

# UNIVERSITY OF SYDNEY (STUDENT ACADEMIC APPEALS) RULE 2021

The Senate, as the governing authority of the University of Sydney, by resolution adopts the following Rule under subsection 37(1) of the *University of Sydney Act 1989 (as amended)* for the purposes of the *University of Sydney By-law 1999*.

Adopted on: 13 December 2021

Effective from: 10 January 2022

Amended on:

Effective from:

## CONTENTS

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<b>University of Sydney (Student Academic Appeals) Rule 2021</b> .....	<b>1</b>
<b>Contents</b> .....	<b>1</b>
<b>Part 1 Preliminary</b> .....	<b>2</b>
1.1 Name of Rule .....	2
1.2 Commencement.....	2
1.3 Statement of intent.....	2
1.4 Interpretation.....	2
1.5 Meaning of academic decision .....	6
1.6 Making academic decisions.....	7
1.7 Informal resolution .....	8
1.8 Applications for review of academic decisions .....	8
1.9 Appeals against academic decisions.....	9
1.10 Limitations.....	9
1.11 Date of effect of academic decisions .....	10
1.12 Procedural fairness.....	10
<b>Part 2 Informal Resolution</b> .....	<b>11</b>
2.1 Discussion with the staff member who made the decision .....	11
2.2 Communication with Student Administration Services .....	12
<b>Part 3 Applications for Review</b> .....	<b>12</b>
3.1 Application for review to the faculty .....	12
3.2 Application for review to the Academic Panel .....	14
3.3 Academic Panel.....	14
<b>Part 4 Higher Degree by Research Students</b> .....	<b>15</b>
4.1 Informal resolution and application for review .....	15
4.2 Examination and termination of candidature .....	15
<b>Part 5 Appeals to the Student Appeals Body</b> .....	<b>15</b>
5.1 Lodging an appeal .....	15
5.2 Conduct of appeal hearings.....	16
5.3 Failure by a student to attend an appeal hearing .....	17
5.4 Appeal outcome and notice .....	18
5.5 Student Appeals Panel .....	18
5.6 Student Appeals Body .....	19

<b>Part 6 Administrative matters</b> .....	<b>19</b>
6.1 Record keeping.....	19
6.2 Annual reporting .....	20
6.3 Rescissions and replacements .....	20
SCHEDULE 1.....	21
<b>Notes</b> .....	<b>22</b>
<b>Amendment history</b> .....	<b>22</b>

## **PART 1 PRELIMINARY**

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### **1.1 Name of Rule**

This is the University of Sydney (Student Academic Appeals) Rule 2021.

### **1.2 Commencement**

This Rule commences on 10 January 2022.

### **1.3 Statement of intent**

- (1) This Rule:
- (a) stipulates the requirements for handling applications for review and appeals by students against academic decisions; and
  - (b) reflects the University’s commitment to fair academic decision making.

### **1.4 Interpretation**

- (1) In this Rule:

<b>absolute discretion</b>	means in the sole and unqualified discretion of the decision-maker.  <b>Note:</b> Decisions described in this Rule as being made at the absolute discretion of the decision maker are not subject to review or appeal. See subsection 1.10(2)(a).
<b>academic decision</b>	has the meaning given in section 1.5.
<b>Academic Board</b>	means the Academic Board constituted in accordance with the <a href="#">University of Sydney (Academic Board) Rule 2017</a> .
<b>Academic Panel</b>	means the panel of academic staff appointed by the Registrar in accordance with section 3.3.

<b>affiliate</b>	<p>has the meaning given in the <a href="#">Code of Conduct – Staff and Affiliates</a>. At the date of this Rule, this is:</p> <p style="padding-left: 40px;">Clinical title holders; adjunct, conjoint and honorary appointees; consultants and contractors to the University; holders of offices in University entities; members of Boards of University Foundations; members of University committees; and any other persons appointed or engaged by the University to perform duties or functions on its behalf.</p>
<b>appeal</b>	<p>means an appeal lodged by a student in accordance with this Rule.</p>
<b>appeal hearing</b>	<p>means a hearing conducted by the Student Appeals Body under Part 5.</p>
<b>assessment principles</b>	<p>means the principles for assessment set out in the <a href="#">Coursework Policy 2021</a>.</p>
<b>Associate Dean</b>	<p>means an Associate Dean within a faculty, with responsibility for managing applications for review and appeals against academic decisions.</p>
<b>award course</b>	<p>means a course approved by the Senate, on the recommendation of the Academic Board, that leads to the conferral of a degree or the award of a diploma or certificate.</p>
<b>conditional credit approval</b>	<p>has the meaning given in the <a href="#">Outbound Student Mobility Policy 2018</a>, which at the date of this Rule is:</p> <p style="padding-left: 40px;">a decision to award a stated amount of specific or non-specific credit for a particular global mobility study or activity, conditional upon the student successfully completing it.</p>
<b>conflict of interests</b>	<p>means a conflict between a person’s external, personal or financial interests and their obligations as a member of the Student Appeals Body.</p>
<b>coursework award course</b>	<p>has the meaning given in the <a href="#">Coursework Policy 2021</a>, which at the date of this Rule is:</p> <p style="padding-left: 40px;">means a course approved by the Academic Board and endorsed by the Senate, that leads to a degree, diploma or certificate and is undertaken predominantly by coursework. While the program of study in a coursework award course may include a component of original, supervised research, other forms of instruction and learning normally will be dominant. The following are coursework award courses:</p> <ul style="list-style-type: none"> <li>• all undergraduate award courses</li> <li>• Sydney Professional Certificates,</li> <li>• graduate certificates,</li> <li>• graduate diplomas; and those</li> <li>• Masters degrees that comprise less than 66% research.</li> </ul>

<b>coursework student</b>	means a student who is admitted to candidature in a coursework award course.
<b>credit</b>	means recognition of prior learning granted to a student in accordance with the <a href="#">Coursework Policy 2021</a> .
<b>current student</b>	means a person who is currently admitted to candidature in an award course of the University.
<b>Dean</b>	means the Executive Dean or Dean of the relevant faculty or the Head of School and Dean of the relevant University school.
<b>exchange student</b>	means a person who is: <ul style="list-style-type: none"> <li>• not admitted to an award course at the University;</li> <li>• admitted to a formally approved program of study at an overseas institution with which the University has an exchange arrangement; and</li> <li>• enrolled in one or more units of study at the University under the terms of that exchange arrangement.</li> </ul>
<b>excluded student</b>	means a person who was excluded from an award course in accordance with the <a href="#">Coursework Policy 2021</a> .
<b>faculty</b>	means a faculty or University school constituted in accordance with the <a href="#">University of Sydney (Governance of Faculties and University Schools) Rule 2016</a> .
<b>graduate</b>	means a person who has completed all the requirements for an award course and has graduated.
<b>HDR examinations committee</b>	means a committee that decides the outcome of a higher degree by research examination under the <a href="#">Thesis and Examination of Higher Degrees by Research Policy 2015</a> .
<b>Industry and Community Project</b>	means an interdisciplinary project managed by the Pro-Vice Chancellor (Education –Enterprise and Engagement).
<b>mobility</b>	means participation in a student exchange or study abroad program.  <b>Note:</b> See <a href="#">Outbound Student Mobility Policy 2018</a> .
<b>mobility credit</b>	has the meaning given in the <a href="#">Outbound Student Mobility Policy 2018</a> , which at the date of this Rule is:  specific or non-specific credit awarded to a student after successful completion of global mobility under this policy.
<b>non-award student</b>	means a person who is not admitted to an award course and is not an exchange student or study abroad student, but is enrolled in a unit of study at the University.

<b>program director</b>	<p>has the meaning given in the <a href="#">Coursework Policy 2021</a>, which at the date of this Rule is:</p> <p>the person responsible at a stream, program, major or degree level for managing the curriculum and providing coordination and advice to staff and students.</p>
<b>semester</b>	<p>has the meaning given in the <a href="#">Coursework Policy 2021</a>, which at the date of this Rule is:</p> <p>the main teaching block of each teaching period, as provided in Part 3 of the <a href="#">Learning and Teaching Policy 2019</a>.</p>
<b>simple extension</b>	<p>has the meaning given in the <a href="#">Coursework Policy 2021</a>, which at the date of this Rule is:</p> <p>an informal arrangement between a student and a unit of study co-ordinator to permit late submission of work, as provided in clause 81 of this policy.</p>
<b>special arrangements</b>	<p>means special arrangements made available to students for assessments in accordance with the <a href="#">Coursework Policy 2021</a>.</p>
<b>special consideration</b>	<p>means special consideration given to students in accordance with the <a href="#">Coursework Policy 2021</a>.</p>
<b>student</b>	<p>means a person who is currently, or was at the time an academic decision was made:</p> <ul style="list-style-type: none"><li>• admitted to candidature in an award course of the University;</li><li>• an exchange student or study abroad student;</li><li>• a non-award student; or</li><li>• an excluded student.</li></ul>
<b>Student Administration Services</b>	<p>means the specialist staff unit that handles student requests for:</p> <ul style="list-style-type: none"><li>• special consideration;</li><li>• special arrangements;</li><li>• credit; and</li><li>• mobility.</li></ul>
<b>Student Affairs Unit</b>	<p>means the specialist staff within the office of the Registrar, who handle student appeals against academic decisions in accordance with this Rule.</p>

- study abroad student** means a person who is:
- not admitted to an award course at the University;
  - enrolled in one or more units of study at the University; and either
  - admitted to a formally approved program of study at an overseas institution with which the University does not have an exchange arrangement; or
  - residing temporarily in Australia.
- Student Appeals Body** means a Student Appeals Body constituted by the Registrar in accordance with section 5.6.
- Student Appeals Panel** means the Student Appeals Panel constituted by the Vice-Chancellor in accordance with section 5.5.
- unit of study** means the smallest stand-alone component of an award course that is recordable on a student's transcript.
- unit of study coordinator** has the meaning given in the [Coursework Policy 2021](#), which at the date of this Rule is:
- the academic staff member with overall responsibility for the planning and delivery of a unit of study.
- waiver** has the meaning given in the [Coursework Policy 2021](#), which at the date of this Rule is:
- an exemption given to a student from the requirement to complete a prescribed unit of study.
- (2) A heading to a Part or Schedule is a provision of this Rule. Other headings are not provisions of this Rule, but the number of a section or subsection is a provision of this Rule even if it is in a heading.
- (3) A note, marginal note, footnote or endnote is not a provision of this Rule.
- (4) A reference to a rule (other than this Rule) or policy is a reference to the rule or policy as amended or replaced by the University from time to time.

## 1.5 Meaning of academic decision

- (1) An 'academic decision' means a decision:
- (a) to award a mark or common result grade for a coursework assessment or unit of study in accordance with the [Coursework Policy 2021](#);
  - (b) concerning the award of special consideration, special arrangements or credit in accordance with the [Coursework Policy 2021](#);
  - (c) concerning the award of credit in accordance with the [University of Sydney \(Higher Degree by Research\) Rule 2011](#);

- (d) concerning conditional credit approval or mobility credit awarded in accordance with the [Outbound Student Mobility Policy 2018](#);  
**Note:** A decision that a student is not eligible to undertake a mobility program, or cannot participate in a mobility program, is not an academic decision.
- (e) concerning the rescission or reinstatement of credit in accordance with the [Coursework Policy 2021](#);
- (f) to refuse a student permission to enrol in a unit of study or cross-institutional study in accordance with the [Coursework Policy 2021](#);
- (g) to refuse to give a student a waiver in accordance with the [Coursework Policy 2021](#);
- (h) not to admit a student to an award course with honours in accordance with the [Coursework Policy 2021](#);
- (i) on the outcome of a progress evaluation conducted in accordance with Part 3 of the [Progress Planning and Review for Higher Degree by Research Students Policy 2015](#);
- (j) to decline to examine a thesis in accordance with the [University of Sydney \(Higher Degree by Research\) Rule 2011](#);
- (k) concerning the examination of a thesis in accordance with the [Thesis and Examination of Higher Degrees by Research Policy 2015](#);
- (l) made in accordance with clause 18 of the [Academic Honesty in Coursework Policy 2015](#) or the [Academic Honesty Procedures 2016](#);
- (m) to impose conditions or restrictions on re-enrolment following a requirement to show good cause in accordance with the [Coursework Policy 2021](#) or the [University of Sydney \(Higher Degree by Research\) Rule 2011](#);
- (n) to exclude a student from an award course in accordance with the [Coursework Policy 2021](#);
- (o) not to readmit or re-enrol an excluded student in accordance with the [Coursework Policy 2021](#);
- (p) to terminate a student's candidature for a postgraduate award in accordance with the [University of Sydney \(Higher Degree by Research\) Rule 2011](#); or
- (q) of a kind determined to be an academic decision by the Deputy Vice-Chancellor (Education):
  - (i) by instrument in writing in the form of Schedule 1; and
  - (ii) made available through the University's [Policy Register](#).

## 1.6 Making academic decisions

- (1) Academic decisions are entrusted to members of the academic staff, and to professional staff acting on the advice of academic staff.
- (2) Academic decisions must be:
  - (a) based on merit;

- (b) procedurally fair and reasonable, taking into consideration all relevant circumstances; and
- (c) made in accordance with relevant University rules, policies, procedures, local provisions and resolutions.

## 1.7 Informal resolution

- (1) Subject to this section, students must seek to resolve their concerns about an academic decision informally in accordance with Part 2.
  - (a) by discussing the matter with the staff member who made the decision; or
  - (b) in the case of an academic decision solely concerning special consideration, special arrangements, credit or mobility, by communicating their concerns to a representative of Student Administration Services.

**Note:** This requirement does not apply to higher degree by research students in respect of decisions about the examination of their thesis or termination of their candidature. See Part 4.

- (2) This clause does not apply to a decision:
  - (a) made in accordance with:
    - (i) clause 18 of the [Academic Honesty in Coursework Policy 2015](#); or
    - (ii) the [Academic Honesty Procedures 2016](#); or
  - (b) to exclude a student from an award course in accordance with the [Coursework Policy 2021](#).
- (3) In exceptional circumstances, the Associate Dean may waive the requirement for a student to comply with this section.

## 1.8 Applications for review of academic decisions

- (1) If informal resolution is inappropriate or unsuccessful, a student who believes that there are grounds for contesting an academic decision may seek to have the decision reviewed on its merits.
- (2) Applications for review will be resolved in accordance with Part 3 by:
  - (a) the relevant faculty; or
  - (b) in the case of an academic decision solely concerning special consideration, special arrangements, credit or mobility, a member of the Academic Panel.

**Note:** This section does not apply to higher degree by research students in respect of decisions about the examination of their thesis or termination of their candidature. See Part 4.



## 1.9 Appeals against academic decisions

- (1) A student may appeal to the Student Appeals Body against an academic decision of the faculty, Academic Panel or the relevant HDR examination committee in accordance with Part 5.
- (2) An appeal against an academic decision may only be made on procedural grounds, where the student believes that the decision was not made in accordance with the requirements in section 1.6.
- (3) The Student Appeals Body does not have authority to review the merits of an academic decision.

## 1.10 Limitations

- (1) Applicants for admission to a course do not have a right of review or appeal against decisions to award or not to award credit made prior to enrolment.
- (2) Students may not seek review of, or appeal against:
  - (a) academic decisions described in this Rule, or in another University Rule or policy, as being made at the absolute discretion of the decision maker;
  - (b) a decision to grant or refuse to grant a student a simple extension in accordance with the [Coursework Policy 2021](#);
  - (c) a decision to award a common result grade for a unit of study, on grounds that have already been the subject of an application for review or appeal against a mark for an assessment in the same unit of study; or
  - (d) a decision made in accordance with the [University of Sydney \(Student Discipline\) Rule 2016](#).

**Note:** Students may appeal against a disciplinary decision in accordance with the [University of Sydney \(Student Discipline\) Rule 2016](#).
- (3) Students may not apply for review of, or appeal against, an academic decision on the grounds that they believe the decision was made in a manner that was inconsistent with:
  - (a) Assessment Principles 1, 3 and 4 in clauses 76, 78 and 79 of the [Coursework Policy 2021](#); or
  - (b) the corresponding clauses in the [Assessment Procedures 2011](#), as identified in the Implementation Table at Schedule1 of the [Assessment Procedures 2011](#).

**Note:** Where a student's candidature is automatically terminated in accordance with the [University of Sydney \(Coursework\) Rule 2014](#) or the [Coursework Policy 2021](#), there is no decision giving rise to a right of review or appeal under this Rule.
- (4) Graduates may not apply for review of, or appeal against, an academic decision that was made before their graduation.
- (5) Graduation from an award course will extinguish any existing or future right or avenue of review or appeal against an academic decision.

### 1.11 Date of effect of academic decisions

- (1) Subject to subsection 1.11(2), where a decision is made to:
  - (a) exclude a student from an award course in accordance with the [Coursework Policy 2021](#); or
  - (b) terminate a student's candidature for a postgraduate award in accordance with the [University of Sydney \(Higher Degree by Research\) Rule 2011](#);  
the University will not enforce the exclusion or termination until:
    - (c) the review period specified in subsection 3.1(1)(b) has expired; or
    - (d) if the student has lodged an application for review in accordance with subsection 3.1(1), the appeal period specified in subsection 5.1(2) has expired; or
    - (e) if the student lodges an appeal in accordance with section 5.1, the appeal has been determined.
- (2) If a coursework student's appeal under section 5.1 has not been determined by the last day of teaching in Week 9 of any semester, they must not be excluded until after the end of the semester.
- (3) All other academic decisions made by the faculty, Academic Panel or relevant HDR examination committee will take effect on the date that the decision was made.
- (4) A student who has lodged an appeal against a decision not to readmit them following exclusion in accordance with the [Coursework Policy 2021](#) may not re-enrol pending determination of the appeal, unless the Registrar, in their absolute discretion, is satisfied that it is reasonable in the circumstances to permit re-enrolment.

### 1.12 Procedural fairness

- (1) Students are entitled to procedural fairness in the handling of applications for review and appeals.
- (2) The University will handle all applications for review and appeals in a procedurally fair and reasonable manner, having regard to the requirement for:
  - (a) timeliness;
  - (b) confidentiality;
  - (c) absence of bias or conflicts of interests; and
  - (d) no victimisation.

## **PART 2    INFORMAL RESOLUTION**

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### **2.1 Discussion with the staff member who made the decision**

- (1) Subject to section 1.7, section 2.2 and Part 4, a student who believes that there are grounds for contesting an academic decision must discuss their concerns with the relevant staff member:
  - (a) within 15 working days of the student being advised of the academic decision;
  - (b) in the case of decisions to award a common result grade for a unit of study, within 15 working days of:
    - (i) the release of the unit of study results; or
    - (ii) the student being provided with an opportunity to review their final assessment or examination paper (provided that the request for review was made within 15 working days of the release of the unit of study results);whichever comes later; or
  - (c) within such other extended time as the Associate Dean may reasonably authorise, in their absolute discretion.
- (2) The relevant staff member may be a tutor, lecturer, unit of study coordinator, program director or any other staff member who made the decision.
  - (a) For decisions concerning Industry and Community Projects, the relevant staff member will be the Director of Education (Education – Enterprise and Engagement).
  - (b) For decisions relating to waivers and enrolment in units of study, the relevant staff member may be a representative of Faculty Services.
- (3) The relevant staff member will:
  - (a) address the student's concern within 10 working days of the date on which the student raised it;
  - (b) give the student a clear explanation of the reasons for the academic decision;
  - (c) provide the student with written confirmation of whether the academic decision is confirmed or amended;
  - (d) if the student's concern is not resolved:
    - (i) explain the next step in the procedure, set out at section 3.1 below; and
    - (ii) give the student a copy of, or a link to, this Rule.
- (4) If the relevant staff member does not comply with the requirements of subsection 2.1(3) within 10 working days, the student may lodge an application for review in accordance with section 3.1.

## 2.2 Communication with Student Administration Services

- (1) A student who believes that there are grounds for contesting an academic decision solely relating to special consideration, special arrangements, credit or mobility must communicate their concerns to the Student Administration Services team that communicated the decision to them.
- (2) The communication referred to in subsection 2.2(1) must be initiated by the student within 15 working days of the student being advised of the academic decision.
- (3) The representative of Student Administration Services will:
  - (a) address the student's concern within 10 working days of the date on which the student raised it;
  - (b) confirm or amend the academic decision, as appropriate;
  - (c) give the student a clear explanation of the reasons for the academic decision; and
  - (d) if the student's concern is not resolved:
    - (i) explain the next step in the procedure, set out at section 3.2 below; and
    - (ii) give the student a copy of or a link to this Rule; and
  - (e) make a written record of their decision, and the explanation provided to the student, in the University's student record keeping system.

**Note:** See [Recordkeeping Policy 2017](#).
- (4) If Student Administration Services does not comply with the requirements of subsection 2.2(3) within 10 working days, the student may lodge an application for review in accordance with section 3.2.

## PART 3 APPLICATIONS FOR REVIEW

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### 3.1 Application for review to the faculty

- (1) Subject to section 3.2 and Part 4, if a student's concern is unable to be resolved in accordance with section 2.1, the student must submit an online application for review, including their reasons for the application and any supporting documentation:
  - (a) to the relevant faculty office or staff member;
  - (b) as applicable, within:
    - (i) 20 working days of the date on which they were advised of the outcome of discussions under section 2.1;

- (ii) 20 working days of the date on which they were advised of the academic decision;
- (iii) 20 working days of any decision by the Student Appeals Body that the faculty should make a new or amended decision; or
- (iv) such other extended time as the Associate Dean may reasonably authorise, in their absolute discretion.

**Note:** Students with a disability may seek assistance from their faculty, a student organisation or a third party acting in accordance with the written consent of the student, to lodge their online application.

- (2) The faculty will acknowledge receipt of the application for review within three working days.
- (3) The review will be conducted by the Dean or Associate Dean, as appropriate, who will:
  - (a) take into account all relevant information;
  - (b) make a decision on the facts relevant to the matter;
  - (c) advise the student in writing of their decision and the reasons for their decision;
  - (d) advise the student of their right of appeal under Part 5; and
  - (e) give the student a copy of or a link to this Rule;and should do so within 15 working days of receipt of the application for review.
- (4) If the Dean or Associate Dean is not able to comply with the requirements of subsection 3.1(3) within 15 working days, the faculty will advise the student of the reasons for the delay, and the projected timeframe for completion of the review.
- (5) The Dean or Associate Dean may:
  - (a) affirm the academic decision;
  - (b) make a new or amended academic decision; or
  - (c) refer the academic decision back to the relevant staff member for reconsideration or reassessment in accordance with the requirements in section 1.6.
- (6) When conducting their review, the Dean or Associate Dean may seek advice and information from the relevant program director, unit of study coordinator, and any other staff members or affiliates they consider appropriate.
  - (a) For decisions about interdisciplinary Industry and Community Projects, this will include the Pro Vice-Chancellor (Education – Enterprise and Engagement) or the Director of Education (Education – Enterprise and Engagement), who will undertake an initial review and prepare a report for the relevant Deans or Associate Deans.
- (7) If the Associate Dean made the academic decision that is the subject of the application for review, another Associate Dean or the Dean must undertake the functions prescribed in subsection 3.1(3).
- (8) If the Dean made the academic decision that is the subject of the application for review, an Associate Dean must undertake the functions prescribed in subsection 3.1(3).

### 3.2 Application for review to the Academic Panel

- (1) If a student's concern relating to special consideration, special arrangements, credit or mobility is unable to be resolved in accordance with section 2.2, the student must submit an online application for review, including their reasons for the application and any supporting documentation, within:
  - (a) 20 working days of the date on which they were advised of the outcome of the communication under section 2.2; or
  - (b) such other extended time as the Chair of the Academic Panel may reasonably authorise, in their absolute discretion.

**Note:** Students with a disability may seek assistance from their faculty, a student organisation or a third party acting in accordance with the written consent of the student, to lodge their online application.

- (2) Student Administration Services will acknowledge receipt of the application for review within three working days.
- (3) The review will be conducted by a member of the Academic Panel, who will:
  - (a) take into account all relevant information;
  - (b) make a decision on the facts relevant to the matter;
  - (c) advise the student in writing of their decision and the reasons for their decision;
  - (d) advise the student of their right of appeal under Part 5, and
  - (e) give the student a copy of or a link to this Rule;and should do so within 15 working days of receipt of the application for review.
- (4) If the Academic Panel member is not able to comply with the requirements of subsection 3.2(3) within 15 working days, Student Administration Services will advise the student of the reasons for the delay, and the projected timeframe for completion of the review.
- (5) The Academic Panel may:
  - (a) affirm the academic decision; or
  - (b) make a new or amended academic decision.
- (6) When conducting their review, the Academic Panel may seek advice and information from the relevant program director, unit of study coordinator, and any other staff members or affiliates they consider appropriate.

### 3.3 Academic Panel

- (1) The Academic Panel will comprise academic staff employed by the University at Level C or above.
- (2) Nominations will be sought from each faculty every two years, or as otherwise determined by the Registrar.
- (3) Appointments to the Academic Panel will be made by the Registrar on the nomination of, or in consultation with, the relevant Dean.

- (4) The Registrar will forward the names of the Academic Panel members to the Academic Board for noting at the end of the appointment process.
- (5) The Registrar will maintain a list of Academic Panel members in the order of their appointment to the panel.
- (6) Subject to the requirement to avoid bias and conflicts of interest, applications for review will be allocated to the next available Academic Panel member on the list who can conduct the review within the time period specified in subsection 3.2(3).

## **PART 4 HIGHER DEGREE BY RESEARCH STUDENTS**

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### **4.1 Informal resolution and application for review**

Subject to section 4.2, higher degree by research students must comply with Parts 2 and 3 above.

### **4.2 Examination and termination of candidature**

A higher degree by research student who believes that a decision about the:

- (a) examination of their thesis, in accordance with the [Thesis and Examination of Higher Degrees by Research Policy 2015](#); or
- (b) termination of their candidature, in accordance with the [University of Sydney \(Higher Degree by Research\) Rule 2011](#);

was not made in accordance with the requirements in section 1.6, is not required to comply with Parts 2 and 3 above, and may lodge a written appeal to the Student Appeals Body in the first instance.

## **PART 5 APPEALS TO THE STUDENT APPEALS BODY**

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### **5.1 Lodging an appeal**

- (1) A student who believes that a decision made by:
  - (a) the faculty, under section 3.1 or the [University of Sydney \(Higher Degree by Research\) Rule 2011](#);
  - (b) the Academic Panel, under section 3.2, or
  - (c) the relevant HDR examination committee under the [Thesis and Examination of Higher Degrees by Research Policy 2015](#);

was not made in accordance with the requirements in section 1.6, may appeal to the Student Appeals Body.

- (2) A student must lodge their online appeal with the Student Affairs Unit:
  - (a) within 15 working days of the date of the decision; or
  - (b) within such other extended time as the Director, Compliance and Student Affairs may reasonably authorise, in their absolute discretion.

**Note:** Students with a disability may seek assistance from their faculty, a student organisation or a third party acting in accordance with the written consent of the student, to lodge their online appeal.
- (3) The Student Appeals Body may not hear an appeal unless:
  - (a) the student has explained, in writing, their reasons for believing that the decision was not made in accordance with the requirements in section 1.6;
  - (b) the student has provided relevant information in their appeal, including any documentary or other evidence; and
  - (c) the Director, Compliance and Student Affairs has confirmed that the requirements of subsection 5.1(3)(a) and (b) have been met; or
  - (d) the Director, Compliance and Student Affairs has decided, in their absolute discretion and due to exceptional circumstances, to waive one or more of the requirements of subsection 5.1(3)(a) and (b).
- (4) A student may apply for review of a decision made by the Director, Compliance and Student Affairs in accordance with subsection 5.1(3)(c), by writing to the Registrar:
  - (a) within 10 working days of the date of the decision; and
  - (b) setting out in their application their reasons for believing that the decision of the Director, Compliance and Student Affairs was not made in accordance with the requirements in section 1.6.
- (5) The Registrar may, in their absolute discretion, decide to affirm or overturn the decision of the Director, Compliance and Student Affairs.

## 5.2 Conduct of appeal hearings

- (1) The Student Affairs Unit will notify the faculty, Academic Panel or relevant HDR examination committee, as appropriate, of:
  - (a) the student's appeal; and
  - (b) the requirement to provide a written response to the appeal, including:
    - (i) the reasons for the decision;
    - (ii) a description of the process by which the decision was made; and
    - (iii) any relevant documentary or other evidence;to the Student Affairs Unit within 10 working days of the date of notification.
- (2) The Student Affairs Unit will give the student and the faculty, Academic Panel or relevant HDR examination committee, as relevant, at least 10 working days notice of:
  - (a) the date, time and location of the hearing;



- (b) the request for them to attend the hearing; and
  - (c) the right for the student to bring a support person or representative to the hearing.
- (3) The hearing may be held at two or more venues simultaneously, using any technology that gives:
  - (a) the student and their support person or representative; and
  - (b) the faculty, Academic Panel or relevant HDR examination committee representative(s);a reasonable opportunity to participate.
- (4) The Student Affairs Unit will give the student a copy of the written response to the appeal at least five working days before the hearing.
- (5) The Student Appeals Body:
  - (a) will summarise its understanding of the student's appeal to the parties present;
  - (b) otherwise determine its own procedures;
  - (c) is not bound by the rules of evidence; and
  - (d) may inform itself on any matter relevant to the appeal in any manner that it thinks fit;provided that it acts consistently with the requirements of procedural fairness.
- (6) The purpose of an appeal hearing is for the student and the faculty, Academic Panel or relevant HDR examination committee, as relevant, to address any questions posed by the Student Appeals Body.
- (7) The student, faculty, Academic Panel or relevant HDR examination committee, as relevant, have a right to be heard but no right to make new submissions or to provide new documentary or other evidence, except with the consent of the Chair of the Student Appeals Body.
- (8) A support person or representative has no right to be heard, except with the consent of the Chair of the Student Appeals Body.

### **5.3 Failure by a student to attend an appeal hearing**

- (1) If a student fails to attend an appeal hearing, the Student Appeals Body may:
  - (a) adjourn the hearing; or
  - (b) provided that notice has been given in accordance with subsection 5.2(2), determine the outcome of the appeal in the student's absence.
- (2) If an appeal hearing is adjourned in accordance with subsection 5.3(1), the Student Affairs Unit will give the student written notice:
  - (a) that the hearing is adjourned;
  - (b) of the new date, time and location of the adjourned hearing; and
  - (c) that the adjourned hearing may proceed on that date, notwithstanding any further absence of the student.

## **5.4 Appeal outcome and notice**

- (1) A decision of the Student Appeals Body requires a simple majority.
- (2) The Student Appeals Body may uphold or dismiss an appeal.
- (3) If the Student Appeals Body upholds an appeal, it may, in its absolute discretion:
  - (a) refer the decision back to the faculty, Academic Panel or relevant HDR examination committee, as relevant, for reconsideration in accordance with University rules, policies, procedures, local provisions or resolutions;
  - (b) make a new or amended decision; or
  - (c) determine that no further action should be taken.
- (4) If the Student Appeals Body dismisses the appeal, the decision of the faculty, Academic Panel or relevant HDR examination committee, as relevant, will stand.
- (5) As soon as possible, and no later than 20 working days following the hearing, the Student Appeals Body will give the student and the faculty, Academic Panel or relevant HDR examination committee, as relevant, written notice of:
  - (a) the outcome of the appeal;
  - (b) the reasons for the Student Appeals Body's decision; and
  - (c) the student's right to appeal to the NSW Ombudsman.
- (6) If the Student Appeals Body is not able to comply with the requirements of subsection 3.1(5) within 20 working days, the Student Affairs Unit will advise the student of the reasons for the delay, and the projected timeframe for determination of the appeal.
- (7) If a decision of the Student Appeals Body reveals a systemic or other serious failure by the faculty, Academic Panel or relevant HDR examination committee, as relevant, to act reasonably and in accordance with relevant University rules, policies, procedures, local provisions or resolutions, the Chair of the Student Appeals Body will send a copy to the Deputy Vice-Chancellor (Education) for consideration and action.

## **5.5 Student Appeals Panel**

- (1) The Student Appeals Panel will comprise no less than 12 and no more than 48 members, appointed by the Registrar.
- (2) At least half of all members of the Student Appeals Panel will be a combination of academic staff members and current students of the University.
- (3) At least six members of the Student Appeals Panel will be current undergraduate or postgraduate students of the University.
- (4) At least six members of the Student Appeals Panel will be academic staff members of the University.
- (5) The Registrar will consult with the presidents of the Students' Representative Council and the Sydney University Postgraduate Representative Association regarding student appointments to the Student Appeals Panel.

- (6) A Senate fellow (other than the Chair of the Academic Board) may not be appointed as a member of the Student Appeals Panel, and the Chair of the Academic Board is appointed in that capacity, and not as a Fellow of Senate.

## 5.6 Student Appeals Body

- (1) A Student Appeals Body will comprise any three members of the Student Appeals Panel, including a Chair.
- (2) The Chair of the Student Appeals Body will normally be, but is not required to be, the Chair of the Academic Board.
- (3) The Student Appeals Body will normally include, but is not required to include:
- (a) a member with academic qualifications (who may but need not be an academic staff member of the University); and
  - (b) a current student.
- (4) A member of the Student Appeals Panel may not sit on a Student Appeals Body responsible for hearing and determining an appeal against a decision:
- (a) arising from a faculty in which the member is an enrolled student or staff member; or
  - (b) if the member:
    - (i) has a conflict of interests; or
    - (ii) has had substantial prior involvement in the matter, including as a member of the Academic Panel.

## PART 6 ADMINISTRATIVE MATTERS

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### 6.1 Record keeping

- (1) The Student Affairs Unit will keep a record of all:
- (a) student appeals;
  - (b) Student Appeals Body decisions and reasons; and
  - (c) related correspondence with the student;
- in accordance with the [Recordkeeping Policy 2017](#).

## 6.2 Annual reporting

- (1) Faculties will report annually to the Registrar on:
  - (a) the number of applications for review received by the Faculty;
  - (b) the number of applications for review upheld by the Faculty, as a proportion of the total number of applications for review; and
  - (c) average time frames for resolving applications for review.
- (2) The Academic Panel will report annually to the Registrar on:
  - (a) the number of applications for review received by the Academic Panel;
  - (b) the number of applications for review upheld by the Academic Panel, as a proportion of the total number of applications for review; and
  - (c) average time frames for resolving applications for review.
- (3) The Registrar will report annually to the relevant committees of the Academic Board and the Senate on:
  - (a) information provided by the faculties in accordance with this section;
  - (b) the number of appeals lodged against academic decisions made by the faculties;
  - (c) information provided by the Academic Panel in accordance with this section;
  - (d) the number of appeals lodged against decisions made by the Academic Panel;
  - (e) average time frames for resolving appeals to the Student Appeals Body;
  - (f) decisions made by the Student Appeals Body (on a de-identified basis);
  - (g) the number of appeal hearings (if any) for which the membership of the Student Appeals Body did not include a student of the University, as a proportion of the total number of appeal hearings; and
  - (h) the number of systemic breaches reported to the Deputy Vice-Chancellor (Education) in accordance with subsection 5.4(7).

## 6.3 Rescissions and replacements

This Rule replaces the *University of Sydney (Student Appeals against Academic Decisions) Rule 2006*, which is rescinded from the date of commencement of this document.

## SCHEDULE 1

### DETERMINATION OF ACADEMIC DECISION

The Deputy Vice-Chancellor (Education) determines that decisions of the following kind are academic decisions for the purposes of section 1.5 of the *University of Sydney (Student Academic Appeals) Rule 2020*.

[INSERT DESCRIPTION OF ACADEMIC DECISION]

Date determined:

Signature:

Name:

## NOTES

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### University of Sydney (Student Academic Appeals) Rule 2021

- Date adopted: 13 December 2021
- Date commenced: 10 January 2022
- Related documents: *Education Services for Overseas Students Act 2000 (Cth)*
- University of Sydney Act 1989 (NSW)*
- University of Sydney By-law 1999 (NSW)*
- National Code of Practice for Providers of Education and Training to Overseas Students 2018*
- University of Sydney (Academic Board) Rule 2017*
- University of Sydney (Coursework) Rule 2014*
- University of Sydney (Delegations of Authority – Academic Functions) Rule 2016*
- University of Sydney (Governance of Faculties and University Schools) Rule 2016*
- University of Sydney (Higher Degree by Research) Rule 2011*
- Coursework Policy 2021*
- Outbound Student Mobility Policy 2018*
- Thesis and Examination of Higher Degrees by Research Policy 2015*
- University Record Keeping Policy 2017*

## AMENDMENT HISTORY

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Provision	Amendment	Commencing
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