

Appeals Procedure

Colleges of Business and Technology (WA) Pty Ltd

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Document

Document Name	Appeals Procedure
Brief Description	This procedure has been developed to ensure all Curtin College students are given access to a free, effective and fair appeals process.
Responsibility	Academic Director
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Version Control

Date	Version	Summary of Changes	Reviewer Name and Office
9/8/2023	3.0	The Appeals procedure has been extracted from the Appeals Policy.	Quality and Compliance Manager
3/06/2025	4.0	Major review. Terminology changed to align with Curtin University. New external reviewers added. Inclusion of appeals against denied transfer of provider.	Academic Policy Working Group

Related Documents

Name	Location
Academic Integrity Policy	Curtin College website
Assessment Policy	Curtin College website
Credit for Recognised Learning Policy	Curtin College website
Enrolment Policy	Curtin College website
Student Code of Conduct Policy	Curtin College website
Student Complaints Policy	Curtin College website
Privacy Policy	Curtin College website
Progress and Intervention Policy	Curtin College website

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1. Purpose and Scope

- 1.1 This Procedure has been developed to ensure that Curtin College students have access to a free, effective and fair appeals process.
- 1.2 This Procedure applies to Curtin College students in Perth.
- 1.3 This Procedure supports the *Appeals Policy*.
- 1.4 Curtin College students enrolled in units that are service-taught by Curtin University are referred to the university's *Assessment and Student Progression Manual* for guidance on the appeals process at Curtin University.

2. Grounds for Appeals and Appeal Submission

- 2.1 Where permitted under a Curtin College policy, a student may lodge an appeal against a decision made by a staff member or by a governing body such as the Board of Examiners.
- 2.2 A student will lodge an appeal on one or more of the following grounds:
 - a) the College has not adhered to its relevant policies and procedures;
 - b) there is new information that was not available at the time of the original decision; and/or
 - c) there has been a clear error by the College which has adversely affected the student.
- 2.3 To lodge an appeal, students will:
 - a) complete the *Appeal Form*;
 - b) attach relevant documentary evidence;
 - c) provide a personal statement; and
 - d) submit to appeals@curtincollege.edu.au
- 2.4 Where a Curtin College policy or procedure allows for an Informal and/or Formal Review stage of resolution, a student is expected to have engaged with Informal Review and/or Formal Review processes prior to lodging an appeal.

New Information Grounds

- 2.5 Where a student is appealing on the grounds of new information that was not available at the time of the original decision, the Appeals Committee will expect the student to provide:
 - a) evidence that is different to that provided during an Informal and/or Formal Review, if these stages of resolution were available to the student under the relevant policy; the Appeals Committee will dismiss an appeal submitted on this ground if the evidence has already been considered by the College; and
 - b) an explanation as to why this information was not made available previously.
- 2.6 Students may request special consideration under this Procedure for reasons of exceptional, compassionate or compelling circumstances. Expectations regarding documentation are outlined in the *Guidelines on Exceptional, Compassionate or Compelling Circumstances*.
- 2.7 Additional documentation may be accepted at the discretion of the decision-maker. All supporting documentation will be submitted in English.

3. Timeframes for Lodging Appeals

- 3.1 Appeal applications will be lodged by students within ten (10) working days of the student's receipt of the written notification of the decision that is being appealed.
- 3.2 While the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) gives international students twenty (20) working days to access an education provider's appeals process if they face termination, exclusion or suspension from the College, students wishing to appeal are strongly encouraged to do so in a timely manner so that the appeal will not adversely impact their enrolment or progression.
- 3.3 To be eligible for an appeal, students must maintain their enrolment, meaning that during the study period they are registered in units, are attending classes and submitting assessments. An appeal lodged by a student who is no longer enrolled will be dismissed as ineligible by the Appeals Committee.
- 3.4 Student and Academic Services will advise the student of the appeal outcome and the reason(s) for that outcome via their Curtin College email within ten (10) working days of receipt of the appeal.
- 3.5 Where a student wishes to lodge an appeal outside of this timeframe, they must provide sufficient reasons and evidence as to why their request should be considered out-of-time. The Academic Director (or nominee) may, in exceptional circumstances and in their absolute discretion, extend the timeframes where it is appropriate to do so.

4. Student Support During an Appeal

- 4.1 Students will be encouraged to read the guidance information provided on the *Appeal Form*.
- 4.2 Students may contact the Student Learning Advisor (SLA) for advice prior to submitting an appeal, such as guidance on the relevance of evidence.
- 4.3 Contact with the SLA should occur as soon as possible so there is sufficient time for their advice and assistance to be provided before the *Appeal Form* is submitted.
- 4.4 No extension of time will be granted for Students who seek the SLA's assistance. Students are not required to seek or wait for feedback from the SLA prior to submitting their appeal.
- 4.5 The Curtin College Student Counsellor is available to provide wellbeing support and counselling services for students who are going through the appeals process.
- 4.6 The Student may appoint a friend or family member to act as a support person during the appeal on their behalf or otherwise accompany or assist them in relation to the appeal, but may not be legally represented at the hearing.

5. The Appeals Committee

- 5.1 For most appeals, the Appeals Committee will be comprised of three ex officio members:
 - a) Academic Director (Chair);
 - b) Student and Academic Services Manager; and
 - c) two Program Managers.
- 5.2 For appeals relating to denied transfer of provider requests, the Appeals Committee will be comprised of the following ex officio members:
 - a) Academic Director (Chair);
 - b) Director of Marketing and Admissions; and
 - c) a representative from Curtin University's Regulatory Compliance team.

- 5.3 To avoid any conflict of interest, where a member has been responsible for the decision being appealed or has been involved in the decision, they will nominate another senior staff member to stand in their place on the Appeals Committee.

6. Appeal Hearing

- 6.1 If the Appeals Committee decides that an appeal is frivolous, vexatious or devoid of merit, the appeal may be dismissed. This dismissal will be communicated to the student in writing and recorded in the College's Appeal Register.
- 6.2 If an appeal hearing is to be held, the Appeals Committee will conduct that hearing within twenty (20) working days of the date on which the appeal was submitted (or resubmitted), or such longer period as may be approved by the Chair, acting reasonably.
- 6.3 In arranging for an appeal hearing, the Appeals Committee:
- a) will give the student a minimum of five (5) working days' notice of the hearing date;
 - b) may consider evidence presented by College staff member(s) in response to the appeal;
 - c) may (but is not obliged to) request the student or staff member(s) to provide further written material on parts or all of the appeal;
 - d) may decide on the matters on which it will hear oral evidence or argument;
 - e) will invite oral submissions from both the student and appropriate staff member(s), and provide opportunities for each party to comment on or question the submission(s) of the other at the hearing;
 - f) may limit the duration allocated for presenting each part's case at a hearing to such extent as it considers necessary to ensure a fair and efficient hearing of the matter; and
 - g) may adjourn a hearing at any time.
- 6.4 The hearing may, at the Chair's discretion, be conducted in person, by telephone, teleconference or videoconference or by any other means, provided that the student's preference is considered when making that decision.
- 6.5 Where staff members provide written material before the hearing, the student will be provided with a copy of such material and given reasonable opportunity at or before the hearing to respond to it.
- 6.6 If the student does not attend their scheduled hearing, then the Appeals Committee may in any event determine the appeal based on the evidence before it, including any new evidence, and including any evidence presented by staff to the Appeals Committee at the hearing.

7. Appeal Outcome

- 7.1 For appeals on the ground of non-compliance with the relevant College policy and/or procedures, the Appeals Committee will decide on the balance of probabilities whether:
- a) the ground of appeal is substantiated; and
 - b) if the ground of appeal is substantiated, uphold the appeal (in whole or in part) and decide:
 - i. if the decision being appealed should be varied or overturned; and
 - ii. if any penalty applied as part of the decision being appealed should be varied or replaced with a different penalty; or

- c) if the ground of appeal is not substantiated, dismiss the appeal.
- 7.2 For appeals on the ground of new evidence (including extenuating circumstances) the Appeals Committee will decide whether:
 - a) the ground of appeal is substantiated; and
 - b) if the ground of appeal is substantiated:
 - i. make a new decision about the original matter, taking the new evidence into account, and make a finding on the balance of probabilities; or
 - ii. refer the matter to the original decision-maker or another decision-maker in the same College functional area to reconsider the matter and make a new decision, taking the new evidence into account, and make a finding on the balance of probabilities; or
 - c) if the ground of appeal is not substantiated, dismiss the appeal.
 - d) The Appeals Committee may also decide that although the ground of appeal is substantiated, neither the decision being appealed nor any penalty should be overturned, varied or replaced. In this case, the Appeals Committee may uphold the Appeal but confirm the original finding and penalty or penalties.
- 7.3 Each member of the Appeals Committee involved in the hearing of an appeal, including the Chair, will have one deliberative vote only. In the event of a tied vote, the appeal will be declared lost and will be dismissed.
- 7.4 Where an appeal is considered by the Appeals Committee and a consensus decision is not reached, the Chair will determine the appeal.
- 7.5 Written records of the proceedings of the Appeals Committee will be kept, including submissions, decision and reason for the decision.
- 7.6 The College will notify the Student of the decision and reasons for the decision within ten (10) working days.

8. Types of Appeals

- 8.1 Students may appeal decisions made under the following academic policies:
 - a) *Enrolment Policy*; and
 - b) *Assessment Policy*;
 - c) *Academic Integrity Policy*; and
 - d) *Progress and Intervention Policy*.

Enrolment Policy

- 8.2 Students may appeal decisions made under the *Enrolment Policy* and the *Enrolment Procedures*, including:
 - a) enrolling in programs and units;
 - b) study load;
 - c) deferring studies;
 - d) withdrawing from programs or units;
 - e) refusal, cancellation or suspension of enrolment;
 - f) changing to another Curtin College program; and
 - g) requests to transfer provider.

Assessment Policy

- 8.3 Students who appeal an assessment or examination result will provide evidence of having engaged in the Formal Review Process. Appellants must note that the *Assessment Procedures* set timeframes for reviewing assessments within the study period. Students appealing a final mark / grade do not need to provide evidence of engagement in the Informal or Formal Review processes because they do not apply.
- 8.4 The Appeals Committee may arrange for an investigation into assessment, which may include asking the relevant Program Manager to provide:
- a) information on discussions already conducted with the student;
 - b) a recommendation as to how the matter will be determined;
 - c) a copy of the assessed work that is subject to the appeal (if available);
 - d) details of the criteria used to assess the student's work; and
 - e) any other information relevant to the appeal.

Academic Integrity Policy

- 8.5 Students may lodge an appeal in relation to the finding of Academic Misconduct, the penalty for Academic Misconduct, or both, made by the college under the *Academic Integrity Policy* and *Academic Integrity Procedures*.

Progress and Intervention Policy

- 8.6 Students may appeal the allocation of Academic Progression Status by the Board of Examiners.
- 8.7 In relation to appeals relating to Academic Progression Status – Termination, the Appeals Committee will assess the appeal and determine that:
- a) the original decision to terminate the student's place in their course will stand;
 - b) the decision to terminate stands, however the Appeals Committee reprieves the student and the student's academic status will be changed to 'Terminated – Reprieved';
 - c) the original decision will be varied and the student's academic status changed to 'Conditional'; or
 - d) the original decision will be varied and the student's academic status remains on 'Conditional' or changed to 'Good Standing'.
- 8.8 Where a student has previously had two termination appeal applications considered by the Appeals Committee, any further appeals will be determined by the College Director and Principal in consultation with the relevant parties.

9. External Reviews

- 9.1 A decision by the Appeals Committee is final and there is no further avenue of redress within the College.
- 9.2 Where the appellant is unsatisfied with the outcome of an appeal at Curtin College, they may seek an external review of the decision. The purpose of an external review process will be to consider whether the College has followed its policies and procedures; the external reviewer will not make a decision on behalf of Curtin College.
- 9.3 Students will be referred to the [National Student Ombudsman](#) (NSO), a free, confidential and accessible service available to all students in higher education institutions. The NSO will refer the review application to another government agency, as and when appropriate.

If the NSO determines the matter is outside the scope of their remit and does not specify another suitable government agency to consider the matter, the student may seek a review through the Resolution Institute. The Resolution Institute may be contacted at:

Resolution Institute

Phone: 1800 651 650

Email: infoaus@resolution.institute

Web: <https://www.resolution.institute/>

- 9.4 Requests for external reviews are to be lodged within ten (10) working days of the date of the outcome of an appeal to the College's Appeals Committee.
- 9.5 A student who applies for an external review must also notify the College of the lodgment of an external appeal.

10. Definitions

- 10.1 Refer to the *Glossary of Terms* on the Curtin College [website](#).

11. Review and Records Management

- 11.1 This Procedure will be reviewed in line with the Quality and Continuous Improvement register.
- 11.2 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.
- 11.3 All records in relation to this document will be managed as follows:

Record type	Owner	Location	Retention	Disposal
Procedure	College Director and Principal	Policy HUB and College website	Permanently until reviewed and	Archived in the Policy