



University of Technology, Sydney

Pursuant to clause 45 in chapter 4 of the By-law, the following rule changes made by the Vice-Chancellor take effect from 2 August 2007.

RULES MADE BY THE VICE-CHANCELLOR

In accordance with By-law (Chapter 4, clause 45) amendment to existing Rules as follows (text deleted ~~struck through~~ new text underlined) to allow for changes to the procedures for Appeals against exclusion for failing to maintain the minimum rate of academic progress and for consequential changes to the rules relating to Coursework Students' Appeals Committees.

10.8 Appeals

10.8.1 A student may appeal to the Registrar ~~Coursework Students' Appeals Committee~~ in respect of decisions of a Faculty Board under Rules ~~10.3.3~~, 10.4.1, 10.5.7 and 10.6.5

10.8.2 An appeal must be in writing, must specify and substantiate the grounds of the appeal and be lodged with the Registrar within ~~three (3)~~ four (4) weeks of the date of notification of the decision.

10.8.3 Late appeals which are submitted after the date provided in 10.8.2 will not be accepted unless the student is able to provide satisfactory documentary evidence of circumstances of a personal or medical nature that were beyond the student's control and that significantly affected the student's ability to submit an appeal by the due date.

10.8.34 In normal circumstances, the grounds on which a student may appeal against a decision of a Faculty Board in relation to exclusion or discontinuation are:

- (1) procedural irregularities which have resulted in substantial unfairness to the student;
- (2) mitigating circumstances, supported by documentary evidence, which directly and significantly affected the student's performance, an awareness of which might have reasonably led to a decision other than exclusion;
- (3) the decision was based on factual errors of such magnitude as to invalidate the decision.

10.8.45 The Registrar shall refer the appeal to the relevant Dean.

10.8.6 The appeal shall be considered by the appropriate Course Director or other nominee of the Dean in the first instance, who shall seek the advice of other relevant members of staff.

10.8.7 The Course Director or other nominee of the Dean shall submit a report to the Responsible Academic Officer or other nominee of the Dean, with a recommendation as to whether to uphold or dismiss the appeal.

~~10.8.5 The Dean shall seek the advice of the Responsible Academic Officer, and the advice of the student's academic adviser (if appropriate), and other relevant members of staff.~~

~~10.8.6 The Dean shall then make an interim recommendation and invite the student to respond to this. The student's response must reach the Dean within such time as the Registrar may specify from time to time.~~

10.8.8 The Responsible Academic Officer or other nominee of the Dean will consider the report and recommendation and the following provisions will apply:

- (1) Where the Course Director or other nominee of the Dean has recommended that the appeal be upheld, and the Responsible Academic Officer or other nominee of the Dean after considering the report and recommendation agrees with the recommendation, the recommendation will be forwarded to the Dean who shall make a decision.
 - (2) Where the Course Director or other nominee of the Dean has recommended that the appeal be upheld and the Responsible Academic Officer or other nominee of the Dean after considering the report and recommendation disagrees with the recommendation to uphold the appeal, he or she will invite the student to respond to the recommendation, as provided for in Rule 10.8.8 (3).
 - (3) Where the Course Director or other nominee of the Dean has recommended that the appeal be dismissed, the Responsible Academic Officer or other nominee of the Dean will invite the student to respond to the recommendation to dismiss the appeal. A student will be permitted to respond in writing and may be required to attend an interview with the Responsible Academic Officer. The student's response must reach the Faculty within such time as the Registrar may specify from time to time. The Responsible Academic Officer or other nominee of the Dean will consider the response and make a recommendation to the Dean as to whether to uphold or dismiss the appeal.
- ~~(3) 10.8.7 The Dean shall then reconsider the interim recommendation in the light of any response from the student and determine the final recommendation of the faculty. This recommendation, together with all supporting documentation including any response submitted by the student to the Dean under Rule 10.8.6 above, shall be submitted by the Dean to the Registrar. The Registrar shall then forward the student's appeal, the Dean's recommendation and advice received, and the student's response to the Coursework Students Appeals Committee, constituted under Rule 17.2, for consideration and decision~~

10.8.9 The Dean shall consider the recommendations and reports of the Course Director or other nominee of the Dean and the Responsible Academic Officer or other nominee of the Dean as provided in 10.8.8. Where the Dean disagrees with the recommendations of the Course Director

or other nominee of the Dean and the Responsible Academic Officer or other nominee of the Dean to uphold the appeal, and where the University has not done so already, the Dean will invite the student to respond to the Dean's recommendation as provided in Rule 10.8.8 (3). The matter will then be referred to the Registrar for final decision.

10.8.10 In the event that the Course Director or other nominee of the Dean, or the Responsible Academic Officer or other nominee of the Dean believes that his or her involvement in the appeal would lead to a conflict of interest, he or she will be required to consult with the Dean. If the Dean believes that his or her involvement in the appeal would lead to a conflict of interest, he or she will be required to refer the matter to the Registrar for final decision.

10.8.11 Following the conclusion of the processes provided for in 10.8.8, 10.8.9 and 10.8.10, the Dean and/or Registrar shall reconsider the recommendation and determine the final decision. The final decision will be conveyed to the student by the Registrar.

10.9 Result of appeal

10.9.1 Where an appeal under Rule 10.8 is successful the student:

- (1) shall have his or her enrolment in the course re-instated;
- (2) ~~must seek advice and assistance with re-enrolment from an academic adviser from the relevant faculty and a University student counsellor;~~ shall be placed on academic caution in the next half year of study following the successful appeal, where the exclusion resulted from failure to maintain minimum rate of progress. A student must meet the requirements for academic caution in accordance with Rule 10.7.4.
- (3) shall be notified by the Responsible Academic Officer of the period of time allowed for completion of the course where the exclusion has resulted from failure to complete within the approved maximum period.

10.9.2 Where an appeal under Rule 10.8 is unsuccessful the student:

- (1) shall have his or her exclusion or discontinuation from the course confirmed;
- (2) may seek guidance from the Responsible Academic Officer on those things that the student may wish to undertake in order to enhance opportunities for re-admission after the period of exclusion has elapsed.

10.9.3 A student whose appeal is unsuccessful may request a review of the decision by the Coursework Students' Exclusions Review Committee.

10.9.4 The only grounds on which a student may request a review under 10.9.3 are that there were procedural irregularities in the management of the appeal.

17.2-10.10 Coursework Students' Appeals-Exclusions Review Committee [17.2 has been moved from Section 17 to form a new 10.10. Amendments are shown in the usual way (ie new text underscored, old text ~~struckthrough~~)]

17.2.1 10.10.1 Composition

(1) A Coursework Students' ~~Appeals-Exclusions Review~~ Committee shall consist of:

(a) a Deputy Chair, Academic Board (Chair);

(b) Alternate Chair appointed by the Chair of Academic Board;

(c) two academic staff members with relevant expertise appointed by the Chair of Academic Board;

(d) a student of the University who has been enrolled at the University for at least two semesters, appointed by the Chair of the Committee for a particular meeting/s from a panel nominated by the Deans;

(e) up to two academic staff members with relevant expertise co-opted by the Chair for particular meetings.

(2) The Committee membership term shall be two years consistent with the term of membership for elected members of the Academic Board. Members may serve not more than two consecutive membership terms.

(3) The Academic Board shall appoint panels of persons in category (d) above every two years.

(4) Nomination of panel members in category (d) above shall be made by the Dean of each Faculty.

(5) Panel members in category (d) may be appointed for not more than two consecutive terms.

(6) The Alternate Chair shall serve as Chair in a case/s where the Chair has an involvement with the case/s being heard, or is otherwise not able to act as Chair.

(7) The appointment of co-opted members in category (e) above shall be made by the Chair in consultation with the Chair, Academic Board.

(8) The quorum will be three members including either the Chair or Alternate Chair. This requirement can be satisfied by the participation of one or more members through telephone or video conferencing.

~~17.2.2~~ 10.10.2 Terms of reference

~~(1) The Coursework Students' Appeals Exclusions Review Committee shall make determinations on review Deans' decisions to dismiss coursework student appeals:~~

~~(1) (a) against exclusion for failure to maintain the required minimum rate of progress pursuant to Rule 10.4.1;~~

~~(2) (b) against exclusion from the course for failure to complete the course requirements within the approved maximum time limit pursuant to Rule 10.5.7;~~

~~(3) (c) against permanent discontinuation from a course resulting from inability to complete course requirements pursuant to Rule 10.6.5.~~

(2) If the Committee finds a procedural irregularity, as provided in Rule 10.9.4, the appeal is to be referred back to the relevant Dean to be handled in accordance with these Rules.

10.10.3 Procedures for the Coursework Students' Exclusions Review Committee:

(1) The Coursework Students' Exclusions Review Committee shall be convened by the Registrar as required in accordance with the relevant Standing Orders of Academic Board.

(2) Each review must be dealt with on its own terms and merits and in accordance with its own circumstances.

(3) Consistent with procedural fairness, senior administrative staff may assist the Committee, act as advisers and attend meetings as required including: Director Student Administration Unit or nominee and Director, Student Services Unit.

Section 17 Appeals Committees of Academic Board

17.1 Constitution

17.1.1 Appeals Committees shall be constituted in accordance with Rules 17.2 to 17.5 4 below for the purposes of a student's right of appeal under the following Rules:

- Rule 5.6.2 Withdrawal of offer and cancellation of admission and/or enrolment
- Rule 3.4.7 (of Rule 3.4 Professional experience requirements);
- ~~Rule 10.8 Appeals (Academic progression)~~
- Rule 11.21 Appeal against discontinuation of candidature (Graduate research study).

~~17.2 Coursework Students' Appeals Committee~~ [now transferred to 10.10]

~~17.2.1 Composition~~

~~(1) A Coursework Students' Appeals Committee shall consist of:~~

~~(a) a Deputy Chair, Academic Board (Chair);~~

~~(b) Alternate Chair appointed by the Chair of Academic Board;~~

~~(c) two academic staff members with relevant expertise appointed by the Chair of Academic Board;~~

~~(d) a student of the University who has been enrolled at the University for at least two semesters, appointed by the Chair of the Committee for a particular meeting/s from a panel nominated by the Deans;~~

~~(e) up to two academic staff members with relevant expertise co-opted by the Chair for particular meetings.~~

~~(2) The Committee membership term shall be two years consistent with the term of membership for elected members of the Academic Board. Members may serve not more than two consecutive membership terms.~~

~~(3) The Academic Board shall appoint panels of persons in category (d) above every two years.~~

~~(4) Nomination of panel members in category (d) above shall be made by the Dean of each Faculty.~~

~~(5) Panel members in category (d) may be appointed for not more than two consecutive terms.~~

~~(6) The Alternate Chair shall serve as Chair in a case/s where the Chair has an involvement with the case/s being heard, or is otherwise not able to act as Chair.~~

~~(7) The appointment of co-opted members in category (e) above shall be made by the Chair in consultation with the Chair, Academic Board.~~

~~(8) The quorum will be three members including either the Chair or Alternate Chair. This requirement can be satisfied by the participation of one or more members through telephone or video conferencing.~~

17.2.2 Terms of reference

~~(1) The Coursework Students' Appeals Committee shall make determinations on coursework student appeals:~~

~~(a) against exclusion for failure to maintain the required minimum rate of progress pursuant to Rule 10.4.1;~~

~~(b) against exclusion from the course for failure to complete the course requirements within the approved maximum time limit pursuant to Rule 10.5.7;~~

~~(c) against permanent discontinuation from a course resulting from inability to complete course requirements pursuant to Rule 10.6.5~~

17.3 17.2 Graduate Research Students' Appeals Committee

17.2.1-17.3.1 Composition

(1) A Graduate Research Students' Appeals Committee shall consist of:

(a) Chair/Deputy Chair appointed by the Chair of Academic Board;

(b) two academic staff members with experience in supervision of graduate research students appointed from a panel appointed by the Academic Board from panel members nominated by the Deans under Rule 17.3.2.1(3) below;

(c) a graduate research student of the University who has been enrolled at the University for at least one year, appointed from a panel appointed by Academic Board from panel members nominated by the Deans under Rule 17.3.2.1(3) below.

(2) The Academic Board shall appoint panels of persons in categories (b) and (c) above every two years.

(3) Nomination of panel members shall be made by the Dean of each Faculty.

(4) Panel members may be appointed for not more than two consecutive terms.

(5) When an appeal is lodged, the Chair of Academic Board, in consultation with the Deputy Vice-Chancellor (Research) shall constitute a Graduate Research Students' Appeals Committee as required under Rule 17.3.2.1 above from the panels appointed by Academic Board.

(6) The Deputy Chair shall serve as Chair in a case where the Chair has an involvement with the case being heard, or is otherwise not able to act as Chair.

(7) All members of a Graduate Research Students' Appeals Committee must be present at all meetings convened for a specific case. This requirement can be satisfied by the participation of one or more members through remote conferencing.

17.3.2.2 Terms of reference

(1) The Graduate Research Students Appeals' Committee shall make determinations on graduate research student appeals against discontinuation of candidature on grounds of

unsatisfactory progress pursuant to Rule 11.20.2(1) or unsatisfactory examination pursuant to Rule 11.20.2 (2).

(2) In cases where an appeal is upheld, the Graduate Research Students' Appeals Committee may also make recommendations to facilitate the implementation of a remedy appropriate to the circumstances of the matters in question.

~~17.4~~ 17.3 Professional Experience Appeals Committee

~~17.4~~ 17.3.1 Composition

(1) A Professional Experience Appeals Committee shall consist of:

(a) Chair/Deputy Chair appointed by the Chair of the Academic Board;

(b) two academic staff members, with experience in the placement and administration of professional experience students, appointed from a panel appointed by the Academic Board from the panel members nominated by the Deans under Rule 17.4.3.1(3) below;

(c) a student of the University who has been enrolled at the University for at least one year and who has completed, or partially completed, professional experience course requirements, appointed from a panel appointed by the Academic Board from the panel members nominated by the Deans under Rule 17.4.3.1(3) below.

(2) The Academic Board shall appoint panels of persons in categories (b) and (c) above every two years.

(3) Nomination of panel members shall be made by the Dean of each Faculty which has a substantial number of students in courses with professional experience requirements.

(4) The Chair, Deputy Chair and panel members may be appointed for not more than two consecutive terms.

(5) When an appeal is lodged the Chair, Academic Board, in consultation with the Senior Deputy Vice-Chancellor shall constitute a Professional Experience Appeals Committee as required in Rule 17.4.3.1(1) above from panels appointed by Academic Board.

(6) All members of a Professional Experience Appeals Committee must be present at all meetings convened for a specific case. This requirement can be satisfied by the participation of one or more members through telephone or video conferencing.

(7) Before making a final determination and consistent with procedural fairness, the Committee, through the Chair, may obtain appropriate advice and assistance from a person with strong experience in professional education of students in the relevant area, who has had no previous involvement in the matter, to assist it in assessing necessary levels of capacity and standards of behaviour of students in placements.

17.4-17.3.2 Terms of reference

The Professional Experience Appeals Committee shall make determinations on appeals against decisions of the Vice-Chancellor pursuant to Rule 3.4.6 relating to deferral of a student's participation in any part of required professional experience that would have the effect of preventing the student from continuing his or her course.

17.54 Appeals Committee (Non-disclosure)

17.5.4.1 Composition

(1) An Appeals Committee (Non-disclosure) shall consist of:

(a) the Chair, appointed by the Chair, Academic Board;

(b) two academic staff members, with experience in admission procedures of the University, appointed from a panel nominated by the Academic Board.

(2) The Academic Board shall appoint panels of persons in categories (a) and (b) above every two years.

(3) Nomination of panel members shall be made by the Dean of each Faculty.

(4) The panel members may be appointed for not more than two consecutive terms.

(5) When an appeal is lodged the Chair, Academic Board, in consultation with the Senior Deputy Vice-Chancellor shall constitute an Appeals Committee (Non-disclosure) as required in Rule 17.54.1(1) above.

(6) All members of an Appeals Committee (Non-disclosure) must be present at all meetings convened for a specific case. This requirement can be satisfied by the participation of one or more members through telephone or video conferencing.

17.54.2 Terms of reference

An Appeals Committee (Non-disclosure) shall make determinations on appeals against withdrawal of offer and cancellation of enrolment, pursuant to Rule 5.6.2.

17.6-5 Procedures for Appeals Committees

17.65.1 Appeals Committees shall be convened by the Registrar as required in accordance with the relevant Standing Orders of Academic Board.

17.6-5.2 Each appeal must be dealt with on its own terms and merits and in accordance with its own circumstances.

17.6.5.3 The Academic Board shall approve sets of procedural guidelines to be followed by the respective Appeals Committees established under Rules 17.2 to 17.5 4 above, and such guidelines shall be subject to review by the Governance Committee of Council, which may recommend amendments to the Academic Board.

17.6.5.4 An Appeals Committee shall determine how to handle the matters before it, consistent with the procedural guidelines that Academic Board has approved for it. In particular, an Appeals Committee is not bound by the rules of evidence, and may inform itself on any matter relevant to its deliberations in a way that it considers to be efficacious and reliable, consistent with basic fairness to each appellant, and having regard to the academic standards of the University.

17.65.5 Consistent with procedural fairness, senior administrative staff may assist Appeals Committees, act as advisers and attend meetings as required including: Director, Student Administration Unit or nominee and Director, Student Services Unit or nominee. In providing such expert assistance to an Appeals Committee, the members of staff shall confine their comments or contributions to the provision of factual information or technical or legal advice that is actually needed to assist the Committee to deal with the matter or matters before it. They should not express any opinion about the appropriate outcome for individual cases or on the merits of any case. A note should be made of the substance of their advice and this should be kept with the official University file relating to the appeal in question.

17.76 Dissolution of an Appeals Committee

17.7.6.1 Where, in the opinion of the Registrar, an Appeals Committee, constituted under Rules 17.32, 17.43 or 17.54, is not progressing an appeal expeditiously, the Registrar may, after consultation with the Chair of the Appeals Committee, by notice in writing served on the members of the Appeals Committee and the student, dissolve that Committee.

17.7.6.2 Where the Registrar dissolves an Appeals Committee under Rule 17.7.6.1, another Appeals Committee comprised in accordance with Rules 17.32 to 17.54, may be formed to consider the appeal, but no person who was a member of the dissolved Appeals Committee may be a member of that other Appeals Committee unless the Chair of Academic Board

17.87 Decision of an Appeals Committee

17.8.7.1 A decision of an Appeals Committee requires a simple majority of the members deciding the appeal.

17.8.7.2 If a member of an Appeals Committee ceases to be a member at a point when the remaining members have reached a decision and that decision is unanimous, the decision of the remaining members will be the decision of the Appeals Committee.

17.87.3 An Appeals Committee may:

- (1) refer a matter back to the decision-maker for further consideration; or
- (2) uphold an appeal and reverse the original decision; or
- (3) uphold an appeal in part and vary the original decision; or
- (4) dismiss an appeal.

17.8.7.4 The Chair of an Appeals Committee must normally provide the Registrar with the Committee's minutes within five (5) days of the meeting at which a decision is made. An extension of this time limit by no more than five (5) days is possible and subject to agreement between the Chair and the Registrar. The minutes must contain the record of the decision taken and the reasons for the decision.

17.8.7.5 A decision of an Appeals Committee is final and must be reported to the Academic Board for information.

17.9.8 Notification of decision

17.9.8.1 The Registrar must provide notice of the Committee's decision and reasons for the decision to the student.

17.9.8.2 The Registrar may provide notice of the decision and reasons for it to any other person who has a legitimate reason for having access to such information and in accordance with the provisions of the University Policy on Management and Protection of Personal Student Information.

Approved *Ross Milbourne*
Professor Ross Milbourne
Vice-Chancellor

Date: *2/8/07*