**FITNESS TO STUDY POLICY FOR STUDENTS – V2.0**

**APPENDIX F - APPEALS**

F1 A student may appeal the decision of the Vice-President Academic Affairs/Registrar to require the student to take leave of absence from study for an agreed period or terminate their studies, on the following grounds:

* + There is new evidence or evidence which was, for a good reason, not presented to the Fitness to Continue in Study Committee which might reasonably have resulted in a different decision
  + That there were procedural irregularities (including administrative error) such as might give rise to reasonable doubt as to whether the Fitness to Continue in Study Committee would have reached the same decision had they not occurred
  + That the findings of the Fitness to Continue in Study Committee do not warrant the resolution that there was a breach of conduct, as charged
  + That the penalty imposed by the Fitness to Continue in Study Committee was unreasonable, having regard to all the circumstances of the case.

F2 Such appeals must be in writing and lodged with the Chair of the Fitness to Continue in Study

Appeals Committee **within 7 working days** from the date of the posting of a decision notification by the Fitness to Continue in Study Review Panel to the student. The appeal must state in sufficient detail the grounds of the appeal.

F3 Where an Appeal is made in accordance with the above, then the decision which was made by the Fitness to Continue in Study Review Panel at Level 1, 2 or 3 shall be deferred until the Appeal is determined. The student shall be permitted to continue in study pending the outcome of the appeal and during this period of deferral. This provision for deferral does not apply in relation to a temporary suspension or termination of studies where, in the opinion of the Vice-President Academic Affairs/Registrar, that suspension is, on balance, necessary, to protect the student and/or other stakeholders.

F4 On receipt of an Appeal, the Chair of the Appeals Committee shall, as soon as practicable, send notice of the Appeal to the Appeals Committee and to the Fitness to Continue in Study Review Panel and request the Panel furnish to the Appeals Committee an accurate summary of the evidence and any submission tendered at the Panel review, including Notes of Concern from preceding Level 1 , 2 and 3 responses, the findings of the Fitness to Continue in Study Review Panel and the outcomes imposed on the student. The Chairperson of the Fitness to Continue in Study Review Panel, or his or her nominee, shall furnish this to the Appeals Committee so far as is practicable within 10 days of being so requested to do so by the Chair of the Appeals Committee.

F5 The Appeals Committee will, at its absolute discretion, consider the Appeal in such a manner it deems appropriate to the circumstances of the case, having regard to fairness and due process.

F6 The Appeals Committee shall not be obliged to hear or accept further submissions from the student, whether written or oral, but if it decides to do so, the student must be notified in writing that their request to provide further information has been accepted and such information such be received within 10 days of the notification.

F7 The Appeals Committee shall have the power, should it see fit, to hold a fresh hearing into the matter.

F8 The Appeals Committee shall determine the Appeal and make whatever decision it considers appropriate in the circumstances. The Appeals Committee shall have the power to revoke or amend the decision of the Fitness to Continue in Study Review Panel in full or part. The Appeals Committee may direct the Fitness to Continue in Study Review Panel to reconsider the position further.

F9 The decision of the Appeals Committee shall be final and binding and shall be reported to the

Vice-President, Academic Affairs/Registrar.

F10 The decision of the Appeals Committee will be communicated to the student no later than 30 days after the original appeal was received by the Deputy President.

F11 The constitution of the Appeals Committee is set out in Appendix F below.