" form.

Evidence submitted in support of the appeal (e.g. Medical certificates) must be in English or accompanied by official English translations. Supporting evidence in languages other than English may not be accepted as part of the appeal.

The appellant will be advised of the outcome by email to the student email account within 10 working days of receipt of the appeal.

5.3.2. External Appeal

Where the appellant is unsatisfied with the outcome of the Appeals Committee (step 5.3.1), they may lodge an appeal with an External body in accordance with step 5.6.

5.4. **Appeals against Assessments for service taught units.**

- 5.4.1. Please refer to the Curtin University Assessment and Student Progression Manual and follow the process and complete the required forms as set out in the Appeals section of the manual.

5.5. The Appeals Committee

The Appeals Committee shall be comprised of at least three members of the following:

- Academic Director (or nominee) – Chair
- Admissions Manager (or nominee)
- College Director and Principal (or nominee)
- Student and Academic Services Manager (or nominee)
- Program Manager
- Student Counsellor (or nominee)

The Committee will review the appeal upon receipt of the written appeal within the timeframe as outlined in 5.1, 5.2, and 5.3, and will inform the appellant of the outcome of this decision in writing. The Committee may ask either the appellant or respondent (or both) to present their case in person to the Committee.

Appeals can be directed to the Appeals Committee in the following ways:

Via email: appeals@curtincollege.edu.au
In writing: Curtin College Appeals Committee
GPO Box U 1987
Perth WA 6845

5.6. External Appeal

Where the appellant is unsatisfied with the outcome of a formal appeal to Curtin College Appeals Committee, they may seek an external appeal. The purpose of the external appeal process will be to consider whether the College has followed its policies and procedures. The external appeal will not make a decision in place of the College.

International Students:

The Overseas Students Ombudsman can investigate complaints about action taken by private providers in connection with overseas students.

If you wish to lodge an external appeal about the College Appeals Committee's decision, you can contact the Overseas Students Ombudsman. The Overseas Students Ombudsman offers a free and independent service for overseas students who want to lodge an external appeal about a decision made by their private education or training provider. See the Overseas Students Ombudsman website www.oso.gov.au or phone 1300 362 072 for more information.

Appeals are to be lodged with the Overseas Student Ombudsman within 10 working days of the date of the outcome of an appeal to the College's Appeals Committee. The appellant must also notify the College of the lodgement of an external review. The external appeal agency may charge the appellant a fee for service to lodge an external appeal.

Domestic Students:

Domestic students can lodge an external appeal through:

Department of Commerce – Consumer Protection
Phone: 1300 304 054 or complete the online complaint form:
<http://forms.commerce.wa.gov.au/consumer-protection/complaint>

The independent reviewer will review the processes (not the decision) undertaken in the case, seeking input from all parties before making recommendations to Curtin College.

6. Administrative procedures

This policy and related documentation is accessible through the Curtin College website at: <http://www.curtincollege.edu.au>

Records of all appeals will be kept for a period of five (5) years. These records will be under the responsibility of the Academic Director or equivalent .

Curtin College will take all necessary steps to ensure that information regarding the appeal shall be disclosed only to those persons who have a right to the information by virtue of their role in the appeals process.

Any recommendations for process improvement or policy change arising out of any step of the appeals process will be forwarded to the College Leadership Team for recording and consideration.

Recommendations arising from any external review of the Appeals Policy or procedures should be implemented within 90 days of notification.

6.1. Policy Dissemination and Staff Training

This policy and related procedures will be communicated to:

- 6.1.1. New staff (Academic and Administration) through staff induction and via email;
- 6.1.2. New Students verbally during Orientation and via the College's [website](#);
- 6.1.3. Current Academic staff via the Teaching Hub on Moodle and the College's [website](#);
- 6.1.4. Current students via the Student Handbook and the College's [website](#) as well as on the internal Student Portal.
- 6.1.5. Current Academic and Administrative staff, via email.
- 6.1.6. The Academic Director or nominee is responsible for the training of academic staff in the application of the policy and for verbally advising and explaining the policy to students.
- 6.1.7. The College Director and Principal or equivalent is responsible for the training of support staff in its application and for publishing the policy on the website.

6.2. Review of Appeals

The Academic Director will conduct a review of the appeals register at the completion of each study period to identify trends and subsequently report on those trends to the College Leadership Team.

Version:	Last changes:
V 2.0 Jan 21	<ul style="list-style-type: none"> • Updated 1.3 • Updated 5.5 • Updated position titles
V1.10 Feb '20	<ul style="list-style-type: none"> • Updated the external body that local students can appeal to (5.6)
V1.9 Nov '18	<ul style="list-style-type: none"> • 5.1 Removal of exam as part of the in-study period appeal process. • 5.2 Final results to include final exams. • 5.3 Removal of a Formal Appeal process for appealing academic status.
V1.8 August '18	<ul style="list-style-type: none"> • 5.1 inclusion of exam as part of the in-study period appeal process. • 5.2 Final result appeals are specifically for incorrect results. • 5.3 Addition of a Formal Appeal process for appealing academic status.
V 1.7 May '18	<ul style="list-style-type: none"> • Added definition of 'working days' • Removed Formal Appeal of Results form (Service Taught Unit) – Final Grade from the Related Documents section as this is not used in current Curtin University Appeals Process. • Removed 4.1.2 as meaning unclear • Changed In-class Assessments to In-study Period Assessments for consistency across policies. • Changed 7 to 10 working days for consistency of timeframes • Inserted email form to lecturer in Section 5.1.1 to clarify process. • Changed Program Manager to Program/Academic Coordinator to reflect current position titles. • Removed sections 5.4.1 to 5.4.4.3 as no longer in line with Curtin University Policy for appeals in relation to service taught units. Replaced with instructions to access Curtin University Assessment and Student Progression Manual, appeals section and relevant forms. • Removed reference to Conciliator