



C-8.2 Student appeals procedure

1. Purpose

To provide a timely and consistent approach for [AVA CVP Students](#) to appeal academic and administrative [Decisions](#).

2. Scope

This procedure applies to Stage 3 [Appeals](#) lodged by [AVA CVP Students](#) under the *C-8.1 Student grievance resolution policy and procedure* and to findings in relation to *C-1.2 Student general misconduct* and *B-3.4 Student academic misconduct*.

3. Procedure Overview

- 3.1 Under this Procedure, Students may lodge an [Appeal](#) against any [Decision](#) made pursuant to a Stage 2 review under *the C-8.1 Student grievance resolution policy and procedure*, including [Exclusion Decisions](#) following an unsuccessful [Show Cause](#) submission, or against any [Decision](#) made in relation to *C-1.2 Student general misconduct* or *B-3.4 student academic misconduct*, subject only to the terms of any other applicable policy or procedure.
- 3.2 The [AVA](#) will uphold the principles of [Procedural Fairness](#) throughout the [Appeal](#) process.
- 3.3 [AVA CVP Students](#) involved in the resolution of a formal grievance may be accompanied and assisted by a [Student Support Person](#) at any relevant meeting or interview.

4. Procedures

4.1 Grounds for Appeal

An application must set out one or more of the following grounds of [Appeal](#):

- a) The existence of substantial new evidence relating to the original [Student Grievance](#) that was not reasonably available during the Stage 2 Review and would likely have resulted in a different [Decision](#).
- b) There was a misapplication of [Policy](#) or [Procedure](#) resulting in some real disadvantage to the [AVA CVP Student](#).
- c) The [Decision](#) was manifestly incorrect or unjust, or the penalty, where applicable, was disproportionate to the nature of the [AVA CVP Student](#) conduct the subject of the [Decision](#).
- d) There was a failure on the part of the Decision-maker to afford the [AVA CVP Student](#) [Procedural Fairness](#).

The [AVA CVP Student](#) may request assistance to prepare an [Appeal](#) application.

4.2 Lodging an application

An [Appeal](#) application must be submitted within 20 business days of notification of the relevant [Decision](#), except where otherwise prescribed in a Policy or Procedure, or in the event of [Special Circumstances](#).

[AVA CVP Students](#) must submit their application and all relevant supporting documentation online, in accordance with the instructions set out on the AVA's CVP webpage.

[Appeal](#) applications should clearly set out the grounds of [Appeal](#) (refer to Section 4.1) and contain as much detail as possible, including:

- a) the chronology of events relevant to the [Appeal](#);
- b) what action has been taken to resolve the Grievance to date;
- c) the evidence (including, where relevant to a ground of [Appeal](#), the substantial new evidence) available to support the [Appeal](#);
- d) the outcome the [AVA CVP Student](#) is seeking; and
- e) where applicable, additional supporting material or evidence relating to the original [Decision](#) that was not reasonably available during the Stage 2 review, or Show Cause or a misconduct process and would likely have affected the outcome.

[Appeal](#) applications will be acknowledged by the AVA within five business days of receipt.

When an [Appeal](#) application is lodged, a preliminary assessment will be undertaken to consider whether the application meets the grounds of [Appeal](#) set out in section 4.1 and, where applicable, includes sufficient evidence to support the application.

If the [AVA CVP Student](#)'s application does not meet the grounds for [Appeal](#) or does not include sufficient and relevant supporting evidence, the [AVA CVP Student](#) will be given 10 business days to amend their application or to provide a statement advising why, in the [AVA CVP Student](#)'s view, the application meets the grounds of [Appeal](#) or contains sufficient evidence. After having allowed the [AVA CVP Student](#) 10 business days (or such later date as may be permitted by reason of [Special Circumstances](#)) to amend their application or provide a statement, the [Appeal](#) application will be forwarded to the relevant responsible officer or committee Chairperson for consideration.

4.3 Applications referred to a responsible officer

The relevant responsible officer will commence consideration of the [Appeal](#) normally within 10 [AVA Business Days](#) of receipt of the application.

The [AVA CVP Student](#) will be regularly updated by the AVA as to the progress of the [Appeal](#) application during the consideration process.

In considering the [Appeal](#), the responsible officer may undertake one or more of the following actions:

- interview (or take written statements from) the [AVA CVP Student](#), the [Relevant Party](#) and other relevant individuals, including those who considered the [Decision](#) at earlier stages;

- review all relevant documents;
- consider the [Appeal](#) in the context of **AVA** and **AVA CVP Policy**;
- seek advice from any individual that the responsible officer deems appropriate
- dismiss the [Appeal](#) on the grounds that:
 - the application does not assert any of the grounds of [Appeal](#) required by section 4.1; or
 - the request is **Vexatious**, without merit or is otherwise considered an abuse of process.

Prior to a [Decision](#) being made in relation to the [Appeal](#), the [AVA CVP Student](#) must be given access to or the opportunity to inspect any material they have not previously seen that may be relied upon in determining the [Appeal](#) and afforded a reasonable opportunity to provide any additional written submissions in relation to that new material.

The responsible officer will consider the [Appeal](#) with due regard to **Procedural Fairness**, timeliness and the safety and wellbeing of all **Relevant Parties**.

4.4 Applications referred to the Student Academic Appeals Committee

The Student Academic Appeals Committee (SAAC) is a standing committee of AVA CVP Education Committee, with Terms of Reference and composition approved by the AVA.

The SAAC will consider [Appeals](#) relating to academic matters including, but not limited to:

- unsatisfactory Academic Progress for [AVA CVP Students](#), including denial of a readmission application following a period of Exclusion;
- Final Grades'
- Credit and Exemption assessments.

The Chairperson of the SAAC will consider whether an application properly claims any of the grounds set out in section 4.1 above. If the Chairperson is not satisfied that the [Appeal](#) discloses one or more such grounds, the Chairperson will refer the [Appeal](#) to the SAAC which may reject the [Appeal](#) without further consideration.

If the SAAC determines there are no grounds for [Appeal](#), the [AVA CVP Student](#) will be notified, normally within 10 business days, of the receipt of the application by the Chairperson, and advised of reasons for the [Decision](#) and options for external review.

When an appeal is referred to the SAAC for consideration, the Executive Officer will contact the Decision-maker or reviewing officer whose [Decision](#) is being appealed and invite them to submit a response to the Student's [Appeal](#) application, including any information and documentation relevant to the [Appeal](#), within the time limit set by the Chairperson.

Any information provided by the Decision-maker or reviewing officer in response to the Executive Officer's invitation will be shared with the [AVA CVP Student](#). The [AVA CVP Student](#) will be given an opportunity to provide a counter response to the information provided. If no response is received from either the Decision-maker, reviewing officer or the [AVA CVP Student](#) within the specified time limit, the SAAC meeting will proceed.

The SAAC will be provided with a full copy of the [AVA CVP Student's Appeal](#) submission, the response provided by the Decision-maker whose [Decision](#) is being appealed and the [AVA CVP Student's](#) counter response, and all other relevant material. The SAAC may call for and consider any additional material, however, the SAAC must ensure that the [AVA CVP Student](#) is given an opportunity to comment on all material considered by the SAAC and relevant to the subject matter of the [Appeal](#). The [AVA CVP Student's](#) written comments will be made available to the SAAC for consideration.

The SAAC will hear and determine the [Appeal](#) in accordance with the principles of [Procedural Fairness](#)

[AVA CVP Students](#) do not normally attend meetings of the SAAC, however where the Chairperson thinks fit the [AVA CVP Student](#) may be invited to attend the meeting (for example where the Chairperson determines that the case is sufficiently complex). When an [AVA CVP Student](#) is invited to attend a meeting of the SAAC, the provisions of section 4.5 will apply.

Except as provided above, the [Appeal](#) will be heard according to the procedures which may be determined by the Chairperson from time to time.

4.5 Applications referred to the Student Misconduct Appeals Committee

In the case of [Appeals](#) referred to the Student Misconduct Appeals Committee, the [AVA CVP Student](#) will be provided with the opportunity to attend the meeting, in person or by electronic means, at the sole discretion of the Chairperson. The Executive Officer will notify the [AVA CVP Student](#) in writing at least 10 business days prior to the relevant committee meeting, confirming:

- names of committee members
- the committee's role and responsibilities
- time and location of the meeting
- information regarding the [AVA CVP Student's](#) right to address the committee
- information regarding the [AVA CVP Student's](#) right to be accompanied by a [Student Support Person](#).
- [AVA CVP Students](#) who are not able to attend may make written submissions.

If the [AVA CVP Student](#) chooses not to attend or participate in the committee meeting, the Student Misconduct Appeals Committee may meet and make a determination in the absence of the [AVA CVP Student](#).

An [AVA CVP Student](#) who appears before the Student Misconduct Appeals Committee may be accompanied and assisted by a [Student Support Person](#).

At the discretion of the Chairperson, individuals relevant to the [Appeal](#) may be invited to attend the meeting in order to clarify information for the relevant committee. The Executive Officer must notify the [AVA CVP Student](#) at least five (5) business days prior to the meeting of the names of any individuals the committee has invited to speak. In the event that those invitees are likely to present new evidence, the [AVA CVP Student](#) must be advised of the substance of such evidence (if available) and afforded a reasonable opportunity to respond.

The [AVA CVP Student](#) may, through the Chairperson, ask questions of any person the committee has invited to speak to the meeting. The [AVA CVP Student](#) may invite persons relevant to the [Appeal](#), subject to the Chairperson's approval, and must notify the Executive Officer at least three (3) business days prior to the hearing of the names and contact details of the invited people.

The [AVA CVP Student](#) and, where applicable, the [Student Support Person](#) may remain in the meeting during the presentation of all evidence to the Student Misconduct Appeals Committee, but must leave the meeting when the relevant committee is deliberating.

The [AVA CVP Student](#) may notify the Executive Officer prior to the meeting that they plan to attend. However, the [AVA CVP Student](#) is not obliged to attend the meeting or to notify the Executive Officer of their intention to attend or otherwise.

Except as provided above, the [Appeal](#) will be heard according to the procedures which may be determined by the Chairperson from time to time.

4.6 Appeal outcomes

At the end of the investigation, the responsible officer or the relevant Appeals committee may make one of the following [Decisions](#):

- dismiss the [Appeal](#)
- uphold the [Appeal](#) and set aside the original [Decision](#) or penalty
- uphold the [Appeal](#), set aside the original [Decision](#) and refer it back to the original [Decision-maker](#) to make a new Assessment
- uphold the [Appeal](#), set aside the original [Decision](#) and substitute a different [Decision](#) or penalty.

Circumstances where it will not be possible or appropriate to remit the matter to the original Decision-maker include:

- when a bias or Conflict of Interest has been identified by the relevant [Appeals Committee](#); or
- if the original decision-maker is no longer employed by the AVA, in which case the Student Misconduct [Appeals Committee](#) must refer the matter to another Decision-maker with appropriate authority.

Once a [Decision](#) relating to an [Appeal](#) is made, the AVA will advise the [AVA CVP Student](#) in writing of the outcome, normally within 10 business days. The [Decision](#) letter will set out:

- the reasons for the [Decision](#);
- that there is no further right of [Appeal](#) within the AVA and, if the [AVA CVP Student](#) is not satisfied with the outcome, advise on avenues of external review; and
- support services available for the [AVA CVP Student](#).
- Where the matter is referred back to the original Decision-maker, they must review the findings of the responsible officer or those of the relevant Appeals committee and reconsider their [Decision](#) in the light of those findings within 10 business days.

If the [Decision](#) involves altering or reversing a course of action already underway, or imposing a different course of action, this must be implemented by the original Decision-maker without undue delay.

The responsible officer may draw to the attention of the original Decision-maker any apparent problems arising from the administration of relevant AVA Policies and Procedures or other operational processes in order to facilitate improvement activities.

4.7 Application to external agencies

A Student who has exhausted the AVA's internal resolution processes may apply to external agencies, such as the relevant State Ombudsman, for an external review.

The AVA will fully cooperate with external agencies investigating any such Student Grievance however the AVA is committed at all times to facilitating the resolution of Grievances without the need to have recourse to external agencies.

If any external complaint handling process results in a [Decision](#) that supports an [AVA CVP Student](#), the AVA will implement any required corrective or preventive measure immediately and advise the [AVA CVP Student](#) of the outcome.

4.8 Other matters

4.8.1 Withdrawal of Student Appeals

At any stage during the [Appeal](#) process, an [AVA CVP Student](#) may withdraw an [Appeal](#) by following the instructions set out on the AVA's website. In most instances, the AVA will then deem the matter resolved unless the seriousness of the matters raised warrants the AVA continuing to review the matter.

4.8.2 Confidentiality and privacy

[Appeals](#) must be treated by all parties as strictly confidential. This means that information about the [Appeal](#) will only be discussed with, or made available to, a person who:

- is a party to the [Appeal](#);
- is or has been legitimately involved in the management of the [Appeal](#); or
- has a formal management role in following up the consequences or implications of the [Appeal](#).
- Relevant parties to the [Appeal](#), [Student Support Person](#), or any other observers must refrain from discussing the [Appeal](#) with each other or with other parties unless those discussions have been ordered or approved by the person managing the [Appeal](#).

5. References

Nil.

6. Schedules

This policy must be read in conjunction with its subordinate schedules as provided in the table below.

7. Policy Information

Accountable Officer	AVA Chief Executive Officer
Responsible Officer	Head of Education and Events
Policy Type	AVA Education Policy
Policy Suite	C- Student support and administration
Subordinate Schedules	Nil
Approved Date	30 March 2023
Effective Date	30 March 2023
Review Date	30 April 2024
Relevant Legislation	Nil
Related Policies	C-8.1 Student grievance resolution policy and procedure
Related Procedures	B-3.5 Assessment of special circumstances procedure
Related forms, publications and websites	AVA Chartered Veterinary Practitioner Website
Definitions	<p>Terms defined in the Definitions Dictionary</p> <p>Appeal A formal, written request made by an AVA CVP Student to a higher authority to have a Decision overturned.</p> <p>AVA The term 'Association' or 'AVA' means the Australian Veterinary Association Limited.</p> <p>AVA CVP Student A person who is admitted to the AVA CVP Accreditation Program offered by the AVA and is:</p> <ul style="list-style-type: none"> • currently enrolled in one or more Courses; or • not currently enrolled but is on approved leave of Absence or whose Admission has not been cancelled. <p>Decision A determination made by an AVA employee, contractor or other authorised delegate in the course of their duties on behalf of the AVA.</p> <p>Procedural Fairness Has the meaning ascribed to it from time to time by the applicable common law of the State of New South Wales.</p> <p>Special Circumstances</p>

	<p>Matters which are, in most cases, beyond the control of an AVA CVP Student and which will impact their capacity to progress with their planned program of study or meet a submission deadline. In some legislation, Special Circumstances are referred to as “compassionate and compelling circumstances”.</p> <p>Student Support Person Any individual who is providing support and assistance to an AVA CVP Student involved in a grievance resolution process, including accompanying the AVA CVP Student to meetings or interviews. A Support Person may confer with the AVA CVP Student during the meeting or interview and may be invited by the Chair (or meeting convenor) to present the AVA CVP Student's case in their capacity as a Support Person.</p> <p>Vexatious Means:</p> <ul style="list-style-type: none"> • without merit; • the substance of which has already been considered by the AVA and satisfactory measures have been taken to resolve the matter; • is dishonest or contains intentionally misleading information; • pursued with undue persistence; or • pursued in a manner that harasses AVA Employees or fellow AVA CVP Students. <p>Definitions that relate to this policy only</p> <p>Nil.</p>
Keywords	Appeal, Academic Appeal, General Misconduct, Academic Misconduct, Student Grievance
Record No	

Complying with the law and observing AVA Policy and Procedure is a condition of working for, and volunteering with, the Australian Veterinary Association.