



## PROCEDURES for APPEALS

Students are entitled to question the result of any school assessment. An appeal may be made against a score or a grade for any assessment item or an appeal may be against the score or grade for a unit result or an appeal may be against the procedures applied to derive a score or grade.

A BSSS guide to Students' rights to appeal may be found on the BSSS website.

Details are published in the BSSS Policies and Procedures Manual published online by the BSSS.

The following pages are an extract from the Manual published in January 2013.

The college will follow BSSS policy in considering any appeal.

## **7 Review and Appeals Procedures**

### **7.1 General Principles**

The Board is committed to a review and appeals process that is based on natural justice and public interest.

Appeals operate:

at the school/college level in relation to:

- school-based assessment (unit/course scores and grades, and breaches of discipline in relation to assessment)

at the Board level in relation to:

- the fairness and application of a college's published assessment and appeals procedures (refer sections 7.2 School-based Assessment and 7.4 College Appeal)
- penalties imposed for breaches of discipline in school-based assessment and in the AST (refer section 6.10 Breaches of Discipline in Relation to the AST)
- the refusal by the Board to issue a Certificate (refer section 8.11 Review of a Board Refusal to issue a Certificate).

The Board is not responsible for the delivery of a course. Questions about the delivery of a course should be made to the relevant authority.

### **7.2 School-based Assessment**

#### **7.2.1 Objectives of the Review and Appeals Process**

The objectives of the review and appeals process are to:

- achieve valid course scores, unit scores, grades and marks
- promote assessment procedures that are transparent, reliable and accurate
- provide appeal procedures that are accessible and responsive to all students.

The purpose of an appeal is to ensure that assessments are valid and the procedures applied are those that are published and are correct.

#### **7.2.2 Right of Appeal**

The ACT system operates a hierarchy of reviews and appeals:

1. Student seeks review from teacher regarding assessment task mark/grade, unit score, unit grade, course score.
2. Student seeks review from head of department, if required following review by teacher.
3. Student appeals to her/his college principal for a review of college assessment relating to assessment task grade/ mark, unit grade, unit score, course score, penalty imposed for breach of discipline in relation to assessment. (Refer to Section 7.4 College Appeal)
4. Student, who has been through the college appeal process, may appeal to the Board against the college procedures by which the appeal decision was reached. (Refer section 7.5 Appeals to the Board)

Unless there are exceptional circumstances, a Board Appeal will only be accepted if an appeal has first been heard by the college.

### **7.2.3 Definitions**

In this section the following definitions apply:

marks, grades	given as the result of an assessment task. Marks may be standardised.
unit scores	scores aggregated from marks awarded on individual assessment tasks.
course scores	scores aggregated from unit scores by a defined process.
unit grades	grades based on the unit portfolio of work and verified against BSSS grade descriptors.

## **7.3 College Responsibilities**

### **7.3.1 Student Information**

#### **7.3.1.1 Assessment Task Information**

At the time of issue of an assessment task, students are entitled to receive the assessment criteria for the task. Students are entitled to know how each assessment mark, grade and score is derived. Each assessment task to be completed out of class must include information regarding late submission of work and plagiarism penalties. The task must either indicate the penalties to be applied or state where the information on the penalties can be readily accessed. (Refer sections 4.3.10 Late Submission of Assessment Tasks and 4.3.12 Plagiarism and Dishonesty)

#### **7.3.1.2 Provision of Unit and Course Information**

The principal is responsible for ensuring that Unit Outlines (refer section 4.3.6.1 Unit Outline) are distributed to students and that appeals procedures, in written form, are readily available to students.

#### **7.3.1.3 College Appeals Policy**

College policies for appeals by students are to be consistent with BSSS policy.

#### **7.3.1.4 Deadlines for Lodging Appeals**

The principal is responsible for ensuring that deadlines for lodging appeals are made known to all students.

### **7.3.2 Review of Marks, Grades, Scores**

A student should try to resolve an issue relating to marks, grades, scores with the teacher of the unit and if necessary with the head of the department before lodging a formal college appeal. If the head of department is the classroom teacher then the student should have access to a mediator within the college.

A clear distinction should be made between teacher-student review of assessment and the formal college appeal.

## **7.4 College Appeal**

The appeal process begins officially with the lodging of a written appeal by the student to the principal or to a person designated by the principal, and is finalised by written advice from the College Appeal Committee to the student.

The written appeal should include:

- the student's name and ID

- the specific mark/s, score, grade, penalty being appealed, including the task, unit, course concerned
- the specific remedy being sought for each matter being appealed
- a statement setting out and supporting the matters of appeal.

The student should be able to present further evidence to the College Appeal Committee.

### **7.4.1 Lodgement Period**

Except in Semester 2 of year 12, appeals against assessment should be lodged within five working days of the assessment outcome being available to the student i.e.

- task mark/grade being provided to the student
- student being advised in writing of the penalty for breach of discipline
- unit grades/scores being published by the school.

In Semester 2 of year 12:

- appeals against an assessment task, unit grade/score, breach of discipline should be lodged within two working days of the results being published
- appeals against a course score should be lodged within one working day of the results being published.

Colleges must inform students of these final dates by the end of term 1 of year 12.

### **7.4.2 College Appeal Committee**

The principal is responsible for establishing a College Appeal Committee. This Committee should consist of the principal (or nominee), a member of the teaching staff and an experienced member of the teaching profession nominated by the Board from outside the college. One of the members of the committee must be a teacher experienced in the supervision of student assessment.

No member of the College Appeal Committee should have had any direct dealings with the matter of the appeal at an earlier stage.

### **7.4.3 Friends Accompanying Students**

Students may be accompanied by a friend. Students making an appeal will be allowed either to present their own case or have their case presented by a friend. The friend may be another student, a parent or some other person.

### **7.4.4 Right to Make a Statement**

An important aspect of natural justice is the opportunity for both the student, and the teacher or head of department, to correct or contradict evidence submitted to the College Appeal Committee. Each has the right to make an uninterrupted statement to the College Appeal Committee, be subject to questioning from the Committee, but not subject to cross examination from each other. The teacher or head of department and the student, or her/his friend, may seek clarification of issues from each other through the College Appeal Committee Chair. However, the appellant should be given the opportunity to make the final statement.

Colleges should consider implementing procedures that, while safeguarding confidential information, ensure both the student, and teacher or head of department have maximum access to all the evidence being considered by the College Appeal Committee.

#### **7.4.5 Sources of Information**

The College Appeal Committee may seek advice or evidence from any source it considers relevant. Where appropriate, a college may seek an independent evaluation from teachers external to the college. This can be arranged through the Executive Officer of the BSSS. It is expected that both the student, and teacher or head of department, will have an opportunity to comment on the advice or evidence collected from the relevant source(s).

#### **7.4.6 Communication of College Appeal Committee Decision**

The College Appeal Committee will make a decision and communicate the outcome and reasons for it in writing to the student with a copy to the principal.

#### **7.4.7 Time Period to Finalise Appeal**

Except in Semester 2 of year 12, appeals will be finalised within fourteen working days of the lodgement of an appeal.

Appeals at the college in Semester 2 of year 12 should be completed by the day prior to the final date for appeals to the Board published annually in the *BSSS General Schedule of Meetings and Events*.

#### **7.4.8 College Records**

Colleges should keep a record of each appeal, including the grounds for the appeal, the decision and the reasons for the decision. Colleges must notify the Board, in writing, of the outcome of the appeal.

Colleges may be required to provide the Board Appeal Committee with these records if there is a subsequent appeal from the student to the Board.

#### **7.4.9 Outcomes of the Appeal**

Students and others involved in an appeal should understand that there are three possible outcomes for an appeal against marks, grades or scores:

- a higher mark, grade or score
- no change
- a lower mark, grade or score.

Students and others involved in an appeal should understand that there are four possible outcomes for an appeal against a penalty imposed for a breach of discipline in relation to assessment:

- withdrawal of the penalty
- a reduction in the penalty
- no change
- an increased penalty.

#### **7.4.10 Effects on Other Students**

The upholding of an appeal may result in the alteration of the appellant's unit or course score. A change in the scores of other students arising from the appeal will be made only if determined by the College Appeal Committee Chair.

It should be understood that when the outcome of an appeal causes changes to the results of other students, the principal is responsible for informing these students, and further appeals

related only to these changes should be allowed. These appeals must be lodged with twenty-four hours of notification.

#### **7.4.11 Registration with the Board**

All college appeals' procedures must be registered with the Board.

#### **7.4.12 Summary of Principal's Responsibilities**

The principal of the college is responsible for the development of procedures consistent with these guidelines, in particular:

- development of college's appeals policy or policies for marks, grades and scores; and breaches of discipline in relation to assessment
- registering the college's appeals policy/policies with the Board
- distribution of written Unit Outlines
- ensuring that appeals' procedures, including deadlines, are made known to students
- establishing College Appeal Committee, including appointing Chair
- filing the records of the appeal, the decisions made and the reasons for the decisions
- notification to other students where their scores/grades may be affected
- ensuring that written communication regarding the outcome of a college appeal is dispatched promptly by the college.

### **7.5 Appeals to the Board**

This section details procedures in the event of an appeal to the Board following the processes of review and appeal at the college level. (Refer section 7.2.2 Right of Appeal)

#### **7.5.1 Grounds for Appeal**

The matters for appeal to the Board are generally limited to disputes arising from the fair and proper application of published assessment procedures and appeal procedures.

Students may appeal to the Board on the grounds that:

- the published procedures used to calculate a unit grade or score or course score have not been followed, or have been applied unfairly or incorrectly,
- an inappropriate penalty has been imposed for a breach of discipline in relation to assessment, including the severity of the penalty or denial of the breach of discipline, and/or
- the published college assessment appeal procedures, which are available for public inspection, have not been followed or have been applied unfairly or incorrectly.

Students and others involved in an appeal should understand that there are three possible outcomes for an appeal against marks, grades or scores:

- a higher mark, grade or score
- no change
- a lower mark, grade or score.

Students and others involved in an appeal should understand that there are four possible outcomes to an appeal against a penalty imposed for a breach of discipline in relation to assessment:

- no change
- withdrawal of the penalty

- a reduction in the penalty
- an increased penalty.

### **7.5.2 Period for Appeal**

Where, under the conditions set out in section 7.4.1, a student appeals to the Board, such an appeal must be received by the Executive Officer, BSSS within five working days of the date of the written decision of the College Appeal Committee. In Semester 2 of year 12, the final date for appeals to the Board is the date published annually in the *BSSS General Schedule of Meetings and Events*. In the event that no date is published in the *BSSS General Schedule of Meetings and Events* the final date for appeals in Semester 2 of year 12 will be the first Friday in December. The Board will hold its review as soon as practicable after the receipt of the student's appeal.

Waivers of these time limits may be granted by the BSSS Chair at his/her discretion after taking into account all relevant circumstances of the case, but in no case should a waiver be granted more than six months after the date of the written decision of the College Appeal Committee or the published date in the applicable *BSSS General Schedule of Meetings and Events* or in the event of no published date, six months after the first Friday in December.

### **7.5.3 Information for Appeal**

An application for a Board appeal must be made in writing to the Executive Officer, BSSS and signed by the student (appellant). A student seeking to appeal to the Board must provide the following information:

- appellant's name and college attended
- the particular mark/s, score, grade, penalty being appealed, including the task, unit, course concerned
- a statement as to the outcome of the college appeal on the matter
- a statement setting out the details for each ground for appeal and/or
- the procedures used to calculate the mark, grade, score, penalty that the student alleges have not been followed or have been applied unfairly or incorrectly, and/or
- the published college assessment appeal procedures, which are available for public inspection, that the student alleges have not been followed or have been applied unfairly or incorrectly
- the remedy being sought, and
- any other information the appellant wishes to bring to the Board Appeal Committee's (the Committee) attention.

The completed application for a Board Appeal must be forwarded by the Executive Officer, BSSS to the principal of the college concerned. The college must then prepare a statement responding to the major points in the application and specifically to the grounds given for the appeal. The college may also include other issues or material it considers relevant to the matter under appeal. The completed college statement should be provided to the appellant before the date of the Board Appeal hearing (the hearing), and both parties' statements must be forwarded to the Committee members in advance of the hearing.

## **7.5.4 The Board Appeal**

### **7.5.4.1 The Board Appeal Committee**

The appeal will be conducted by a committee composed of three members appointed by the Board. The Chair is a Board member and is appointed annually. The other two members appointed to the Committee will include a teacher experienced in the supervision of student assessment and a teacher experienced in assessment of the subject under appeal. No member of the Committee should have had any prior direct dealings with the matter of appeal.

### **7.5.4.2 Assessment of Appeal Applications**

The Executive Officer of the BSSS, in consultation with the Committee Chair, will assess all applications for a Board Appeal and determine if such an appeal is in accordance with the Board's requirements outlined in 7.4.1 (Lodgement Period), 7.4.2 (College Appeal Committee) and 7.4.3 (Friends Accompanying Students). If the appeal is deemed valid both the appellant and the college will be advised the time, date and venue of the appeal. If the appeal is not in accordance with the Board's requirements, the Executive Officer, BSSS will inform the student of this and reasons for its rejection, in writing, usually within five working days, of the receipt of the appeal.

### **7.5.4.3 Friends Accompanying Students**

The appellant may be accompanied by one friend. The friend could be another student, a parent or some other person. The appellant will be allowed either to present their own case or have their case presented by the friend. However, unless there are exceptional circumstances, the appellant should be present for all of the hearing.

### **7.5.4.4 Procedures**

The Committee Chair is in charge of proceedings.

An important aspect of natural justice is the opportunity for each party to correct or contradict evidence submitted to the Committee. Consequently, the Committee Chair should implement procedures, which, while safeguarding confidential information, ensure that all parties have maximum access to all the evidence being considered by the Committee.

The appellant, with friend, and the college principal or delegate who may be accompanied by one adviser, will meet with the Committee to discuss the matter under review.

The Committee Chair will decide whether the parties, should be heard together, or whether the appellant and the college representative should be interviewed separately by the Committee and brought together for discussion if necessary.

The college representatives and the appellant, or her/his friend, may seek clarification of issues from the other party through the Committee Chair.

The parties do not have a right to be present during the deliberations of the Committee or at the time of its decision.

The Board Appeal process is not designed to be adversarial. Legal representation would not normally be appropriate at the hearing, although the appellant, college and/or the Committee Chair have the right to retain it if they consider it appropriate. Regardless of the outcome each party is responsible for its own legal costs.

### **7.5.4.5 Confidentiality**

All material relating to the appeal, including evidence presented during the appeal, is to be kept confidential in order to maintain the privacy of individuals concerned.

The Chair should make a statement at the start of the appeal that any material, oral or written, presented prior to or during the appeal is confidential. Also, that all deliberations of the Committee are confidential.

#### **7.5.4.6 Recording of Appeals**

Notes of the parties' oral statements and discussion at the hearing, and of the deliberations by the Committee, should be kept by a staff member in the Office of the BSSS, who will be present throughout the hearing and the Committee's deliberations. In addition, the statements and the discussion at the hearing, but not the Committee's deliberations, should be recorded electronically by a staff member from the Office of the BSSS.

The appellant may seek permission from the Committee Chair to electronically record the hearing but not the Committee's deliberations. If that permission is given, the appellant's record will not have official status as a record of proceedings. The Board electronic record will be the official transcript.

The Board will keep its electronic record of proceedings in its custody at all times for a period of five years after the proceedings are finalised, but will, upon the parties' application, make the electronic record available for review. The appellant does not have an automatic right to review notes of the Committee's deliberations.

#### **7.5.4.7 Board Appeal Committee Decision and Advice to Appellant**

The Committee will reach a decision and report its decision and the reasons for it, to the Board 'for noting'. The Board cannot overturn the Committee's decision.

The Executive Officer, BSSS will advise the appellant and the college of the Committee's decision and the reasons for it, in writing.

#### **7.5.4.8 Effect of Changed Scores**

The upholding of an appeal may result in the alteration of the appellant's assessment task mark, grade, unit score or course score. A change in the scores of other students will not be made unless determined by the Committee Chair. The Scaling Group will not necessarily be rescaled because of an alteration to one student's score.

#### **7.5.4.9 Storage of Records**

All material relating to the appeal is stored at the Office of the BSSS in a secure setting for five years.