



Policy on Student Appeals under Research Degree Rules

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PART A: POLICY

1. Purpose and Scope

This policy will establish:

- (a) the grounds on and procedures by which a research higher degree candidate may appeal against a decision:
 - not to award a research degree, or
 - not to allow resubmission of a thesis for re-examination, or
 - to terminate candidature; and,
- (b) the principles to be applied in the determination of the appeal.

Grievance matters arising prior to submission of a thesis and including matters relating to unsatisfactory supervision, inadequate facilities, disputes relating to candidate progress and other academic issues related to candidature are to be handled according to the dispute resolution procedures of the ACTh. Students wishing to make an appeal on such matters are referred to the existing policies Dispute Resolution Policy for Domestic Students and Dispute Resolution Policy for International Students [See 7(A) below].

2. Policy Level

Governance/Academic/Management/Operational: Governance/Academic

3. Background

This policy recognises the distinctive nature of the candidature of higher degree research students and the gravity of the decisions that are the basis for appeals under this policy. Consequently, it is appropriate for this policy to be independent of the other Dispute Resolution Policies of the ACT that relate to Domestic and International students since these policies address matters of concern to coursework students and research students prior to the final decision on the examination of a thesis.

This policy is designed to ensure that:

- principles of procedural fairness and natural justice are applied in the appeals process; and
- persons comprising the various appeals panels and committees are as independent as possible of the original person(s)/body making the recommendations leading to the original decision.

4. Definitions

Appellant – the higher degree research candidate against whom the original decision was made.

Research Co-ordinator – the academic staff member in an affiliated college who has responsibility for oversight of research student training in the college and normally represents the college at meetings of the Research Awards Board.

5. Policy Content

(A) Eligibility to appeal

A1. Higher degree research candidates against whom one of the decisions in Section 1 has been made by the Board of Directors may appeal against this decision.

(B) Grounds for appeal

B1. Appeals based solely on the rejection of the academic assessment of work submitted for the award of the degree will not be permitted.

B2. The grounds for appeal against a decision not to award a research degree or not to allow resubmission of a thesis for re-examination are:

- procedural irregularities in the conduct of an examination;

- significant evidence of circumstances substantially affecting the student's performance of which the Research Awards Board was not aware.

6. Principles

(A) Principles underpinning this policy include:

- A1. Actions within the process will be undertaken in a timely manner and timelines for responses will be specified at each stage of the process
- A2. The process will be as simple as possible and easily accessible to appellants
- A3. The process will not victimise or discriminate against the appellant or any other involved party
- A4. As part of the process, reasons and full explanations will be given for decisions and actions taken
- A5. Appropriate records of the handling of an appeal under this policy will be kept for a minimum of 5 years and treated as confidential, with appropriate access available to involved parties
- A6. Components of the process within the ACTh or an affiliated college shall be at no cost to the appellant, apart from travelling expenses.
- A7. The appellant may withdraw the appeal at any stage in the process. If the appeal is withdrawn, the matter will be deemed to be closed
- A8. The appellant shall be informed in detail of the outcome of the appeal.

(B) Principles of Natural Justice

- B1. All staff involved in considering an appeal under this policy have a duty to observe the principles of natural justice, which involve the following elements:
 - the right of the appellant to a fair hearing
 - the right of the appellant to attend hearings with a friend or support person, if desired, provided the person is not a practising solicitor or barrister
 - the opportunity for all parties involved to be heard
 - the appellant having full knowledge of the reasons for the original decision
 - the appellant not determining the outcome, but may be a party to it
 - the right to an independent, unbiased decision-maker
 - a final decision that is based solely on the relevant evidence with all submissions considered.

(C) Standard of Proof

- C1. Consistent with the requirements of administrative law, the standard of proof for determining this appeal is *on the balance of probabilities*. This means that the decision-maker must be satisfied that the original decision being incorrect is more probable than not. This differs from the criminal law standard of proof which is *beyond reasonable doubt*.

(D) Disclaimer

- D1. This Appeals Policy does not limit the student's right to pursue other legal remedies.

(E) Variation of insubstantial matters in Part B: Procedures

- E1. To take account of special circumstances concerning an Appellant or other unusual issues that may arise during the appeal process, the Dean has the discretion to vary the time limits and other insubstantial matters of procedure in Part B: Procedures.

7. Associated Documents

(A) Related Internal Documents

- Dispute Resolution Policy – Domestic Students

- Dispute Resolution Policy – International Students
- Duties of Candidates as found in the Rules for each research award

8. Responsibility and Authority

Body/Position with authority to initially approve the policy and procedures and amend the policy:

_____ Board of Directors

Body/Position with delegated authority to amend the procedures consistent with the policy:

_____ Dean

Body/Position(s) accountable for:

Responsibility	Position
Development of the policy	Quality Manager
Provision of advice in development of the policy	Research Awards Board
Distribution of the policy	Quality Manager
Implementation of/Advice concerning the policy	Student Administrator/ College Research Co-ordinators
Monitoring of and compliance with the policy	Academic Administrator
Evaluation and recommending amendment of the policy	Quality Manager/ Research Awards Board

9. Approvals

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Authority	Action	Resolution No.	Date
RAB	Recommendation to BofD for approval	RAB 0705-002	4 May 2007
DEL	Approval of Policy and Procedures	DEL 0705-024	21 May 2007
Quality Manager	Insertion of Table of Contents and other formatting as per current policy template		5 July 2007

10. Communications

Date	Recipient	Purpose	Mode
4 May 07	Members of RAB	Notice of new format of policy after approval in original format by RAB and requesting advice of improvements – 1 response	Email
25 May 07	Principals and Registrars	Distribution of version of policy approved by BofDs on 21 May	Email

PART B: PROCEDURES

1. Introduction

(A) Appeals made where the Additional Information is Highly Confidential.

A1. Where an appellant lodges an appeal and the additional information supporting the appeal is of a highly sensitive or personal nature, the appellant may submit those details in a sealed envelope clearly marked "confidential". The Board of Directors, the Appeal Review Panel, the Appeals Committee and involved staff of the ACTh will treat the material with the utmost confidentiality.

(B) Quality Manager as observer

B1. The Quality Manager shall attend meetings of the Appeal Review Panel and the Appeals Committee as an observer.

2. Procedures

(A) Appeal Lodgement

A1. The student must make the appeal in writing to the Chair of Board of Directors within twenty (20) working days of the date on the written document from the ACTh advising the decision that is the subject of the appeal. The student must set out fully the grounds for appeal and provide documentary evidence in support of the appeal. Within five (5) working days, the Chair of the Board of Directors shall acknowledge receipt of the appeal.

(B) Appeal Review

B1. Within ten (10) working days, an independent nominee of the Chair of Board of Directors and a Research Co-ordinator from an affiliated college other than the appellant's (chosen by the Board of Directors) shall constitute an Appeal Review Panel to determine whether the appeal is against a decision covered by this policy and does accord with the grounds for appeal above, in which case the appeal will be heard.

B2. Should the Panel determine to the contrary, the Dean will advise the appellant within five (5) working days of the determination with a full explanation of the determination.

(C) Hearing the Appeal

C1. If the Appeal Review Panel determines the appeal should be heard, the appeal will be referred to the Board of Directors Appeals Committee within ten (10) working days of the determination. The committee shall be comprised of:

- An independent Chair, being the nominee of the Chair of the Board of Directors;
- Two Research Co-ordinators from affiliated colleges other than the one from which the appeal originated, chosen by the Board of Directors;
- The Dean of the ACTh or nominee

C2. A quorum for the Appeals Committee will be three members, two of whom must be academic.

C3. The Appeals Committee will consider documents relevant to the appeal including all material submitted by the appellant, and call before it any person deemed relevant. The committee will not consider academic judgements made as part of the examination process. The appellant will be invited to present a case. The person assisting the student may provide the appellant with advice, but may not act as an advocate nor make direct comment to the meeting without permission of the Chair.

C4. At the completion of the hearing everyone present, with the exception of the members of the Committee, will be excused from the hearing to allow the Appeals Committee to reach a decision on the appeal. Within five (5) working days of the meeting of the Appeals Committee, the Chair will communicate in writing the decision, with reasons, to the Chair of the Board of Directors.

(D) Outcome of the Appeal

- D1. Within five (5) working days of receiving the Committee's decision, the Chair of Board of Directors will notify the appellant, through the Dean, of the outcome of the appeal and provide the reasons for the decision.
- D2. The decision of the Appeals Committee is final and a confidential report will be provided to the next meeting of the Board of Directors.