



Research and Innovation Division

APPEALS AGAINST HIGHER DEGREE RESEARCH (HDR) THESIS EXAMINATION OUTCOMES POLICY

Date approved:	17 August 2007	Date Policy will take effect:	17 August 2007	Date of Next Review:	December 2010
Approved by:	University Council				
Custodian title & e-mail address:	Director, Research Student Centre research_student_centre@uow.edu.au				
Author:					
Responsible Faculty/ Division & Unit:	Research Student Centre, Research and Innovation Division				
Supporting documents, procedures & forms of this policy:					
References & Legislation:	Code of Practice - Supervision General Course Rules Academic Grievance Policy (Higher Degree Research (HDR) Students) HDR Progress Review and Probation Guidelines HDR First Year Research Proposal Review Guidelines Academic Grievance Policy (Coursework and Honours Students) Grievance Resolution Procedures Student Conduct Rules Campus Access and Order Rules HDR Appeal Committee Terms of Reference				
Audience:	Public – accessible to anyone				
Expiry Date of Policy:	Not applicable				



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1 Purpose of Policy

1. The University aims to provide a fair, equitable and productive learning environment for all its students. This policy seeks to support the achievement of this goal by providing a transparent and consistent process for resolving Higher Degree Research (HDR) student academic grievances against thesis examination outcomes.

2 Definitions

Word/Term	Definition (with examples if required)
Appeal	a complaint by a HDR student concerning a decision, act or omission of a member of UOW staff or committee or thesis examiner which affects the student's thesis examination outcome. Examples of the types of complaints that may be covered by this definition in relation to this policy include: <ol style="list-style-type: none"> a. failure of research thesis supervisor(s) to fulfil responsibilities, in relation to the thesis examination process only, as defined in the Code of Practice - Supervision; b. failure of the academic unit to fulfil its responsibilities, in relation to the thesis examination process only, as defined in the Code of Practice - Supervision; c. failure to adhere to the requirements of the HDR Course Rules, governing examination of theses; d. failure to adhere to mandatory requirements of the Code of Practice - Supervision in relation to assessment or examination requirements of theses; e. failure to follow due process in handling thesis examinations.
due process	Procedural rights under this policy, other policies (including University, Faculty or Unit policies), University rules and codes of practice, and includes the application of the principles of natural justice.
in good faith	Honestly and with propriety.
HDR student	A person: <ol style="list-style-type: none"> i. who has been accepted for admission to or enrolled in any Postgraduate research degree offered at, or in conjunction with, the University of Wollongong; and ii. whose body of HDR work (e.g. a research thesis) is incomplete or still under examination; or iii. who was enrolled as a HDR student and whose body of HDR work (e.g. a research thesis) was examined as part of their HDR candidature at the University.
natural justice	Right to be given the opportunity to present one's case, and the right to have a decision made by an unbiased decision-maker.
representative student body	Wollongong University Students' Association or the Wollongong University Postgraduate Association.

3 Application & Scope

1. This policy applies to HDR candidates enrolled, and submitting their HDR theses for examination, at University of Wollongong and sets out the general approach of the University of Wollongong (UOW) in resolving grievances relating to decisions, acts or omissions of UOW staff or committees or thesis examiners which affect the thesis examination outcome.
2. This policy does NOT apply to other HDR grievances, including appeals relating to termination of candidature or other HDR process. Procedures for the above student grievances are



addressed in the Academic Grievance Policy (Higher Degree Research (HDR) Students). Procedures for Student grievances relating to Honours students and coursework components of HDR candidature are addressed in the Academic Student (Coursework) Grievance Policy. This policy does NOT apply to issues relating to campus access and order, student conduct and discipline or student discrimination, harassment or vilification, which are addressed in other policies, referred to in 3.3.

3. Policies and guidelines pertaining to HDR candidature processes may be contained in a number of complementary documents, as are grievance procedures and rules which are not covered by this policy, including:
 - [Code of Practice - Supervision](#)
 - [HDR Course Rules](#)
 - [Academic Grievance Policy \(Higher Degree Research \(HDR\) Students\)](#)
 - [HDR Progress Review and Probation Guidelines](#)
 - [HDR First Year Research Proposal Review Guidelines](#)
 - [Academic Grievance Policy \(Coursework and Honours Students\)](#)
 - [Grievance Resolution Procedures](#), which include student grievances regarding discrimination, harassment or vilification;
 - [Student Conduct Rules](#), which set out procedures for disciplinary action where students are accused of academic or other misconduct;
 - [Campus Access and Order Rules](#)
 - [HDR Appeal Committee Terms of Reference](#)
4. This list is not exhaustive and students should consult the [University website](#) for information regarding other UOW grievance resolution processes and the most recent versions of the above documents and policies.

4 Principles of Grievance Resolution

1. The following general principles underpin the UOW approach to the resolution of academic grievances:
 - 1.1. Parties involved in a grievance must participate in the grievance resolution process in good faith.
 - 1.2. Grievance resolution processes should be applied fairly, flexibly and expeditiously.
 - 1.3. All parties involved in a grievance should be treated with respect and impartiality.
 - 1.4. The principles of natural justice should be observed. To this end the parties involved in a grievance have a right to be given the opportunity to present one's case and to have a decision made by an unbiased decision-maker.
 - 1.5. Candidates with a grievance must provide all evidence on which they are basing their case, which may include: correspondence, medical certificates, or other documentary evidence.
 - 1.6. All parties involved in the grievance will be provided with sufficient and relevant documentation of any allegation or complaint brought against them and will be given appropriate opportunities to respond to such allegations or complaints.
 - 1.7. The confidentiality of parties involved in a grievance should be respected at all times, subject to the need to fully investigate the matter and any legal requirements for disclosure. When formal grievance procedures are instigated all parties involved will be expected to be a party to a written confidentiality agreement.



- 1.8. In making a determination about a grievance, the evidence will be judged on the balance of probabilities.

5 Appeal Process

Grounds for appeal

1. The only grounds normally permitted for an appeal (as defined in section 2) against a decision not to award a postgraduate research degree or not to allow re-submission of a thesis for re-examination, are:
 - a. procedural irregularities in the examination process; or
 - b. documented evidence of prejudice or of bias in the examination process;

Appeal Procedures - The Three Stage Process

2. There are three possible stages in the HDR Candidate appeals against HDR thesis examination outcomes:
 - Stage 1: Written appeal to the Dean of Research (DOR)
 - Stage 2: Written appeal to HDR Appeals Committee
 - Stage 3: Written appeal to Council Committee of Appeal

Stage 1 - Appeals to the Dean of Research (DOR)

3. A HDR candidate who believes that they have grounds for appeal under one of the conditions noted in 5.1 above in relation to the examination of their thesis under rule 10.51 - 10.64 of the General Course Rules, and wishes to appeal the outcome, must refer the matter in writing to the Director of the Research Student Centre within ten working days of being notified of the decision of the Thesis Examination Committee.
4. The written appeal must clearly state their reasons for appeal and any supporting evidence. The onus is on the HDR candidate to provide evidence of circumstances outlined in 5.1.
5. The DOR will commence investigation of the appeal based on the written information provided by the student and information available on the student file(s) within ten working days. At his/her discretion, may also seek advice from the relevant Faculty(s) and/or the Director of the Research Student Centre and/or the Chair of the Thesis Examination Committee (TEC). The DOR will not normally interview the student but may request that the Director of the Research Student Centre interview the student on his/her behalf. A response should normally be provided to the student within twenty-eight (28) days.

Possible Outcomes

6. After examining the relevant documentation and speaking to relevant parties where appropriate, the DOR may:
 - a. decide to take no further action if there are insufficient grounds for the appeal; or
 - b. decide that the grounds for appeal should be upheld and take appropriate action in accordance with section 5.7 below; or
 - c. make any other decision as deemed appropriate under the circumstances where such a decision is deemed to be in the best interests of the candidate.

Decision if Appeal Upheld

7. Where the DOR decides that the appeal be upheld he/she may:



- a. refer the matter, in writing, back to the Thesis Examination Committee (TEC) for reconsideration of the matter; or
- b. refer the matter to the Higher Degree Research (HDR) Appeals Committee when in his/her opinion the referral back to the TEC could affect the candidate's right to natural justice; or
- c. make any other decision as deemed appropriate under the circumstances.

HDR Candidate to be Notified

8. The DOR must notify the HDR candidate, in writing, of his/her decision regarding the matter and of the HDR candidate's right to appeal to the HDR Appeals Committee if they believe that there are grounds for appeal.
9. A HDR candidate may only apply directly to appeal to the HDR Appeals Committee on the grounds that due process has not been adhered to by the DOR during Stage 1 of the appeal process.
10. Procedures for appeal to the HDR Appeal Committee are set out in 5.11 – 5.18 of this policy. Any such request must be lodged in writing with the Director of the Research Student Centre within ten working days of the written advice of the decision by the DOR.

Stage 2 - Appeals to the HDR Appeal Committee

11. The membership of the HDR Appeal Committee is set out in its terms of reference.

Lodging an Appeal

12. A HDR candidate may only appeal to the HDR Appeal Committee on the grounds that due process has not been adhered to by the DOR in conducting his/her examination under Stage 1 of this process.
13. An application to appeal must:
 - a. be lodged, in writing, with the Director of the Research Student Centre within ten working days of receiving written notification of a final decision from the DOR;
 - b. state fully the reasons for the appeal; and
 - c. include any relevant documentary evidence to support the appeal. The onus is on the HDR candidate to provide such evidence.

HDR Appeals Committee Procedures

14. In its review of a case the Committee shall:
 - 14.1. give the HDR candidate concerned an opportunity to be heard and advise him/her of Committee procedures and time requirements;
 - 14.2. invite any staff member or student, whom it considers may assist the review, to attend the meeting and advise such persons of Committee procedures and time requirements;
 - 14.3. provide both the HDR candidate and the person or committee against whose decision the student is appealing with copies of all papers circulated to the Committee;
 - 14.4. permit the HDR candidate to nominate staff or students who may be invited to appear in support of his/her case;
 - 14.5. allow the HDR candidate to be accompanied by a person who may lend support but who shall not be permitted to address the Committee;
 - 14.6. hold all its proceedings in private and keep an adequate record of the evidence and its decision;



- 14.7. with the consent of the HDR candidate concerned, allow any member of the University to have access to that record;
- 14.8. outline their findings and advise the HDR candidate, the DOR and any other relevant parties of the Committee's recommendation in relation to the student's request for reconsideration.
15. Unless they are relevant to particular points made in the case put forward by the student, the examiners' reports will not normally be placed before the HDR Appeals Committee.

Outcome of Appeal

16. Where the Committee decides that the appeal on due process should be upheld it may refer the matter back to the DOR for reconsideration of the matter in accordance with due process within ten working days of the Committee hearing.
17. Where the DOR has referred the matter to the HDR Appeals Committee for advice, the Committee shall refer the matter back to the DOR for a decision within ten working days of the Committee hearing.
18. The DOR shall advise the candidate of the outcome within ten working days of receiving advice from the HDR Appeal Committee. Where the appeal was unsuccessful, the HDR candidate must also be informed of their right to apply (within ten working days of written notification from the DOR) to the Vice-Principal (Administration) to appeal to the Council Committee of Appeal.

Stage 3 - Appeal to Council Committee of Appeal

Lodging and Referral of Appeal

19. A HDR candidate who claims lack of due process in the proceedings of HDR Appeals Committee noted in Stage 2 above may lodge an appeal, in writing, to the Vice-Principal (Administration) within ten working days of notification of the DOR resolution in relation to the HDR Appeal Committee's advice.
20. If the Vice-Principal (Administration) is satisfied that the appeal is based on grounds of lack of due process, he/she shall refer it to the Council Committee of Appeal.

Council Committee of Appeal

21. The membership and powers of the [Council Committee of Appeal](#) are set out in its terms of reference.

6 External Appeals

1. A student who is dissatisfied with the outcome or conduct of an appeal within the University may appeal to an external agency. Students have the right to make a complaint to the NSW Ombudsman when there is evidence of maladministration or misconduct by the University of Wollongong.

7 Roles & Responsibilities

Not Available.

8 Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	6 July 2007	University Council	Policy revised consequent upon the



			Policy revised consequent upon the enactment of the ESOS legislation
2	17 August 2007	University Council	Amendments consequent upon the enactment of the ESOS legislation
3	6 May 2009	Vice Principal (Administration)	Migrated to UOW Policy Template as per Policy Directory Refresh
4	5 February 2010	University Council	References to <i>Council Committee of Appeal (Student Matters)</i> amended to <i>Council Committee of Appeal</i> as per University Council resolution 2010/03.
5	9 March 2010	Vice-Principal (Administration)	Future review date identified in accordance with Standard on UOW Policy
6	9 March 2011	Senior Manager, Policy and Governance	Broken hyperlinks corrected. References to Pro Vice-Chancellor (Research) (PVC(R)) amended to Dean of Research (DoR).