The [Student Misconduct Rule](https://policies.westernsydney.edu.au/document/view.current.php?id=304) (“**Rule**”) allows a student to appeal under Part D of the Rule against a finding of misconduct or the imposition of a Category 1 or Category 2 sanction. An appeal may only be made on any one or more of the grounds specified in clause 47.

You may lodge an Appeal by completing this form and submitting it to the Director, Office of Governance Services, along with relevant supporting documents to studentmisconduct@westernsydney.edu.au.

Your Appeal must be submitted no later than 20 business days from the date on the Notice of Decision sent to you by the Authorised Officer.

# PART A: Your details

|  |  |
| --- | --- |
| Name: |  |
| Student ID: |  |

# PART B: Finding and/or sanction under appeal

|  |  |
| --- | --- |
| Date of Notice of Decision: |  |
| Advise which finding and/or sanction you are appealing from your Notice of Decision: |  |

\*Please attach the Notice of Decision and Report from the Authorised Officer

# PART C: Grounds of Appeal

As specified in clause 47 of the Rule, you must select **one or more** of the following upon which you are relying in relation to the finding and/or sanction.

**Option 1:** (if selected, please proceed to **Part D.1**)

[ ]  That the finding of misconduct was made in breach of the requirements of procedural fairness or of a material requirement of the Rule

**Option 2:** (if selected, please proceed to **Part D.2**)

[ ]  That there is new or fresh evidence that is relevant to the original finding(s) of misconduct and that evidence was not known or reasonably available to the Student before the finding of misconduct was made and could reasonably be expected to affect the finding of misconduct or the sanction imposed

**Option 3:** (if selected, please proceed to **Part D.3**)

[ ]  the sanction imposed is:

[ ]  inconsistent with Part E - Sanctions for Misconduct; or

[ ]  excessive and out of proportion to the misconduct, taking into account any current and relevant Guidelines.

# Part D: Evidence relied upon

**Part D.1**

Please provide details as to how procedural fairness was not afforded to you as part of the original hearing and decision.

Procedural fairness means the following:

* Did you know the case/allegations (details) against you;
* Did you have an opportunity to respond to the allegations/case
* Did you have the right to a fair and unbiased hearing.

For further reading on procedural fairness, please refer to:

* [Student Misconduct Procedural Guidelines](https://policies.westernsydney.edu.au/document/view.current.php?id=348)
* [Guidelines on Procedural Fairness and Good Decision-Making](https://www.westernsydney.edu.au/__data/assets/pdf_file/0004/1443496/Revised_Procedural_Fairness_and_Good_Decision_Making_Dec_2019.pdf)

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| --- |
|  |

**Part D.2**

If you are relying on new or fresh evidence, then you must provide the evidence with your appeal. Please provide details of the new or fresh evidence in support of your appeal that you were not aware of before the misconduct finding was made.

Specify the details of the evidence:

|  |
| --- |
|  |

Specify when you become aware of this evidence:

|  |
| --- |
|  |

Specify why this evidence was not provided to the original decision-maker:

|  |
| --- |
|  |

Please provide a copy of all documents that comprise the new evidence with this form.

*Note: Your appeal may be rejected if you rely on this ground and do not provide the new or fresh evidence at the time you lodge your appeal.*

**Part D.3**

Please provide details as to how the finding and/or sanction is inconsistent with Part E – Sanctions for Misconduct or excessive and out of proportion to the misconduct:

|  |
| --- |
|  |

# Part E: Further Comments

Please provide any further comments you would like to make about the appeal, including reasons for the appeal. You may attach additional pages if needed:

|  |
| --- |
|  |

The Office of Governance Services will notify you of the acceptance of your appeal including details of when your appeal is set to be heard. Please note that in most cases, appeals are heard on the papers in accordance with clause 52(b), and the Committee will consider the appeal on evidence and written submissions. If you believe that there are special circumstances that require your appeal to be heard in person, please ensure this information is included in Part E: Further Comments above.

The anticipated timeframe for the finalisation of an appeal is a minimum of four (4) weeks. You should expect to receive a notification of the outcome of your appeal within four (4) weeks from the date of the appeal hearing.