

Student Appeals Procedure

Purpose

1. This Procedure gives effect to the Student Complaints, Grievances and Appeals Policy by outlining the processes and circumstances in which students may seek an appeal against decisions made by Global Higher Education (GHE).

Scope

2. This Policy applies to:
 - a) prospective GHE students;
 - b) current GHE students;
 - c) GHE graduates whose enrolment ended no more than six months before the appeal was lodged.

Definitions

3. Definitions for key terms are presented in the Glossary of Terms which may be accessed on the GHE website at <https://www.globalhe.edu.au/policy>

Suite documents

4. This Procedure is linked to the following suite documents:
 - a) Student Complaints and Grievances Policy;
 - b) Student Complaints and Grievances Procedure;
 - c) Student Appeals Procedure - Schedule One: Authority Documents;
 - d) Student Appeals Procedure - Schedule Two: Appeals Process Flowchart.

Procedure

Authority Documents

5. In conjunction with this Procedure students considering the lodgement of an appeal should read the relevant policy/procedure which relates to a decision or action that affects them (see **Schedule One: Authority Documents**).
6. These authority documents outline the processes and conditions that staff and students must follow in making a decision or proceeding with an action.

Grounds for appeal

7. Students have the right to appeal a decision made by GHE in defined circumstances:
 - a) where the conditions and processes stipulated in **Authority Documents (Schedule One)** have not been adhered to;
 - b) where the student's performance, behaviour or action was affected by mitigating circumstances that he or she could not report at the time for valid reasons, and where these mitigating circumstances have not been taken into account in making the relevant decision;
 - c) there has been a material lack of clarity on the part of GHE in relation to documentation or expectations which has affected the performance, behaviour or action of the student;

- d) staff have not acted fairly towards a student by showing bias in the way they have made the relevant decision.
- 8. The following are not permissible grounds for appeal:
 - a) disagreeing with a decision or action;
 - b) ignorance of or failure to reference relevant GHE policy, procedure or guidelines.
- 9. In considering appeals the standard of proof required by GHE is that it is more likely than not that something is or is not the case (the 'balance of probability') rather than 'beyond all reasonable doubt'.
- 10. GHE must maintain the student's enrolment while the appeals process is ongoing, unless the student's health or wellbeing, or the wellbeing of others, is likely to be at risk.
- 11. Students may at any stage refer the matter to an external agency / independent third party as per the section detailing **Further Rights of Appeal and / or referral to independent third-party**. Where this occurs, GHE may cease any internal processes.

Data

- 12. Data is collected in respect of all appeals (see **Schedule One to the Student Complaints and Grievances Procedure**).
- 13. Data is stored in the Complaints, Grievances and Appeals Register.
- 14. Accurate collection and reporting of data are the responsibility of the Manager, Quality and Compliance.

Pre-appeal processes

Informal discussions: seeking an explanation of the decision

- 15. Students concerned about a decision made by GHE are encouraged where appropriate to contact the decision-maker within five working days of the original decision, in person or in writing, to obtain an explanation of the decision, provide any additional or new information about the decision, check any details, correct any misunderstandings and seek informal discussions.
- 16. Students may seek assistance in making such requests from Student Support or Student Advocacy and may bring a support person to any meetings that may occur following this request.
- 17. Where a student makes this request the decision-maker must meet with or respond to the student within five working days of the request to obtain any additional information pertaining to the decision, check any details and correct any misunderstandings.
- 18. In considering the request for informal discussions the decision-maker must take into account:
 - a) whether the decision was undertaken in accordance with the relevant GHE Authority Document;
 - b) whether there is any new information that has a bearing on the case; and if so,
 - c) whether there is an acceptable reason why it was not available previously.
- 19. As an outcome of informal discussions:
 - a) the decision-maker may set aside the original decision and/or seek a review of the decision as applying to the relevant governing Authority Document;
 - b) the decision-maker may affirm the original decision;
 - c) the student, with a better understanding of the grounds upon which the decision was made, may decide not to appeal the decision;
 - d) the student may decide to submit a formal application to appeal the decision.

20. Regardless of whether the request for informal discussions was in person or in writing the decision-maker must confirm their decision to the student, via email, within 24 hours of the decision being set aside or being referred for review under the governing Authority Document.

Lodging an appeal

21. To apply to appeal a decision by GHE the student (appellant) must:
 - a) submit an appeal in writing to the Manager, Quality and Compliance, using the Appeal of Decision form and accompanied by documentation supporting the grounds for appeal and evidence of the outcome of the informal discussion process;
 - b) submit the appeal within 20 working days of notification of the original decision.
22. Appeals from an appellant who submits unreasonably persistent or vexatious appeals may be deemed invalid.
23. The Manager, Quality and Compliance assesses the appeal and where they establish that there is *prima facie* evidence to support the appeal, will notify the appellant that an investigation will commence within 10 working days. They will forward the appeal for further action to the Academic Director.
24. If the appeal is not submitted in accordance with Clause 21, or Clause 22 is invoked, the Manager, Quality and Compliance will deem the application invalid.
25. In such cases the Manager, Quality and Compliance will, within 10 working days of lodgement of the application, advise the applicant that:
 - a) the appeal is invalid; and
 - b) which of the above requirements (Clause 21) the appeal failed to meet; or
 - c) that the appeal has been deemed unreasonably persistent or vexatious.
26. The appeal will not be further considered unless the Manager, Quality and Compliance waives the original decision at their absolute discretion.
27. The appellant may withdraw an appeal at any time during the resolution process, and the matter will be deemed to be resolved.
28. An appellant who provides false or misleading information shall have their appeal deemed to be invalid and may be dealt with in accordance with GHE's **Student Non-Academic Conduct and Misconduct Procedure**.

Appeal determination (Category 1 - Major Appeals)

29. Category 1 - Major Appeals are defined as appeals against decisions which have the potential to impact on the ongoing enrolment of the appellant or decisions which have been substantially reviewed as part of the processes determined by the relevant Authority Document. Category 1 Appeals include appeals against decisions made in relation to:
 - a) student non-academic misconduct;
 - b) student academic misconduct;
 - c) exclusion; and
 - d) formal grievances.
30. Major appeals are heard by a Student Appeals Board (SAB).
31. The Academic Director will convene the SAB which should include at least one male and one female member, and will normally comprise the following:
 - a) an external member of the Academic Board who will act as Chair;
 - b) an external member of the Board of Directors;
 - c) one academic staff member;
 - d) one professional staff member of GHE, employed at a managerial level or above.

32. Members of the SAB will:
 - a) not normally be drawn from the same discipline as the appellant;
 - b) will not have had any previous involvement in the case, nor any other conflict of interest.
33. A member of GHE staff will be appointed to support the appeal process as Secretary to the SAB.
34. The SAB will meet to consider the documentation submitted by the appellant within 10 working days of receipt of the appeal from the Manager, Quality and Compliance.
35. The SAB has the right to seek additional information or evidence from the appellant or parties internal to GHE relevant to the case.
36. Where additional information or evidence is obtained from parties internal to GHE relevant to the case, this information must be disclosed to the appellant.
37. Unless requested by the SAB, the appellant cannot submit further information or argument once the appeal is submitted.
38. Having considered the appeal and any additional evidence or information the SAB will make one of the following determinations:
 - a) determine that the appeal be upheld or partially upheld;
 - b) determine there is no requirement for further investigation and that the appeal be denied; or
 - c) in exceptional cases where there is insufficient evidence or the SAB is divided in reaching an outcome, determine that the appellant should be invited to attend a hearing, advising why a hearing is required.

Decision to uphold, partially uphold or deny an appeal

39. Where the SAB recommends a course of action specified at clause 37a) or 37b), the Secretary will prepare a Notice of Appeal Outcome which must be approved by the Chair.
40. The approved Notice of Appeal Outcome is forwarded to the Manager, Quality and Compliance.
41. The Manager, Quality and Compliance will undertake a quality check of the Notice of Appeal Outcome to ensure that:
 - a) all issues raised in the appeal have been addressed;
 - b) the report is fair, balanced and respectful to all parties;
 - c) the findings and recommendations are evidence-based and defensible.
42. Upon completion of the quality check, the Manager, Quality and Compliance will provide a copy of the report to:
 - a) the Academic Director;
 - b) the appellant, including advice on external appeals processes including review by specified independent third parties.
43. The finalised status of the recommendations will be recorded in the Complaints, Grievances and Appeals Register by the Manager, Quality and Compliance.
44. Any findings or recommendations in the Notice of Appeal Outcome will be implemented as soon as practicable. Monitoring of implementation of the action will be undertaken by the Manager, Quality and Compliance.

Decision to hold an appeal hearing

45. Where the SAB recommends a course of action specified at clause 37(c) the appellant shall be given notice of at least 10 working days of the SAB hearing. Such notice shall provide:
 - a) information on the time, date and place for a meeting of the SAB;

- b) any information on any material relied upon in the decision to proceed with a hearing of the SAB;
 - c) advice that the appellant has the right to submit additional written statements or evidence for consideration by the SAB;
 - d) advice that they have the opportunity to present information in response to an allegation where appropriate;
 - e) advice that:
 - i. written evidence submitted to the hearing may be disclosed to all relevant parties;
 - ii. when comments are sought from third parties, they will be advised that their comments may be disclosed to the appellant;
 - f) advice that a support person and/or interpreter may be present during the hearing; and
 - g) a warning that if the appellant fails to attend the hearing, the hearing will proceed in their absence.
46. Where an appellant wishes to submit medical reports to support their case, they are responsible for obtaining such reports and paying any fee that may be charged.
 47. Students may have a person in attendance to provide support and to assist the student to state their case. The support person may not be a legally qualified person acting in that capacity.
 48. In conducting the hearing, the SAB is not bound by rules of evidence or procedure, or the need to follow any specific legal process, and may use any information available to it.
 49. The conduct of the hearing should give the appellant the opportunity to present information in respect of their appeal in an environment that is non-confrontational and conducive to reaching an outcome that benefits all parties.
 50. The hearing may be conducted by any means of communication, including teleconference and videoconference.
 51. As a result of the hearing the SAB may:
 - a) determine that the appeal be upheld or partially upheld; or
 - b) determine that the appeal should be denied.
 52. The determination of the SAB is final.
 53. The Secretary will prepare a Notice of Appeal Outcome which must be approved by the Chair.
 54. The approved Notice of Appeal Outcome is forwarded to the Manager, Quality and Compliance
 55. The Manager, Quality and Compliance will undertake a quality check of the Notice of Appeal Outcome to ensure that:
 - a) all issues raised in the appeal have been addressed;
 - b) the report is fair, balanced and respectful to all parties;
 - c) the findings and recommendations are evidence-based and defensible.
 56. Upon completion of the quality check, the Manager, Quality and Compliance will provide a copy of the report to:
 - a) the Academic Director;
 - b) the appellant, including advice on external appeals processes including review by specified independent third parties.
 57. The finalised status of the recommendations will be recorded in the Complaints, Grievances and Appeals Register by the Manager, Quality and Compliance
 58. Recommendations arising from appeals will be implemented as soon as practicable. Monitoring of implementation will be undertaken by the Manager, Quality and Compliance.

Appeal determination (Category 2 - Minor Appeals)

59. Category 2 - Minor Appeals are defined as appeals against decisions which have the potential to impact on the appellant's progression, completion time or minor administrative matters. Category 2 appeals include appeals against decisions made in relation to:
- a) admission;
 - b) academic show cause;
 - c) credit and recognition of prior learning;
 - d) extension of completion date of an electronic Confirmation of Enrolment (eCoE);
 - e) extension of candidature;
 - f) refunds; or
 - g) records management or privacy.
60. Minor appeals are considered by an external member of the Board of Directors who shall be nominated by the CEO as the Minor Appeals Officer.
61. A member of GHE staff will be appointed to support the Minor Appeals Officer as the Secretary to the Appeal.
62. The Minor Appeals Officer must consider the documentation submitted by the appellant within 10 working days of receipt of the application from the Manager, Quality and Compliance.
63. The Minor Appeals Officer has the right to seek additional information or evidence from the appellant or parties internal to GHE relevant to the case.
64. Where additional information or evidence is obtained from parties internal to GHE relevant to the case, this information must be disclosed to the appellant.
65. Unless requested by the Minor Appeals Officer the appellant cannot submit further information or argument once the appeal is submitted.
66. Having considered the appeal and any additional evidence or information the Minor Appeals Officer will reach one of two determinations:
- a) determine that the appeal be upheld or partially upheld; or
 - b) determine there is no requirement for further investigation and that the appeal be denied.
67. The determination of the Minor Appeals Officer is final.
68. The Secretary will prepare a Notice of Appeal Outcome which must be approved by the Minor Appeals Officer.
69. The Manager, Quality and Compliance will undertake a quality check of the Notice of Appeal Outcome to ensure that:
- a) all issues raised in the appeal have been addressed;
 - b) the report is fair, balanced and respectful to all parties;
 - c) the findings and recommendations are evidence-based and defensible.
70. Upon completion of the quality check, the Manager, Quality and Compliance will provide a copy of the report to:
- a) the Minor Appeals Officer;
 - b) the appellant, including advice on external appeals processes including review by specified independent third-parties.
71. The finalised status of the recommendations will be recorded in the Complaints, Grievances and Appeals Register by the Manager, Quality and Compliance.
72. Recommendations arising from appeals will be implemented as soon as practicable. Monitoring of implementation will be undertaken by the Manager, Quality and Compliance.

Further right of appeal and / or referral to independent third-party

73. All appellants must be advised of their right of review by specified independent third-parties and/or external appeal or complaint within 10 days of the appeal decision being made.
74. Students may at any stage refer the matter to an external agency / independent third-party. Where GHE is aware that the matter has been lodged externally, GHE may cease any internal processes.
75. GHE will assist those students who need assistance in identifying the appropriate independent third-party relevant to the matter. Some of the external agencies / independent third-parties available to students, depending on the nature of the original issue and the status of the student, include but are not limited to:
 - a) the [Australian Competition and Consumer Commission \(ACCC\)](#) for complaints regarding fees, refunds and cancellations;
 - b) the [Australian Human Rights Commission](#);
 - c) the [Commonwealth Ombudsman](#);
 - d) the [Department of Education – StudyAssist](#) for matters relating to HELP loans, including FEE_HELP;
 - e) the [Department of Home Affairs](#) for matters relating to student visa requirements or to report suspicious activities relating to immigration or citizenship;
 - f) the [Equal Opportunity Commission \(SA\)](#);
 - g) the [Office of the Migration Agents Registration Authority](#) for complaints about migration agents;
 - h) the [Ombudsman SA](#);
 - i) the [Overseas Students Ombudsman](#) (international students only);
 - j) the [Resolution Institute, Student Mediation Scheme](#);
 - k) the [South Australian Office of Consumer and Business Services](#) (fair trading dispute).
76. If the external appeal / independent review process results in a decision that supports the appellant, GHE must immediately implement any decision and/or corrective and preventative action required and advise the student of the outcome.
77. The recommendations will be recorded in the Complaints, Grievances and Appeals Register by the Manager, Quality and Compliance.
78. Monitoring of implementation of any required action will be undertaken by the Manager, Quality and Compliance.

Reporting

79. A report on complaints, grievances and appeals is prepared by the Manager, Quality and Compliance to inform the annual GHE Quality Cycle Report (see **Quality Assurance Policy**).
80. The Board of Directors is responsible for making decisions in relation to corrective or preventative actions in response to any trends or systemic issues that are identified in annual reporting.
81. Summary complaints, grievances and appeals information will be made publicly available.

Roles and responsibilities

82. The Board of Directors is responsible for the overarching governance of this Procedure.
83. The Academic Director is responsible for convening the Student Appeal Board for Category 1 - Major Appeals.
84. The nominated Board member is responsible for determining appeals for Category 2 - Minor Appeals.

85. The Manager, Quality and Compliance is responsible for:
- a) receiving appeal requests;
 - b) initial assessment of appeals and referral to appropriate staff;
 - c) accurate collection and reporting of appeals data;
 - d) completion of all quality checks of appeal outcomes;
 - e) ensuring compliance with this Procedure;
 - f) benchmarking GHE processes with those adopted elsewhere in the tertiary sector;
 - g) all records management arising from this Policy and Procedure.
86. All staff are responsible for becoming familiar and complying with this Procedure.

Associated information

Related Internal Documents	<p>Student Complaints, Grievances and Appeals Policy Student Complaints and Grievances Procedure Student Wellbeing, Orientation and Support Policy Academic Progress Policy Admissions Policy Assessment Policy Critical Incident Policy Enrolment Policy Quality Assurance Policy Student Academic Integrity and Academic Misconduct Policy Student Disability Policy Student Diversity and Equity Policy Student Non-Academic Conduct and Misconduct Policy Student Sexual Assault and Sexual Harassment Policy Work-Integrated Learning Placement Policy Glossary of Terms</p>
Related Legislation, Standards and Codes	<p><i>Tertiary Education and Quality Standards Agency Act 2011</i> <i>Higher Education Standards Framework (Threshold Standards) 2021</i> <i>Education Services for Overseas Students Act 2000</i> <i>National Code of Practice for Providers of Education and Training to Overseas Students 2018</i> TEQSA Guidance Note: Grievance and Complaint Handling, Version 1.1, Feb 2019</p>
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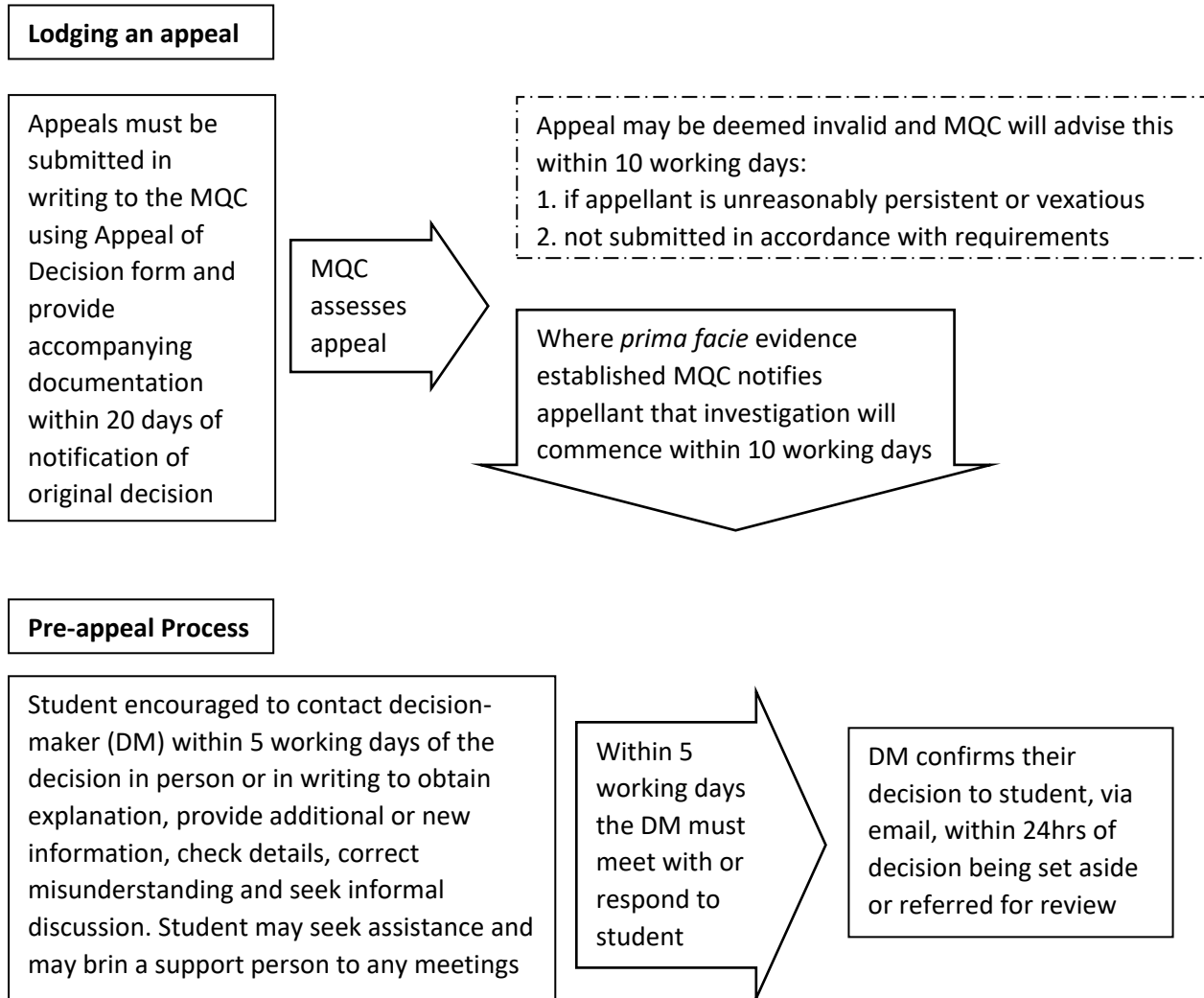
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Schedule One – Authority documents

Issue	Authority Document
Academic Misconduct	Student Academic Integrity and Academic Misconduct Policy and Procedure
Admission	Admissions Policy and Procedure
	Schedule One - Minimum Entry Requirements
Credit	Credit and Recognition of Prior Learning Policy and Procedure
Assessment	Assessment Policy and Procedure
Compassionate and Compelling Circumstances	Student Wellbeing, Orientation and Support Policy and Procedure
	Academic Progress Policy and Procedure
Complaints and Grievances	Student Complaints, Grievances and Appeals Policy
	Student Complaints and Grievances Procedure
	Student Appeals Procedure
Conferral of Awards	Qualifications Issuance and Graduation Policy and Procedure
Eligibility to Graduate	Qualifications Issuance and Graduation Policy and Procedure
Enrolment	Enrolment Policy and Procedure
Exclusion	Enrolment Policy and Procedure
	Academic Progress Policy and Procedure
	Student Non-Academic Conduct and Misconduct Policy and Procedure
	Student Academic Integrity and Student Academic Misconduct Policy and Procedure
Extension of an Electronic Confirmation of Enrolment	Enrolment Policy and Procedure
	Student Wellbeing, Orientation and Support Policy and Procedure
	Academic Progress Policy and Procedure
Privacy	Records and Data Management Policy and Procedure
	Privacy Policy and Procedure
Refunds	Student Fees, Charges and Refunds Policy and Procedure
Show Cause	Academic Progress Policy and Procedure
Student Non-Academic Misconduct	Student Non-Academic Conduct and Misconduct Policy and Procedure
Work-Integrated Learning	Work-Integrated Learning Placement Policy and Procedure

Schedule Two – Appeals process flowchart



Appeal determination

Category 1 – Major Appeals
are heard by the Student Appeals Board within 10 working days of receipt of appeal from MQC

Decision to uphold, partially uphold or deny an appeal

Decision to hold an appeal hearing

Appellant give 10 working days' notice of SAB hearing

Notice of Appeal Outcome quality checked by MQC and provided to appellant and AD

Following SAB, Notice of Appeal Outcome prepared advising determination of either:
a) appeal upheld or partially upheld;
b) appeal denied. Quality checked by MQC and provided to appellant and AD

Recommendations recorded in register, implemented as soon as practicable and monitored

Category 2 – Minor Appeals
considered by external member of the Board of Directors as Minor Appeals Officer (MAO)

MAO considers documentation within 10 working days of receipt of application

Determination to uphold, partially uphold appeal

Determine to deny appeal and no further investigation required

Notice of Appeal Outcome prepared advising determination of either:
a) appeal upheld or partially upheld;
b) appeal denied. Quality checked by MQC and provided to appellant and MAO

Recommendations recorded in register, implemented as soon as practicable and monitored

If external appeal (independent review) results in decision that supports appellant, GHE must immediately implement any decision and/or correction and preventative action required and advise the student of the outcome

Further Right of Appeal
All appellants advised of right of external appeal or complaint within 10 days of appeal decision being made

Recommendations recorded in register, implemented as soon as practicable and monitored