

Academic Appeals Policy and Procedure HEPP05

PURPOSE

This policy and procedure reflect the expectations and responsibilities of Southern Cross Education Institute (Higher Education) and its students in resolving student academic disputes. Through the application of this policy and procedure, the Institute will:

1. set in place an academic dispute resolution system that is student-focused and helps the Institute prevent further such disputes;
2. ensure that all academic disputes are resolved consistently, fairly, promptly, sensitively, and confidentially;
3. ensure that the views of each student involved in an academic dispute process are respected and that no party to the process is discriminated against or victimised at any stage of the process; and
4. ensure that the Institute applies a consistent response to the academic dispute process.

SCOPE

This Academic Appeals Policy and Procedure applies to appeals by students against academic issues such as:

1. the outcome of a review of grade;
2. penalty for academic misconduct and plagiarism;
3. refusal of an application for course credit;
4. failure to maintain satisfactory academic progress.

All other complaints and grievances are considered under the Student Grievances and Appeals Policy.

DEFINITIONS

Academic Disputes	Disputes regarding academic decisions include, but are not limited, to: 1. academic progress decisions; 2. assessment matters; 3. a decision of a member of academic staff that affects an individual student or a group of students; 4. content or structure of academic courses or nature of teaching; 5. issues related to authorship or intellectual property.
Formal Appeals	A formal appeal can take place if an academic dispute or outcome of a review of grades cannot be resolved informally. Formal appeals are dealt with initially by the Academic Director.
Review of Grades	A process for requesting a review of grades forms part of the Assessment Policy and Procedure. Students should make use of this process in the first instance if they wish to request a review of a grade. Students who are dissatisfied with the outcome of a review of a grade may utilise the formal appeal section of this policy.
SCEI-HE	Southern Cross Education Institute (Higher Education)

POLICY

1. Disputes may arise that relate to decisions of SCEI-HE, its agents, or related parties. SCEI-HE makes provision for those academic decisions that are subject to dispute to be reviewed. Students may appeal SCEI-HE's decisions on:
 - 1.1 the outcome of a review of grade;
 - 1.2 a penalty for academic misconduct and plagiarism;
 - 1.3 the refusal of an application for course credit; and
 - 1.4 the failure to maintain satisfactory academic progress.
2. The following principles apply with respect to any dispute about an academic decision, whether dealt with formally or informally.
 - 2.1 The policy will always be readily available to students and staff. It is published on SCEI-HE's public website. Students are entitled to access the academic dispute procedure set out in this policy regardless of the course in which they are enrolled.
 - 2.2 All disputes will be resolved as quickly as possible.
 - 2.3 The timeframes specified in this procedure should always be followed unless there are exceptional circumstances. If the timeframe is to be exceeded, the student must always be informed of the length of, and the reason for, the delay.
 - 2.4 All disputes must be treated confidentially at all stages in the dispute resolution process. Access to

information about a dispute must be restricted to those staff who need to be informed so that they may be properly involved in the dispute resolution process.

- 2.5 The fact that a student has made a complaint or appealed a decision under this procedure will not disadvantage the student in any way, especially by way of subsequent victimisation or discrimination.
- 2.6 Academic disputes will be handled in an unbiased manner and will take into account the principles of procedural fairness.
 - 2.6.1. All panel members involved in the consideration of an appeal must declare any potential conflict of interest and must not participate if a conflict exists.
 - 2.6.2 Students have the right to be accompanied or represented by a support person or advocate during any stage of the appeal process.
- 2.7 Any person involved in an academic dispute process will be allowed the support and advice they need to participate effectively. While a conciliatory approach is preferred and encouraged, it may be appropriate, in some circumstances, that the student and/or staff member has another person speak on his or her behalf.
- 2.8 In order to facilitate the resolution of academic disputes, it is important that staff establish and maintain proper records and documentation once a complaint becomes formal.
- 2.9 Staff are also advised to keep notes of any informal discussions with students. Copies of documents that are provided to students should be kept, as well as a record of the date on which the documents were provided.
- 2.10 Students have a right of supervised access to all documents concerning their appeal. This right does not apply to any documents for which SCEI-HE claims legal professional privilege.
- 2.11 Given the nature of many academic disputes, SCEI-HE expects that most concerns will be resolved informally. This form of resolution provides an opportunity for open and direct dialogue between the student and academic staff member. Furthermore, informal resolution normally provides the most time-effective mechanism for resolving academic disputes.
- 2.12 The academic dispute resolution process will be free of charge to the student.

PROCEDURE

1. There are 4 stages in the process associated with the resolution of an academic dispute. Each stage represents an increase in the formality with which the dispute is managed. The stages of the process are:
 - 1.1 Stage 1 – Informal Resolution between Student and Academic Staff Member;
 - 1.2 Stage 2 – Appeal to the Course Coordinator;
 - 1.3 Stage 3 – Formal Written Appeal to the Academic Director;
 - 1.4 Stage 4 – External Appeal to a Relevant Body.
2. When escalating a dispute, a student must present evidence that the previous determination either lacked academic judgment or did not follow due process.
3. **Stage 1 – Informal Resolution between Student and Academic Staff Member**
 - 3.1 When a student has an academic dispute, he or she should first discuss the matter with the academic staff member concerned. If the student has any concerns about raising the matter with this person, then he or she should discuss the matter with Student Support and/or the Course Coordinator.
 - 3.2 SCEI-HE expects that in most cases the discussion of the dispute with the relevant staff member will result in a prompt resolution of the matter, which both parties will find acceptable.
 - 3.3 If this informal approach to dealing with the student's grievance does not lead to an acceptable resolution **within 7 days** of the matter being raised, then a more formal process for resolution of the matter can be pursued at the discretion of the student.
4. **Stage 2 – Appeal to the Course Coordinator**
 - 4.1 Additional appeals on academic grounds must be made directly to the Course Coordinator.
 - 4.2 If the academic dispute has not been settled to the student's satisfaction with the class teacher, the student may take their academic dispute to the Course Coordinator. The student may wish to inform the student support team that you are unsatisfied with the class teacher's decision in the matter and intend to escalate the appeal.
 - 4.3 If a student decides to appeal the assessment grade to the Course Coordinator, the student must make this request **within 10 days** of receiving the grade for the assessment.
 - 4.4 The Course Coordinator will view the evidence associated with the academic dispute and make a decision that will result in 1 of the following:
 - 4.4.1 The student will be given an opportunity to re-sit an alternate exam or given time to re-write the

assignment or assessment piece in question.

4.4.2 The Course Coordinator may cross-mark your assessment to determine whether the original assessment and grade were fair and accurate.

4.4.3 The Course Coordinator may make an assessment that suggests a strategy for additional preparation for assessments at a tertiary level.

4.4.4 The Course Coordinator may decide that the original grade is justified and that a re-sit or additional/alternate assessment is not warranted.

4.5 If the student is unsatisfied with the decision made by the Course Coordinator, an appeal can be made, in writing, to the Academic Director.

5. Stage 3 – Formal Written Appeal to the Academic Director

5.1 The student may make an appeal to the Academic Director by completing the form: Appeal of Academic Assessment Form HEFOR08, and submitting it to student support, or to the Course Coordinator. The form will be passed to the Academic Director. This application must be made **within 5 days** of the decision received from the previous appeal to the Course Coordinator.

5.2 The Academic Director, upon reviewing the evidence for the appeal, may make a decision on the appeal or, convene a panel of academic staff unconnected with the original or subsequent assessment and appeals (that is, not the original class teacher or the Course Coordinator) to help assess the student's case for re-assessment, re-sitting an alternate exam or re-submitting a fresh assignment. The panel may consist of: teachers familiar with the unit material, general teaching academics, student support team, members of SCEI-HE's Academic Board or from the Teaching and Learning Committee.

5.3 The Academic Director will start the process of considering the appeal **within 10 working days** of receiving the Appeal of Academic Assessment Form HEFOR08 and will acknowledge receipt of the appeal in writing to the student. The Academic Director will ensure all steps are taken to resolve the appeal **within 20 working days**.

5.4 In considering the appeal, the Academic Director may arrange a meeting with the student to further explore the nature of the dispute.

5.5 After consideration of the written evidence presented in the Appeal of Academic Assessment Form HEFOR08, and a copy of the assessment piece in question, the panel will make a decision on the appeal. The decision will result in 1 of the following:

5.5.1 The assessment is re-evaluated;

5.5.2 The student is granted another attempt to achieve a Pass grade (exam re-sit, re-submission of assignment, etc.); or

5.5.3 The Course Coordinator's decision is upheld, and the original grade is confirmed.

5.6 If the final decision adversely affects the student's course progression, the Panel may make a recommendation:

5.6.1 That the student applies for a period of course deferment, during which remedial courses of study, designed to better prepare and equip the student for tertiary study, will be identified and recommended. After completion of such a course, the student will be better prepared to re-commence the enrolled course.

5.6.2 If the standing grade is likely to result in a Fail grade for the unit, the student may apply to re-enrol in the unit when it is next delivered. This may result in additional course fees and a variation to the student's study visa, if International.

5.7 If the appeal is upheld, the Academic Director will immediately notify relevant staff of the actions required for a resolution.

5.8 All parties involved in the dispute will be provided with a written report on the steps taken to resolve the issue **within 20 working days** of the commencement of the process.

5.9 If the appeal is not upheld, then all parties concerned will be provided with a written explanation detailing the reasons for that decision.

5.10 The Academic Director will retain a written record of the appeal and its outcome. There is no financial cost to students for internal appeals.

6. Stage 4 – External Appeal

6.1 In the event of the student remaining dissatisfied with the result or conduct of SCEI-HE's internal procedure, the student has a right to seek an external appeal from independent third parties, such as:

6.1.1 National Student Ombudsman [National Student Ombudsman \(NSO\)](http://www.nso.gov.au)

6.1.2 The Resolution Institute's Expert determination service

<https://resolution.institute/Web/Web/About-Us/About-Us-Landing-Page.aspx?hkey=5428825c->

[8ac6-460c-90eb-6020dc8fef9d](#)

6.2 SCEI-HE will pay 50% of financial expenses incurred to students from external appeals processes.

7. Record Keeping and confidentiality

7.1 Records of all disputes and the outcomes of disputes dealt with according to this procedure will be maintained for a period of at least **5 years**. All parties to a dispute will be allowed access to these records upon written request to the Academic Director or the Student Administration Manager.

7.2 All records relating to academic appeals will be treated as confidential and will be kept separately to the student's file in a secure environment in accordance with SCEI-HE's Records Management and Privacy policies.

7.2.1 Records will be retained for a minimum of five years, or longer if required by law or regulatory obligations.

7.2.2 Students have supervised access to all records about their appeal, except where documents are subject to legal professional privilege.

7.2.3 All records of academic appeals will be maintained securely in accordance with the Privacy Act 1988, SCEI-HE's Records Management Policy, and TEQSA requirements.

7.3 A copy of the statement of the findings at each stage of the process will be provided to the student. A register of academic appeals will be maintained on SCEI-HE's Student Management System.

7.4 For each academic dispute, the following is recorded:

7.4.1 details of the parties involved;

7.4.2 the documents lodged;

7.4.3 details of the complaint/appeal; and

7.4.4 details of the resolution or other outcome.

8. Communication to staff and students

8.1 This policy document will be made available to all students and to those seeking to enrol in a course of study with SCEI-HE.

8.2 If a student chooses to lodge a formal academic appeal, their enrolment will be maintained during the resolution process.

8.3 Nothing in this policy and procedure limits the rights of students or persons seeking to enrol with SCEI-HE to take action under Australia's Consumer Protection laws. Also, this procedure does not limit a student's legal rights under Australian law, including consumer protection legislation.

RELATED DOCUMENTS

Academic Misconduct Policy and Procedure HEPP02
Appeal of Academic Assessment Form HEFOR08
Assessment Policy and Procedure HEPP04
Examinations Policy and Procedure HEPP31
Privacy Policy HEPP34
Records Management Policy and Procedure HEPP33
Student Complaint and Grievance Policy and Procedure HEPP03

LEGISLATIVE CONTEXT

Higher Education Standards Framework (Threshold Standards) 2021
Tertiary Education Quality and Standards Agency Act 2011

RESPONSIBILITIES

Academic Director, Compliance Manager and Course Coordinator: Responsible for ensuring adherence to this policy and procedure.

DOCUMENT AND RECORD CONTROL

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