

These Procedures support the *Student Appeals Policy*

Procedures Owner: General Manager/College Principal

Keywords: Appeals, Administration, Quality

1. INTENT

- 1.1 These Procedures have been developed to ensure all current and prospective Students of ECU Sri Lanka campus ('ECC' or the 'College') for the pathway programs (Foundation and Diploma) have access to a free, fair and effective Appeals Process.
- 1.2 The Procedures are to ensure that all Staff Members are informed of and follow a fair and effective Appeals Process.
- 1.3 These Procedures support the *Student Appeals Policy*.

2. ORGANISATIONAL SCOPE

- 2.1 These Procedures apply to the members of the Student Appeals Committee and all prospective and current Students of Pathway Programs (Foundation and Diploma) at ECU Sri Lanka campus.

3. DEFINITIONS:

- 3.1 The *Glossary of Policy Terms* applies to these Procedures.

4. PROCEDURES CONTENT

Student support

- 4.1 Students must be provided with and encouraged to carefully read the guidance information provided on the Student Appeal Form.
- 4.2 Students may contact the Student Counsellor and/or Student and Academic Services for advice and/or assistance prior to submitting their Student Appeal.
- 4.3 Contact with the Student Counsellor should occur as soon as possible so there is sufficient time for their advice and assistance to be provided before the Student Appeal Form is submitted.
- 4.4 No extension of time will be granted for Students who seek the Student Counsellor's assistance. Students must still submit their Student Appeal within the timeframes specified in Clauses 4.10 – 4.12. Students are not required to seek or wait for approval and/or feedback from the Student Counsellor prior to submitting their Student Appeal.

Grounds for an Appeal

- 4.5 Where permitted under the relevant Academic Policy and Procedures, a Student may lodge a Student Appeal against a decision made by a Staff Member or by a governing body such as the Board of Examiners.
- 4.6 A Student may lodge a Student Appeal against a decision that was either:
 - a) an Academic decision, requiring the exercise of academic judgment in relation to a Student's studies or a decision made under a Policy owned by the Academic Director or the Director of Studies; or
 - b) an administrative decision, which relates to the application of Policy and Procedures of the College in relation to the Student.

However, a Student Appeal may only consider the decision-making; the consideration of academic merit ended with a Formal Review, if the relevant Academic Policy or Procedures allowed for a Formal Review.

- 4.7 A Student Appeal may only be made on one or both of the following grounds:
 - a) the decision being Appealed (i.e. the decision made by the College decision-maker) did not comply with the relevant College Policies and/or Procedures;
 - b) there is new evidence that was not known, or reasonably available to the Student, before the decision was made (including Extenuating Circumstances that the decision-maker was not made aware of at the time the decision was made).

Informal and Formal Stages of Resolution

- 4.8 Where an Academic Policy or Procedure allows for Informal and/or Formal Review, a Student may only submit a Student Appeal against an academic decision when they have gone through each stage of the review process for Academic Decisions, i.e. they have engaged in an Informal Review and a Formal Review of the academic decision.
- 4.9 Where an ECC Policy or Procedure allows for Informal and/or Formal Complaints, a Student may only submit an Appeal against an administrative decision made by the College once they have gone through each stage of the College's Student Complaints

process, i.e. they have tried to resolve a Complaint informally and have received a written response to a Formal Student Complaint.

Timeframes for Lodging Appeals

- 4.10 A Student must lodge a Student Appeal using the Student Appeal Form:
- within ten (10) Calendar Days of written notification of the decision being Appealed; or
 - within ten (10) Calendar Days of the written notification of the outcome of a Formal Complaint or a Formal Review (if permitted under the relevant Policy and Procedure).
- 4.11 The application for a Student Appeal will be referred to Student and Academic Services using the Prescribed Process. An application for a Student Appeal that is not made using the Prescribed Process, or that the Quality and Compliance Manager decides (in their absolute discretion) is incomplete or manifestly inadequate, will be returned to the Student within seven (7) Calendar Days, together with a written explanation of the inadequacy.
- The Student may then within a further seven (7) Calendar Days re-submit their Student Appeal in accordance with the Prescribed Process. The Quality and Compliance Manager is not obliged to return an application more than once. Any resubmitted documentation will be considered as it is presented to the Student Appeals Committee.
- 4.12 Where a Student wishes to lodge an Appeal to the Student Appeals Committee outside of the periods described in clauses 4.10 or 4.11, the Student must provide sufficient reasons and evidence as to why their request should be considered out-of-time. The Quality and Compliance Manager may in Exceptional Circumstances and in their absolute discretion, extend the timeframes in Clauses 4.10 or 4.11 where it is appropriate to do so.

Submitting a Student Appeal

- 4.13 Students must submit their Student Appeal in writing on a completed Student Appeal Form and must:
- clearly explain the decision being Appealed; and
 - clearly explain the grounds of Appeal by either explaining:
 - how the decision (or the process to reach that decision) does not comply with the relevant College Policy and/or Procedure or why the Student believes the Policy and/or Procedure was applied to them unfairly; and/or
 - the new evidence now available and how this impacts the decision (this includes Extenuating Circumstances that the decision-maker was not made aware of at the time the decision was made and how these circumstances could have affected the decision); and
 - attach copies of all supporting evidence including any new evidence and explain how this evidence supports their ground(s) of Appeal. Each item of evidence must be listed on the application form and be attached with a matching file name. Where extenuating Circumstances causing late submission of the Student Appeal

are claimed, the Student must also attach evidence of the extenuating circumstances.

Assessing Eligibility of a Student Appeal

- 4.14 Student and Academic Services will refer an accepted or resubmitted Student Appeal to the Student Appeals Committee to assess its eligibility.
- 4.15 If the Student Appeals Committee decides that the Student Appeal is frivolous, vexatious or devoid of merit, the Student Appeal may be dismissed. This dismissal will be communicated to the Student in writing and recorded in the College's Student management system(s).
- 4.16 If the Appeal is not dismissed, the Chair or Deputy Chair may convene a hearing of the Student Appeals Committee.

Appeal Hearing

- 4.17 If a Student Appeal hearing is to be held, the Student Appeals Committee will conduct that hearing within twenty-one (21) Calendar Days of the date on which the Appeal was submitted (or resubmitted), or such longer period as may be approved by the Chair or Deputy Chair of the Student Appeals Committee, acting reasonably.
- 4.18 In arranging for a Student Appeal hearing, the Student Appeals Committee:
 - a) will give the Student a minimum of five (5) Calendar Days' notice of the hearing date;
 - b) may consider evidence presented by College staff member(s) in response to the Student Appeal;
 - c) may (but is not obliged to) request the Student or Staff member(s) to provide further written material on parts or all of the Student Appeal;
 - d) may decide on the matters on which it will hear oral evidence or argument;
 - e) will invite oral submissions from both the Student and appropriate Staff member(s), and provide opportunities for each party to comment on or question the submission(s) of the other at the hearing;
 - f) may limit the time available for presenting the respective cases of parties before it at a hearing, to an extent that it considers it would not impede a fair and adequate hearing of the matter; and
 - g) may adjourn a hearing at any time.
- 4.19 The hearing may, at the Chair or Deputy Chair's discretion, be conducted in person, by telephone, teleconference or videoconference or by any other means, provided that the Student's preference is considered when making that decision.
- 4.20 Where Staff members provide written material before the hearing, the Student will be provided with a copy of such material and given reasonable opportunity at or before the hearing to respond to it.
- 4.21 If the Student does not attend their scheduled hearing, then the Student Appeals Committee may in any event determine the Student Appeal based on the evidence before it, including any new evidence, and including any evidence presented by Staff to the Student

Appeals Committee at the hearing.

- 4.22 The Student may appoint a Student Leader, friend, or family member to act as a support person during the Student Appeal on the Student's behalf or otherwise accompany or assist them in relation to the Student Appeal but may not be legally represented at the hearing.

Student Appeals Committee Decisions

- 4.23 For Student Appeals on the ground of non-compliance with the relevant College Policy and/or Procedures, the Student Appeals Committee will decide on the balance of probabilities whether:
- a) the ground of Appeal is substantiated; and
 - b) if the ground of Appeal is substantiated, uphold the Appeal (in whole or in part) and decide:
 - i. if the decision being Appealed should be varied or overturned; and
 - ii. if any penalty applied as part of the decision being Appealed should be varied or replaced with a different penalty; or
 - c) if the ground of Appeal is not substantiated, dismiss the Student Appeal.
- 4.24 For Student Appeals on the ground of new evidence (including Extenuating Circumstances) the Student Appeals Committee will decide whether:
- a) the ground of Appeal is substantiated; and
 - b) if the ground of Appeal is substantiated:
 - i. make a new decision about the original matter, taking the new evidence into account, and make a finding on the balance of probabilities; or
 - ii. refer the matter to the original decision-maker or another decision-maker in the same organizational area to reconsider the matter and make a new decision, taking the new evidence into account, and make a finding on the balance of probabilities; or
 - c) if the ground of Appeal is not substantiated, dismiss the Appeal.
 - d) The Appeals Committee may also decide that although the ground of Appeal is substantiated, neither the decision being Appealed nor any penalty should be overturned, varied or replaced. In this case, the Student Appeals Committee may uphold the Appeal but confirm the original finding and penalty or penalties.
- 4.25 Each member of the Student Appeals Committee involved in the hearing of an Appeal, including the Chair or Deputy Chair, will have one deliberative vote only. In the event of a tied vote, the Student Appeal will be declared lost and will be dismissed.
- 4.26 Written records of the proceedings of the Student Appeals Committee will be kept, including:
- a) details of persons in attendance;
 - b) a summary of submissions made to the Student Appeals Committee;
 - c) the Student Appeals Committee's decision; and
 - d) the reason(s) for the Student Appeals Committee's decision.

- 4.27 The College will notify the Student of the Student Appeals Committee’s decision and its reasons for the decision within seven (7) Calendar Days of the decision being made. The decision will be recorded on the College’s Student Management System(s).
- 4.28 The Student Appeals Committee may, in its absolute discretion, consolidate or separate Appeals, and may make one consolidated determination addressing all matters, having due regard to principles of natural justice.
- 4.29 The Appeals Committee is the final avenue of Appeal within the College.

5. RELATED DOCUMENTS:

- 5.1. These Procedures support the *Student Appeals Policy*.
- 5.2. These Procedures are, for grievances related to administrative issues and services, related to the following:

Student Complaints Policy
Student Complaint Form

- 5.3 Academic review mechanisms (for grievances related to Assessment, Unit Results and Grades, Recognition of Prior Learning, Academic Progress status, Study Load, Academic Misconduct Outcomes and penalties, Examinations and Deferred Examinations) are outlined in the relevant policies, including:

Academic Integrity Policy
Academic Progression Policy
Assessment Policy
Credit and Recognition of Prior Learning (RPL) Policy
Enrolment Policy

6. CONTACT INFORMATION:

For queries relating to this document please contact:

PROCEDURES OWNER	College Director / Principal
ALL ENQUIRIES CONTACT:	Quality and Compliance Manager
EMAIL ADDRESS:	info@ecu.edu.lk

7. APPROVAL HISTORY:

PROCEDURES APPROVED BY:	General Manager / College Principal
DATE PROCEDURES FIRST APPROVED:	March 2024
DATE LAST MODIFIED:	March 2024
REVISION HISTORY:	March 2024. Separate Procedures created for pathway programs as part of the adoption and localization of ECC procedures. Content updated to suit the local procedures, supporting the ECC policies.
NEXT REVISION DUE:	March 2026