

# Review and Appeal of Academic Decisions Policy

## Section 1 - Purpose of Policy

- (1) The University aims to provide an intellectually open, equitable and fair learning experience for all students in accordance with the organisational values contained in the University's [Strategic Plan 2020 - 2025](#).
- (2) This Policy sets out the approach of the University of Wollongong (UOW) for resolving student issues and concerns in relation to a mark or grade, an academic decision or the application of a policy, that has affected a student's academic progress. The matters which may be considered under this Policy are outlined in Section 2.

## Section 2 - Application and Scope - Exclusions or Special Conditions

- (3) This Policy applies to all students undertaking coursework subjects and staff of the University of Wollongong (UOW) as well as those students enrolled in UOW courses delivered in collaboration with a partner institution onshore and offshore.
- (4) This Policy does not apply to students and staff at UOW Dubai and UOW College Australia.
- (5) This Policy makes provision for a student to request a review of an academic decision, action or omission, or appeal the outcome of a review, in relation to:
- an assessment task mark or a final mark and grade awarded in a subject;
  - an application for academic consideration;
  - an offer of a supplementary assessment;
  - credit awarded for prior learning; and
  - the application of a reasonable adjustment to an assessment task or subject;
- (6) This Policy also makes provision for a student to request a review of an academic matter that has demonstrably affected their academic progress adversely. Academic matters are concerned with the application of an academic policy as outlined in the definitions of this Policy.
- (7) This Policy does not make provision for the reporting and investigation of alleged research misconduct or alleged academic misconduct; which is managed under the:
- [Academic Integrity Policy](#); and
  - [Managing and Investigating Potential Breaches of the Research Code Procedure](#).
- (8) This Policy does not apply where another policy already provides a review or appeal process, or provides a complaints resolution process, for example in relation to:
- exclusion for failure to meet the minimum rate of course progress;
  - general misconduct, including student conduct, staff conduct, discrimination, bullying, harassment or sexual

- harassment;
- c. a finding of research misconduct or a finding of academic misconduct;
- d. admission to a UOW course; or
- e. fees for subjects and courses.

(9) This Policy does not apply where a student is seeking to provide general feedback and comments about subjects, courses, teaching, resources, research supervision and other aspects of a student's academic experience.

## Section 3 - Policy Principles

(10) A student who formally requests a review of an academic decision, or any other academic matter as provided for in section 2 of this Policy, will have their review managed as follows:

- a. their matter will be acknowledged and responded to as soon as practically possible with regard to time limits outlined in the relevant procedures;
- b. their matter will be treated confidentially and not discussed with anyone who does not need to know about it;
- c. any relevant circumstances or information they put forward, will be taken into consideration;
- d. their matter will be handled in a professional, fair and transparent manner and in accordance with principles of natural justice;
- e. they will be given opportunities to present their case at no cost and assisted if requested by a support person;
- f. they will be kept informed of what is happening and provided with an outcome in writing including reasons for that outcome and, where their request or appeal is upheld, details of any remedial action taken or proposed to be taken in response
- g. a written record of their request will be retained by the University including details of the outcome and the reasons for that outcome;
- h. they will have the opportunity to appeal a decision or the outcome of a review and will receive an outcome for their appeal in writing including reasons for that outcome;
- i. if the student's request for a review is upheld, the University will implement the outcome of the review immediately; and
- j. they will not be treated differently, less favourably, or victimised because they have raised their matter.

(11) The University expects that a student who requests a review of an academic decision, or any academic matter as provided for in section 2 of this Policy, will:

- a. act in accordance with this Policy and the related procedures;
- b. act in accordance with the [Student Conduct Rules](#) and the policies referred to therein; and
- c. submit only information that is true, correct and relevant to the review request or appeal.

(12) A student may raise any academic matter anonymously and expect that the University will examine the matter, understanding that the resolution of academic matters may be limited by the absence of an identified student.

(13) A student may seek support from a support person at any time before or during the review and appeal process.

(14) The Student Ombudsman is an independent and impartial senior officer who is responsible for investigating student appeals in relation to academic matters. The Student Ombudsman will act in accordance with the Terms of Reference set out in Schedule 1.

(15) The University is committed to the principles of continuous improvement and will:

- a. monitor and report annually on reviews and appeals to identify trends and in response undertake proactive measures to minimise or eradicate subsequent issues; and
- b. make a record of any amendments to existing policy or procedures, or the approval of new policy and procedures, that are made in response to issues arising from an individual academic matter or from systemic issues. Such records will be included in annual reporting.

## Section 4 - The Review and Appeal Process

(16) The [Procedures for the Review of Marks or Grades and other Academic Decisions \(Coursework\)](#) support the application of this Policy. These procedures outline:

- a. stages in the review and appeals process;
- b. reasons that must be presented as the basis of a review of mark or grade request;
- c. responsibilities of staff undertaking roles in the review and appeals process;
- d. administration and monitoring requirements;
- e. the application of, and extension to, time limits; and
- f. support for students engaged in the review and appeal process.

## Section 5 - External Complaints

(17) A student who is dissatisfied with the manner in which a review or an appeal was handled and believes that there was maladministration on the part of the university, may take their matter to an agency external to the University.

(18) A student may make a complaint to the [NSW Ombudsman](#) where they believe there is evidence of wrong conduct by the University, as described under section 26 (1) of the [Ombudsman Act 1974](#).

(19) The NSW Ombudsman provides information to the public on making complaints on the [NSW Ombudsman](#) website.

## Section 6 - Time Limits for Reviews and Appeals

(20) The University applies time limits to both the submission and the investigation of reviews and appeals, to ensure that students have an informed and timely resolution process.

(21) Time limits and extensions to time limits, are provided for in the relevant procedure.

(22) The University monitors and reports on its performance against time limits to identify recurrent or systemic issues and generate improvements.

## Section 7 - Conflict of Interest

(23) A staff member with a real or perceived conflict of interest in relation to a student, a review request or an appeal, must disqualify themselves from the investigation and request that an alternative staff member be appointed.

(24) A staff member involved in the investigation of a review or appeal will not be involved in reviewing the same matter again at a later stage.

## Section 8 - Record Keeping

(25) All records relating to review requests and appeals will be retained and disposed of in accordance with the UOW [Records Management Policy](#).

## Section 9 - Roles and Responsibilities

(26) All people involved in a review or an appeal of an academic decision have a responsibility to conduct themselves in accordance with this Policy and the related procedures.

(27) The University is responsible for:

- a. ensuring that this Policy is accessible and communicated to all staff and students;
- b. ensuring that this Policy is implemented and applied consistently across all faculties, academic units and collaborative delivery partners;
- c. providing procedures that enable a consistent, timely, fair and confidential process for resolving formal requests to review an academic decision, including a mark or grade, or appeal the outcome of a review; and
- d. promoting best practice in handling reviews and appeals.

(28) Faculties, the Academic Quality and Standards Division and the Student Ombudsman have responsibility to monitor the occurrence and nature of reviews and appeals to ensure that action is taken to address underlying causes.

## Section 10 - Definitions

Word/Term	Definition (with examples if required)
Academic decision	A decision made by a member of University staff or a University committee, normally under the University's rules or policy, which affects a student's academic progress in relation to their coursework studies or research candidature.
Academic consideration	Academic consideration is intended to help minimise the impact of compassionate, compelling or extenuating circumstances beyond a student's control, which significantly impair a student's ability to complete an assessment task on or by the due date as stipulated in the Subject Outline; or which affects academic progress in a subject relevant to their course of study. Academic consideration may be granted on the basis of compassionate, compelling circumstances and/or extenuating circumstances.
Academic matter	A matter relating to the policy or processes that govern a student's academic experience at the university. Academic matters are usually described in the following policies and procedures: <ol style="list-style-type: none"><li>1. <a href="#">Code of Practice - Responsible Conduct of Research</a>;</li><li>2. <a href="#">Code Of Practice - Work Integrated Learning (Professional Experience)</a>;</li><li>3. <a href="#">Coursework Rules</a>;</li><li>4. <a href="#">Credit for Prior Learning Policy</a>;</li><li>5. <a href="#">HDR Award Rules</a>;</li><li>6. <a href="#">HDR Supervision and Resources Procedures</a>;</li><li>7. <a href="#">HDR Thesis Preparation, Submission and Examination Procedure</a>;</li><li>8. <a href="#">Honours Policy</a>;</li><li>9. <a href="#">Standards for the Finalisation of Student Results</a></li><li>10. <a href="#">Student Academic Consideration Policy</a>;</li><li>11. <a href="#">Supplementary and Deferred Assessment Procedure</a>;</li><li>12. <a href="#">Assessment and Feedback Policy</a>;</li><li>13. <a href="#">Code of Practice - Learning and Teaching</a>;</li><li>14. <a href="#">Subject Delivery Policy</a>.</li></ol>

Word/Term	Definition (with examples if required)
Academic misconduct	Conduct of a student when undertaking the preparation, presentation or submission of coursework, or during the course of undertaking research, that is in breach of: <ol style="list-style-type: none"> <li><a href="#">Academic Integrity Policy</a>;</li> <li><a href="#">Managing and Investigating Potential Breaches of the Research Code Procedure</a>;</li> <li><a href="#">Code of Practice - Responsible Conduct of Research</a>;</li> <li>Faculty/unit requirements;</li> <li>Subject Outlines; or</li> <li>Other University policy documents or requirements setting out student academic requirements.</li> </ol>
Academic progress	Successful completion of subjects towards a degree within established time limits.
Assessment task	An activity which a student is required to complete to provide a basis for an official record of achievement or certification of competence in a subject (e.g. examination, test, take-home examination, quiz, assignment, essay, laboratory report, demonstration, folio of creative work, performance, written or oral presentation, participation, simulation, placement report).
Academic Unit	Also known as a School, Unit, Program or Discipline.
Collaborative Delivery Partner	Another institution or organisation (typically another higher education provider) with which the University has a partnership arrangement, in accordance with the Collaborative Delivery of a UOW <a href="#">Course Policy</a> .
Conflict of interest	Exists where there is a divergence between the individual interests of a staff member and their professional obligation to the University such that an independent observer might reasonably question whether the professional actions or decisions of that person are influenced by their own interests or are for their own benefit. It should be noted that enmity as well as friendship can give rise to perceptions of a conflict of interest and similarly that detriment to a third party can give rise to a conflict of interest just as much as benefit to a third party. A conflict of interest includes an actual, perceived or potential conflict of interest.
Course	A program of study consisting of a combination of subjects and other requirements, whether leading to a specific higher education award or not.
Deferred assessment	An assessment task taken by an eligible student as a result of a student's application for academic consideration, as approved by the relevant Subject Coordinator.
Faculty Assessment Committee (FAC)	The Faculty Assessment Committee, is responsible for the finalising student results, in accordance with the <a href="#">Standards for the Finalisation of Students Results</a> .
General misconduct	Conduct of a student that is not academic misconduct, and that is otherwise in breach of the following policy documents or requirements: <ol style="list-style-type: none"> <li><a href="#">Campus Access and Order Rules</a>;</li> <li><a href="#">IT Acceptable Use Policy</a> and/or associated IT policies;</li> <li><a href="#">Code of Practice - Student Professional Experience</a>;</li> <li><a href="#">Student Conduct in Residences Policy</a>;</li> <li>University Rules, standards, codes, policies, guidelines, procedures or requirements; or</li> <li>Faculty and/or academic unit requirements.</li> </ol>
Good faith	To act honestly and with propriety.
Honours Project	A component of study within the Honours Degree that involves project work and/or a piece of research and scholarship with some independence and that is discipline specific, inter-disciplinary or joint.
Honours Coordinator	A member of academic staff who is responsible for the operation of an Honours Degree and/or the coordination of Honours Projects.
Higher Degree Research (HDR) candidate	A student enrolled in a Doctorate or Research Masters at UOW and whose body of work is incomplete or is under examination.
Maladministration	A term used by the NSW Ombudsman to describe conduct that involves an action or inaction of a serious nature that is: contrary to law; unreasonable, unjust, oppressive or improperly discriminatory; based wholly or partly on improper motives; or is otherwise wrongful. The <a href="#">Ombudsman Act 1974</a> section 26 (1) (NSW Government Legislation) elaborates upon this definition. The NSW Ombudsman also provides a " <a href="#">What is Maladministration</a> " factsheet.

Word/Term	Definition (with examples if required)
Natural justice	Principles that ensure that decision-making is fair and reasonable. These involve decision-makers informing people of the case against them or their interests, giving them a right to be heard, not having a personal interest in the outcome, and acting only on the basis of logically probative evidence.
Offshore location	A location that is outside of Australia at which a University of Wollongong course is offered.
Policy document	University rules, policies, standards, codes of conduct, codes of practice, procedures and guidelines.
Procedural fairness	Refers to a decision-maker using a fair and proper procedure that applies the principles of natural justice, when making a decision.
Prior learning	Learning that has taken place prior to admission to a program of the University or prior to undertaking a relevant component of a program.
Reasonable adjustment	A measure or action (or a group of measures or actions) taken by an education provider that has the effect of assisting students with disability to access and participate in Higher Education on the same basis as students without disability.
Record	Records are a part of and result from business activities and provide evidence of those activities. Any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process, or in any other manner or by any other means <a href="#">State Records Act 1998</a> . Records may include, but are not limited to, any staff member's paper based records, emails, or electronic documents stored at UOW or on UOW equipment. A record does not include personal and/or private documents that are not part of official UOW business records.
Research Progress Review	A review of an HDR candidate's progress that occurs at various stages throughout their candidature and includes Research Proposal Reviews, Faculty progress reviews and Annual Progress Reports.
Research misconduct	A serious breach, which is also intentional or reckless or negligent, of the <a href="#">Australian Research Council / National Health and Medical Research Council Australian Code for the Responsible Conduct of Research, 2018</a> .
Review of mark or grade	Reconsideration given to a mark or grade for an assessment task in a coursework subject, or for a final mark and grade in a coursework subject.
Staff	All people employed by the University including conjoint appointments, whether on continuing, permanent, fixed term, casual or cadet or traineeship basis.
Student	A person enrolled in a University of Wollongong course or unit of study, whether located onshore, offshore or online.
Subject	A self-contained unit of study identified by a unique code.
Subject Coordinator	An academic staff member with nominated responsibility for a subject.
Supplementary assessment	An additional assessment task, approved and offered by a Faculty Assessment Committee, which may be undertaken taken by a student in order to pass the subject.
Support person	A person, other than a legal representative, who may provide support to a student in relation to an academic review and any subsequent appeal, A support person can include a member of UOW staff such as a Student Support Advisor or a Student Advocacy Officer.
Thesis	A written piece of work which reports on the substantive research undertaken during the course of a student's candidature.
University	The campuses, facilities, operations, resources, staff and services of the University of Wollongong.
University Senior Executive	Positions under Delegation Band A in the <a href="#">Delegations of Authority Policy</a> : 1. Vice-Chancellor and President; 2. Senior Deputy Vice-Chancellor; 3. Deputy Vice-Chancellor and Vice-President; 4. Vice-President Operations; 5. Pro Vice-Chancellor.

# Section 11 - Schedule 1 - Terms of Reference - Student Ombudsman

## Overview

(29) At the University of Wollongong the Student Ombudsman operates as an independent and impartial officer responsible for the review of student appeals in relation to academic matters. The Student Ombudsman's office provides advice and assistance to students and staff in respect of these matters.

## Principles

(30) The following provisions will regulate the operation of the Student Ombudsman:

- a. the Student Ombudsman is a senior academic member of staff of the University.
- b. the Student Ombudsman will not consider an appeal if the Student Ombudsman has a conflict of interest.
- c. in the event that the Student Ombudsman has a conflict of interest or is otherwise unable to consider an appeal, the Deputy Vice-Chancellor and Vice-President (Academic and Student Life) will appoint an acting Student Ombudsman in relation to that appeal.
- d. the Student Ombudsman will respect the confidentiality of information provided in the performance of the role.
- e. the Student Ombudsman will strive to operate as informally as possible in performing the role.
- f. staff and students at the University will, at all times, cooperate with the Student Ombudsman in order that the Student Ombudsman may effectively discharge the functions of the office.
- g. students and staff shall not suffer unfair or unreasonable treatment as a result of submitting an appeal to the Student Ombudsman or as a result of cooperating or participating in an investigation of an appeal.

## Powers and Responsibilities

(31) The Student Ombudsman has the following powers:

- a. to request information, that is relevant to an appeal, from any member of staff or a committee of the University;
- b. to interpret and apply University policy, but not to make or amend University policy;
- c. to resolve appeals and determine outcomes in accordance with the relevant University policy; and
- d. to act within the confines of the powers of the University, and not beyond these confines.

(32) The Student Ombudsman is not subject to direction from any officer of the University with respect to the investigation of, or decision on, an appeal.

(33) The Student Ombudsman must provide reasons for their decision on an appeal.

(34) Where the Student Ombudsman decides to make further enquiries in relation to a person whose decisions, actions or omissions are the subject of an appeal, the Student Ombudsman will provide this person with a reasonable opportunity to respond before the finalisation of the matter.

## Referral of Other Complaints or Concerns

(35) In addition to the mandated role of the Student Ombudsman in relation to appeals under University of Wollongong policy, a member of the University Senior Executive may refer any complaint or a concern in writing to the Student Ombudsman for investigation or for review provided that:

- a. the complaint is a matter concerning a student or that impacts on student matters; and
- b. the complaint is one in respect of which there is no established internal process under a University policy document for investigation, review or appeal of the complaint.

## Reporting

(36) In February each year the Student Ombudsman will present to the Vice-Chancellor and President an annual report on academic review and appeal matters in the preceding year. The annual report will also be provided to the University Council, Academic Senate and to subcommittees of Academic Senate where relevant or as required.

(37) The Student Ombudsman's Report may be delivered in conjunction with other annual reports as relevant to the office, including reports on student academic reviews and appeals, student complaints, and annual academic misconduct reporting.

(38) The report will include:

- a. an overview of the business undertaken by the office of the Student Ombudsman for the year;
- b. analysis of Higher Degree Research and coursework student academic reviews and appeals data and outcomes;
- c. analysis of academic misconduct appeals data and outcomes;
- d. analysis of course progress appeals data and outcomes;
- e. analysis of other complaints and concerns referred to the Student Ombudsman;
- f. systemic issues of concern identified by the Student Ombudsman;
- g. professional development and networking activities undertaken by, or delivered by, the Student Ombudsman; and
- h. recommendations in relation to, but not limited to:
  - i. the University's policy and procedures,
  - ii. improvements to policy implementation and communication, and
  - iii. staff knowledge and development opportunities.

(39) The report may contain references to specific matters dealt with by the Student Ombudsman in the year but taking care to protect the identity of any individuals.



## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	7th June 2024
<b>Review Date</b>	7th June 2025
<b>Approval Authority</b>	University Council
<b>Approval Date</b>	5th June 2024
<b>Expiry Date</b>	Not Applicable
<b>Responsible Executive</b>	Sue Bennett Deputy Vice-Chancellor and Vice-President (Academic and Student Life)
<b>Responsible Officer</b>	Dominic Riordan Director, Academic Quality and Standards
<b>Enquiries Contact</b>	Jan Sullivan Senior Manager, Academic Policy and Standards <hr/> Academic Quality and Standards Division