

Academic Board Appeals Committee's Procedures

Section 1 - Purpose and Scope

Purpose

(1) These Procedures set out the processes to be followed by the Academic Board Appeals Committee when conducting academic appeals to ensure that appeals are conducted in a transparent, equitable and timely manner.

Scope

(2) These Procedures apply to academic appeals as allowed under the Rules Relating to Awards.

Section 2 - Definitions

(3) For the purpose of these Procedures, the following definitions apply:

- a. Chair means the Chair, Academic Board Appeals Committee;
- b. Committee means the Academic Board Appeals Committee;
- c. Rule/s means the Rules Relating to Awards, namely:
 - i. [Rule 2 - Coursework Awards - General Provisions](#)
 - ii. [Rule 3 - Coursework Awards - Student Assessment and Examinations](#)
 - iii. [Rule 7 - Masters by Thesis Awards](#)
 - iv. [Rule 8 - Professional Doctorate Awards](#)
 - v. [Rule 9 - Doctor of Philosophy \(PhD\) Awards](#)
- d. Secretary means Secretary, Academic Board Appeals Committee.

Section 3 - Procedures

Procedure upon Receipt of Appeal

(4) Upon receipt of an appeal, the Secretary will ensure that the appeal is in the appropriate format and has been submitted in accordance with the relevant University Rule. The Secretary will also verify that the procedural requirements and timeframes have been followed in accordance with the relevant Rule.

(5) If the appeal is received out of time, the Chair may grant an extension if the student can satisfy the Chair that the late lodgement is due to no fault of the student.

(6) For the purposes of Clause (5), "no fault" generally requires evidence of exceptional circumstances that were beyond the student's control, unforeseeable, and prevented submission within the prescribed timeline. Exceptional circumstances may include, but are not limited to:

- a. Documented medical emergency or hospitalisation;

- b. Significant and unexpected compassionate grounds; or
- c. Documented systemic university error or verified technical failure.

(7) Exceptional circumstances do not normally include:

- a. Employment commitments or relevant work schedules;
- b. Misreading or misinterpretation of the relevant Rules or deadlines;
- c. Issues relating to personal technology, unless a total systemic outage of university systems is verified; or
- d. Planned personal travel, holidays, or social commitments.

(8) The Secretary will write to the student confirming receipt of the appeal and outlining or clarifying the grounds of appeal. If the student has not first made an official query with the Associate Dean (Education) or other delegated officer as specified in the relevant Rule, the student will be requested to do so before the appeal can be considered.

(9) An appeal will not be regarded as having been 'received' until:

- a. the grounds of appeal are clarified with the student, and
- b. there is written evidence that the student has already queried the matter with the Associate Dean (Education) or other delegated officer.

Procedure following Acknowledgement of Appeal

Obtaining Faculty Information

(10) The Secretary will request from the relevant work unit any relevant information required to process the appeal, including:

- a. the date of grade publication or date of notification of exclusion to the student;
- b. the date of formal notification of the determination from the Associate Dean (Education) or other delegated officer;
- c. the student's academic transcript;
- d. the relevant Unit Outline;
- e. the Specific Award Rules for the Course in which the student was enrolled at the time;
- f. any University Rules, Policies or Procedures that apply to the appeal;
- g. details regarding the student's performance in the unit;
- h. a copy of any special consideration documentation; and
- i. any other documentation considered relevant to the appeal.

(11) The Secretary will forward the appeal to the relevant Associate Dean (Education) or other delegated officer requesting written reasons for the determination that prompted the appeal and inviting comment on the appeal. A response is required within five working days of this request.

(12) Once the required information is received, the Secretary will forward the appeal and any relevant documentation to the Chair.

Chair Review of Appeal Documentation

(13) The Chair will review the appeal and determine whether it will proceed to a Committee hearing. An appeal may be rejected if:

- a. the appeal is deemed to be frivolous or vexatious; or

- b. the academic determination appears to have been properly made and the student has not provided sufficient evidence to justify further consideration of the appeal.

(14) If the Chair requires further information prior to making a determination under clause (13), they may contact the student or the Faculty in writing requesting further information. The student and/or the Faculty must provide any additional information within five working days of the Chair's request. The Chair will then decide whether the appeal is rejected or whether it will proceed to a Committee hearing.

(15) The Chair may refer any appeal to the relevant Associate Dean (Education) or other delegated officer inviting reconsideration and further discussion with relevant staff to ensure that all options for resolution have been considered prior to proceeding to a Committee hearing.

(16) The Secretary, on behalf of the Chair, will notify the student in writing within ten working days of receipt of the appeal by the Chair, informing them of the Chair's determination. The notice must include and specify:

- a. a statement of reasons for that determination;
- b. that the determination to reject the appeal is final and conclusive, and may not be the subject of a further appeal within the University; and
- c. that the student does however have the right to access an external review process through the NSW Ombudsman and National Student Ombudsman if not satisfied with the result or conduct of the appeals process as described.

Procedure for Committee hearing

(17) If the Chair decides an appeal will proceed to Committee hearing, the Secretary shall:

- a. convene the Committee in accordance with the [Terms of Reference – Academic Board Appeals Committee](#) and seek confirmation that no member has a conflict of interest (actual, potential or perceived); and
- b. provide the appeal documents, the comments and all relevant supporting materials to the Committee. These documents will be marked 'Confidential'.

(18) The Chair shall determine whether the Committee will hear the appeal by means of oral or written submissions or argument.

(19) If an appeal is to be conducted by way of oral submissions then the Secretary must notify the Student. The notice must include the website link to the relevant Rules and specify:

- a. the date, time and place where the appeal is to be heard;
- b. that the student may make oral submissions in person or have another person such as a Student Advocate (but not a legal representative) do so on their behalf;
- c. that if the student or their representative does not attend the hearing, the Committee will determine the appeal in their absence;
- d. that the determination in relation to the appeal is final and conclusive, and may not be the subject of a further appeal within the University;
- e. that the student does however have the right to access an external review process through the relevant NSW Ombudsman and National Student Ombudsman if not satisfied with the result or conduct of the appeal process as described.

(20) If an appeal is to be conducted by way of written submissions or argument, then the Secretary must notify the student. The notice must include the website link to the relevant Rules and specify:

- a. the deadline and address where any written submissions or argument must be sent;
- b. that if the student does not make any written submissions or argument by the deadline specified in the notice, the Committee will determine the appeal in the absence of any such submissions or argument;
- c. that the determination is final and conclusive, and may not be the subject of a further appeal within the University; and
- d. that the student does however have the right to access an external review process through the NSW Ombudsman and National Student Ombudsman if not satisfied with the result or conduct of the appeals process as described.

(21) An appeal is to be heard as soon as practical and normally within 20 working days of the receipt of the appeal by the Secretary.

(22) The Committee may establish further grounds for appeal that have not been covered by the student. These will be considered when making a determination.

Procedure for Committee Determining Appeal

(23) The decision of the Committee will be by majority, with the Chair having a casting vote.

(24) In making its determination, the Committee may do the following:

- a. confirm the original determination of the Associate Dean (Education) or other delegated officer; or
- b. quash the original determination of the Associate Dean (Education) or other delegated officer and make such orders as it deems necessary to resolve the appeal, including a change of grade.

(25) In addition, the Committee may make a recommendation to the Faculty, College or the Graduate School to review its processes.

(26) The Secretary will notify the student, normally within five working days of the hearing, of the Committee's determination. The notice will include:

- a. a statement of reasons for that determination;
- b. that the determination is final and conclusive and may not be the subject of further appeals within the University; and
- c. that the student has the right to access an external review process through the NSW Ombudsman and National Student Ombudsman if not satisfied with the result or conduct of the appeals process as described.

(27) The Secretary will provide the Committee's determination to the Associate Dean (Education) or other delegated officer, Pro Vice-Chancellor (Academic Quality), Director, Student Administration Services and any other members of staff for action as appropriate.

(28) The Committee is the final University decision-making body with regard to appeals under the University's Rules.

Reporting to Academic Board

(29) The Academic Board Appeals Committee will report on the following matters to Academic Board at each meeting:

- a. Appeals in progress at last report;
- b. New appeals received;
- c. Appeals withdrawn;
- d. Appeals completed including outcome and detail of any recommendations made; and

e. Appeals remaining in progress.

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