

# Appeals Policy

<b>Policy Owner</b>	College Director & Principal
<b>Contact Officer:</b>	Academic Director
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<b>Related Documents:</b>	Complaints Policy Equal Opportunity Policy Harassment & Discrimination Policy Privacy Policy Progression and Attendance Policy Refund Policy Application for an Informal Appeal against Result (in class assessment) Application for a Formal Appeal against Result (in class assessment & final mark) Formal Appeal of Result Form (Service Taught Unit) - Final Grade Application for a Formal Appeal against Termination and Progress

## 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 free, effective and fair appeals process.

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

- In class assessments (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 Standards Framework (Threshold Standards), the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (amendment effective July 2007) and the Standards for VET Accredited Courses.

## 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. **DIBP:** Department of Immigration and Border Protection.

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- 3.4. **CoE:** Confirmation of Enrolment is a document that is provided by the College to an international student who studies in Australia on a student visa. It confirms that an international student is eligible to enrol on a course.
- 3.5. **Conciliator:** an independent party whose role is to assist parties involved in a dispute to reach an agreement on issues that they have been unable to resolve themselves.
- 3.6. **Final Results:** The final score awarded to a student incorporating all in class assessment marks and their final exam mark.
- 3.7. **Higher Education Standards Framework:** Evaluation and performance of higher education providers against the Threshold Standards.
- 3.8. **In Class Assessment:** Any assessment that the student undertakes during a period of study, prior to their final examination, including but not limited to: assignments, tests, mid semester exams, presentations and portfolios.
- 3.9. **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.
- 3.10. **Local 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.
- 3.11. **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.
- 3.12. **Partner Provider:** An institution that provides a course which is CRICOS registered as being offered by the College, who, for the purposes of this document oversees all matters relating to the delivery of those courses.
- 3.13. **Respondent:** A person responding to an appeal.
- 3.14. **Standards for VET Accredited Courses:** The nationally agreed quality requirements for accrediting VET courses, as agreed by the National VET Regulator, the Australian Skills Quality Authority.
- 3.15. **Terminated Status:** student has not achieved satisfactory progress and is terminated from the College.

## 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. Attempts will be made to resolve appeals as close to the source as possible;
  - 4.1.3. Appellants and respondents will not be subject to discrimination or harassment resulting from their participation in the appeals process;
  - 4.1.4. This appeals process does not restrict a student's or person's right to pursue other legal remedies;

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- 4.1.5. Staff will make all attempts to respond to appeals within the time limits set out in this policy;
- 4.1.6. All procedures will be made available to the public on the College's website; [www.curtincollege.edu.au](http://www.curtincollege.edu.au);
- 4.1.7. Appellants and/or respondents have the right to be represented by a third person (such as family member, friend, counselor or other professional support person, other than a qualified legal practitioner), if they so desire;
- 4.1.8. 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;
- 4.1.9. Where the appeal relates to suspension of enrolment, students may maintain their enrolled status whilst awaiting the outcome of the appeal;
- 4.1.10. The appellant has the opportunity to formally present his/her case at no cost to them, to the external agent listed under point 5.7 of this policy;
- 4.1.11. 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.

## 5. Policy Content

### 5.1. In-class Assessments

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. There is a four step process for appealing In Class Assessments:

#### 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 Curtin College Reception within 7 working days of the publication of the marks for the assessment item in questions. 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 email account within 7 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 7 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.

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The application must include an explanation as to why the student wishes to appeal the result. Reasons such as “I need more marks to pass” or “I think I did better on the assignment” are not acceptable explanations. 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 (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 7 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.

### 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](mailto:appeals@curtincollege.edu.au). This statement should be lodged within 7 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 7 working days of receipt of the Appeal.

### 5.1.4. External Appeal

Where the appellant is unsatisfied with the outcome of the step (5.1.3 above) they may lodge an appeal with an External Appeal body in accordance with clause 5.7 below.

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### 5.2. Final Result Appeal

Upon notification of the final result, students who believe 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 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. 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. Reasons such as "I need more marks to pass" or "I think I did better on the assignment" are not acceptable explanations. All parts of the form must be completed 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 (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.

*Note: The appellant is entitled to view their marked exam paper and if necessary have the paper marked by an independent marker.*

#### 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](mailto:appeals@curtincollege.edu.au). Appeals can only be accepted from the Student Portal 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.

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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) they may lodge an appeal with an External Appeal body in accordance with clause 5.7 below

## 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 Course Progress are placed on Conditional Academic status in accordance with the College's Progress and Attendance 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 DIBP (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 DIBP (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 (eg. Medical certificates) must be in English or accompanied by official English translations. Supporting evidence in languages other than English will 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 Appeal body in accordance with clause 5.7 below.

## 5.4. **Appeals against Assessments for service taught units** (for students studying Diploma of Engineering, Diploma of Information Technology or Diploma of Health Science).

5.4.1. In-class assessments - all formal assessment appeals to go through Curtin College, who will liaise with the relevant school at Curtin University.

5.4.2. Review of assessment - any student who has evidence that the mark awarded for an assessment task is unfair or incorrect should in the first instance raise their concern with the Curtin lecturer or staff member responsible for marking the work. Where this seems warranted the lecturer will arrange for the work to be re-marked and the outcome notified to the student.

5.4.3. Formal appeals – if after going through this process, the student is still concerned with the process or the mark awarded, the student may lodge a formal appeal. The formal appeal must be in writing and submitted within 10 working days of the date the mark for the assessment item was notified to the student. Students are to lodge their formal appeal with Curtin College by completing Curtin University's '**Appeal against Assessment**' form, located on the Curtin College Student Portal under Forms & Info/ Forms and Documents/Appeal form for service taught units.

Once completed the student is to lodge their form with Curtin College who will take a copy and the College's Program Manager will forward to the relevant teaching area. The College's Program Manager will notify the student of the outcome within 10 working days.

#### 5.4.4. Final Result Appeal

Upon notification of the final result, students who believe 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 three step process for appealing the Final Result:

##### 5.4.4.1. Formal Appeal

Students who believe that their final result is incorrect or unfair may apply for a formal appeal by completing Curtin University's **Appeal against Assessment** form located on the Curtin College Student Portal under Form and Information/Forms and Documents/Appeal form for service taught units. 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.

The application must include an explanation as to why the student wishes to appeal the final result. Reasons such as "I need more marks to pass" or "I think I did better on the assignment" are not acceptable explanations. All parts of the form must be completed 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 (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.

##### 5.4.4.2. Appeals Committee

Where the appellant is unsatisfied with the outcome of the Formal Appeal (step 5.4.1 or 5.4.3) 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](mailto:appeals@curtincollege.edu.au). Appeals can only be accepted from the Student Portal email account. This statement should be lodged within 10 working days of receiving the written notification of the outcome of the Formal Appeal (step 5.4.1 or 5.4.3 above).

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The appeal should include a copy of the **Curtin University form “Appeal against Assessment”** 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, or 5.4.3 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.

### 5.4.4.3. External Appeal

Where the appellant is unsatisfied with the outcome of the Appeals Committee (step 5.4.4) they may lodge an appeal with an External Appeal body in accordance with clause 5.7 below

## 5.5. The Appeals Committee

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

- College Director and Principal (or nominee)
- Academic Director (or nominee) – Chair
- Director Finance and Administration (or nominee)
- Admissions Manager (or nominee)
- Student Advisory Manager (or nominee)
- Program Manager(different discipline)
- Director Quality and Student Services

The Committee will review the appeal upon receipt of the written appeal within the timeframe as outlined in 5.1, 5.2, 5.3 and 0 above, 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](mailto:appeals@curtincollege.edu.au)

**In writing:** Curtin College Appeals Committee  
GPO Box U 1987  
Perth WA 6845

## 5.6. The Conciliator

At any point during the appeal process, an appellant may seek independent advice. The conciliator is an independent party whose role is to assist parties involved in a dispute to reach an agreement on issues that they have been unable to resolve themselves. The conciliator can be contacted at:

### International Students:

International Education Conciliation Officer  
Department of Education Services  
Telephone: 9441 1929 Fax: 9441 1901  
Email: [conciliation@des.wa.gov.au](mailto:conciliation@des.wa.gov.au)

The WA International Education Conciliator’s office is located within the Department of Education Services. The role of its staff is to assist international students in WA and the institutions they attend to try and resolve a problem or concern relating to their education service. If you would like to discuss your situation with an independent person, please email or phone one of the staff listed below. This service is provided free of charge by the Government of Western Australia. Please note you must make an appointment before coming to the office.

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### Local Students:

Citizens Advice Bureau/Mediation Services WA (9:00am-4:00pm)  
 25 Barrack Street  
 PERTH WA 6000  
 Tel: +61 08 9221 5711  
 Website: [www.cabwa.com.au](http://www.cabwa.com.au)

### 5.7. **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](http://www.oso.gov.au) or phone 1300 362 072 for more information.

Appeals must 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 lodgment of an external review. The external appeal agency may charge the appellant a fee for service to lodge an external appeal.

### Local Students:

Local students can lodge an appeal through:

Administrative Appeals Tribunal (AAT)  
 Level 5, 111 St Georges Terrace  
 Perth WA 6000  
 (08) 9327 7200  
 Email: [Perth.Registry@aat.gov.au](mailto:Perth.Registry@aat.gov.au)  
 Website: <http://www.aat.gov.au/>

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 Academic Director or equivalent (for Academic matters); Student Advisory Manager or equivalent (for Termination and Conditional Status matters); Admissions Manager or equivalent (Non-Academic).

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.

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Any recommendations for process improvement or policy change arising out of any step of the appeals process will be forwarded to the Senior Management Group 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. Academic staff through staff induction pack and the College’s website (<http://www.curtincollege.edu.au>);
- 6.1.2. Students verbally during Orientation Day, in writing in the Student Handbook and published on the College’s website (<http://www.curtincollege.edu.au>)
- 6.1.3. To support and office staff via email and through the College’s website (<http://www.curtincollege.edu.au>)
- 6.1.4. New support and office staff will receive policy information during the induction process.
- 6.1.5. 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.
- 6.1.6. 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 Senior Management Group.

Version:	Last changes:
V 1.6	<ul style="list-style-type: none"> <li>• Addition of Note in section 5.2.1</li> <li>• 5.5 Job titles updated</li> <li>• Removal on DIICSRTE contact details, as students now have access to the International Student Ombudsman</li> </ul>
V 1.5	<ul style="list-style-type: none"> <li>• Definitions updated</li> <li>• Position titles updated</li> <li>• Significant enhancement to 5.4</li> </ul>