



## Policy Consultation Feedback

**Date:** 27 February 2026

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**Subject:** Feedback on the *Student Appeals Policy* (MPF1323) Amendments

The UMSU Advocacy Service welcomes the opportunity to provide feedback on the proposed changes to the *Student Appeals Policy* (MPF1323), given its impact on students and the current state of disfunction with the student appeals process.

We acknowledge that the proposed amendments to the *Student Appeals Policy* (MPF1323) are designed to ensure compliance with the *National Higher Education Code to Prevent and Respond to Gender-based Violence 2025* and to align with amendments to the University's *Sexual Misconduct and Gender-based Violence Prevention and Response Policy*.

We welcome amendments introducing important safeguards for appeals related to Gender-based Violence (GBV), including:

- Mandatory notification to disclosers when an appeal is lodged
- 20-business-day finalisation target
- Expertise requirements for appeal panel members
- Explicit commitments to discloser communication
- Written reasons and notification rights

However, from the student perspective, concerns remain regarding:

- The restrictive definition of “gender-based violence appeal”
- Lack of accountability regarding extension powers
- Limited discloser agency or standing in appeal processes
- Correct balance of procedural fairness and trauma-informed practice
- The powers of the Academic Secretary to disallow appeals ‘on the papers’
- Transparency safeguards
- The scope of discretionary interim directions



## Feedback on the Consultation Process

### *Short Timeframes for Feedback*

UMSU endorses policy changes that better comply with the new National Higher Education Code to Prevent and Respond to Gender-based Violence (National Code); however, we note that while the draft policy has focused on an update to terminology and scope to better align with the National Code, these changes introduce ambiguities that create uncertainty. UMSU has also identified a number of substantive gaps that continue to present risks to compliance.

While UMSU acknowledges the urgency of these amendments, we note that the University has had a long lead time to complete this work, given the availability of the [Action Plan Addressing Gender-based Violence in Higher Education](#) since March 2024 and the full draft *National Code* since February 2025. We believe this consultation is taking place in a timeframe that is insufficient for adequate feedback and has not been circulated or promulgated to an appropriate audience of stakeholders. Considering the *National Code* requires that Providers consult widely in the development and review of policies (clause 2.5), we are of the view that this consultation itself already falls short of compliance with the *National Code*.

Ultimately, as the *National Code* was developed over two years with extensive consultation and reflects minimum acceptable standards, UMSU believes that the University should view compliance not as a burden but as an opportunity to demonstrate sector leadership in addressing gender-based violence.

### *Lack of Rigour in Policy Review – need for holistic approach*

UMSU's position is that the draft amendments go some way to improving National Code alignment but require targeted strengthening to ensure that appeals processes are safe, proportionate, trauma-informed, and trusted by students.

We also note that the approach to amending current policy is piecemeal, and superficial. Without a holistic approach to policy reform, the University will never meet the requirement to take a whole of organisation approach. For example, the problem with singling out specific types of appeals as “Gender-based Violence Appeals” is that it does not address the range of ways in which GBV may relate to an appeal, and it excludes the many students who do not feel safe to disclose GBV, despite the fact that their complaint may relate to the impacts of GBV.

In this context, the definition of a “Gender-based Violence Appeal” in the draft is both ambiguous and too narrow:

*an appeal against the outcome of a student general misconduct decision involving an allegation of gender-based violence.*

The definition creates ambiguity as it suggests that complainants may have standing to appeal against the outcome in a general misconduct matter. The definition is too narrow as it excludes appeals where gender-based violence is a relevant factor but where the appeal itself does not relate to the appeal from a general misconduct outcome. For example, appeals against academic progress (CAPC), academic misconduct, student fitness to practice, or student fitness to study outcomes, would not be subject to the special provisions in the policy for gender-based violence appeals.



This does not reflect the requirements of the *National Code*. Section 4.6 highlights that victim-survivors should receive “trauma-informed” responses and support regardless of whether a formal report is made. We are of the view that victim-survivors are owed trauma-informed support and responses regardless of the context of the gender-based violence they have experienced. The National Code is clear on its definition of disclosures; it does not need to relate to the university or a university process.

The current definition fails to recognise the myriad effects that gender-based violence can have on all aspects of study, falling short of the trauma-informed approach that is required under the National Code. Further it also falls short of the very clear requirements of Providers to provide any disclosures with tailored support plans which include:

4.6....

*(c) ensuring, to the extent possible, that the Discloser is not required to repeat the content of Disclosures and Formal Reports multiple times to multiple people*

*(f) considering and implementing academic and/or work adjustments to support the Discloser and work and/or in achieving their educational outcomes*

### Recommendation 1

That the definition of “Gender-based Violence Appeal” be expanded to ensure that it captures any appeal where gender-based violence is a related or relevant factor.

The policy should also require that all appeals be assessed to determine whether gender-based violence is a relevant factor, regardless of the formal category of appeal.

## Other Outstanding Issues

### *Excessive and Unreasonable Timeframes*

While we support any amendments to the policy that set clear timelines for the assessment of appeals, we note that the proposed changes apply only to those processes defined as GBV Appeals. Consequently, this amendment will only be of direct benefit to those appealing misconduct allegations related to perpetrating GBV. Accordingly, we remain concerned about the timeframes for assessing and finalising appeals generally, including appeals related to those who have experienced GBV.

Through the Advocacy Service’s casework, we are aware of many reports of extensive wait times for the resolution of appeals (usually a minimum of two to three months, while some appeals have taken up to 12 months to resolve). While section 4.19 of the amended policy provides an indication of when appeals from respondents in a GBV Appeal will commence assessment (10 business days), the policy fails to provide a specific timeframe for when the assessment of any other appeals will be completed, stating only that appeals will be finalised “as soon as reasonably practicable”.

The open-ended timeline does not conform with the [Academic Board Regulation](#), Part 10 Section 51(4), which stipulates that the relevant policy must set out the timeframes within



which the Academic Secretary must allow or disallow an appeal.

This uncertainty increases student distress and often impacts the student's ability to move forward with their studies and/or their lives outside university. This is especially relevant where a student's appeal is related to a decision that impacts their enrolment or graduation, such as CAPC determinations or academic misconduct outcomes that may result in the failure of a subject.

While we appreciate the basis in National Code compliance, we remain troubled that, by carving out GBV appeals as a separate category, only students who are appealing a penalty in a student conduct matter are afforded greater certainty than other students. Given that students who may be victim-survivors of GBV will also be involved in appeal processes, we are concerned that victim survivors of GBV will remain subject to the excessive wait times that we see for all students currently.

We believe there must be a more nuanced approach to National Code compliance than the current approach of creating a different category of appeal. We are of the view that by taking a carve-out approach, this methodology will also fail to catch the many victim-survivors of GBV who have not disclosed due to the ongoing stigma victim-survivors face when disclosing.

To address this, our first preference would be that the approach is to tighten the timeframes for all appellants rather than make a carve out category. Alternatively, the definition of a gender-based violence appeal should be extended to include anyone whose appeal includes GBV as a factor, and the amended policy must additionally stipulate that all appeals will be assessed for the presence of gender-based violence as a relevant factor.

Ultimately, it seems clear that, without increased resources in this critical student facing area, the implementation of any amended policy will fail to be National Code compliant. Only with a major uplift in resources to the student appeals area will the Student Appeals team be enabled to manage demand in a safe, person-centred and trauma-informed manner.

### **Recommendation 2**

That the policy address GBV in policy as part of a “whole of organisation” approach, ensuring defensible timeframes apply for all appellants.

### ***Lack of Accountability for extensions to Timelines***

The draft allows timeframe extensions for reasons including:

- Procedural fairness
- Legal advice
- Court proceedings
- Ensuring trauma-informed process
- Health and safety considerations



While flexibility is necessary, the National Code allows extensions only where required in “the particular context” (s5.23.) In order to ensure extensions are not taken without satisfying this requirement, greater accountability is needed.

Under 5.245 the draft policy does not:

- Require written justification to be provided to parties
- Set limits on cumulative extensions
- Require oversight of timelines by the Vice Chancellor as the Higher Education Principal Executive Officer

Accordingly, to ensure the appropriate accountability, we recommend amending the timeframes clause as follows:

*Any extension of a timeframe in a gender-based violence appeal must:*

- (a) *be documented in writing;*
- (b) *specify the reason for the extension;*
- (c) *confirm why the extension is required and proportionate in the particular context; and*
- (d) *be communicated promptly to both the Appellant and the Discloser.*

This would then align with the National Code’s Standard 5 requirement that extensions only be permitted where required. Further, Standard 5 requires oversight by the Higher Education Principal Executive Officer (the VC), accordingly the section on timelines should also include:

*In matters involving gender-based violence, any extension beyond 10 University business days must be approved by the Vice Chancellor or delegate and recorded.*

### **Recommendation 3**

That the policy includes specific provisions for extensions to timelines based on the National Code's requirements, where timelines are only considered in "particular contexts". These provisions should also include the requirements for written justifications for the extended timeline to be communicated to all parties, set limits to cumulative extensions and Vice Chancellor oversight.

### ***Decisions made ‘On the Papers’ and ultra vires decisions***

In October 2021, an amendment was made to the Academic Board Regulation which dramatically expanded the powers of the Academic Secretary when considering a student appeal.



Until October 6, 2021, the Regulation provided:

**50 Reference to a student appeal panel**

- (1) The Academic Secretary may accept appeals lodged with the Board provided the notice of appeal contains:
  - (a) a description of the decision being appealed; and
  - (b) a statement of the grounds of the appeal.
- (2) Upon receipt of the notice of appeal, the Academic Secretary must consider the merits of the notice of appeal and either allow or disallow the appeal to be heard by an appeal committee and notify the student within 15 business days of the decision to allow, or disallow, the appeal to be heard by a student appeal panel.
- (3) The Academic Secretary must, within 15 business days after allowing an appeal to be heard, refer the appeal to a student appeal panel.

On October 6, 2021, the Regulation was amended to expand the power of the Academic Secretary by inserting:

- (3) In considering the merits of the appeal in (2) the Academic Secretary is required to take into account:
  - (a) the notice of appeal and any supporting documents; and
  - (b) related information and/or documents on the University record including, but not limited to, the process/es followed, and the decision/s made.

Subsection (2) was also amended to remove the word “notice” from the second reference to appeals:

- (2) Upon receipt of the notice of appeal, the Academic Secretary must consider the merits of the ~~notice of~~ appeal and either allow or disallow the appeal to be heard by an appeal committee and notify the student within 15 business days of the decision to allow, or disallow, the appeal to be heard by a student appeal panel.

This created an ambiguous relationship between the first subsection regarding the *notice of appeal*, and the second part of the following subsection which effectively provided that the Academic Secretary has the same powers to decide the merit of an appeal as a duly constituted Student Appeal Panel.

Since that time, our casework data indicates there has been a steady increase in the number of appeals that have been disallowed ‘on the papers’, such that it is now a comparative rarity for students to receive a hearing by a Student Appeal Panel. This is the case notwithstanding the student has provided the requisite information in the notice of appeal and made arguable submissions under the available grounds.

We have grave concerns for how this custom and practice will impact on students lodging appeals where gender-based violence is a factor. Accordingly, the policy review should have regard to the exercise of power of the Academic Secretary to disallow appeals, with particular weight given to whether students who have arguable grounds for appeal are provided a chance to be heard by a properly constituted Student Appeal Panel.



## Recommendation 4

We recommend that the wording of section 4.21 be changed as follows:

*4.21. If the notice of appeal ~~lacks merit~~ fails to provide the required information and/or address arguable grounds, the appellant will be provided notice of the intention to disallow the appeal and the reason for the proposed disallowance. The appellant will be provided ~~five~~ ~~(5)~~ ten (10) University business days to submit any further information relevant to the appeal. If no further relevant information is provided within ~~five~~ ~~(5)~~ ten (10) University business days, the appeal will be disallowed and closed.*

## Interim Directions

The draft policy provides that the University Secretary may make interim directions, including suspension of participation or restriction from campus facilities. We do not dispute that this summary power is required for safety and risk management, however we note that the National Code requires responses to be not only safe, but proportionate. We are of the view that these powers are wide and not explicitly tied to risk assessment thresholds. To ensure the power is exercised in a manner that is both safe *and* proportionate, interim directions should be clearly linked to documented risk assessment and subject to review.

## Recommendation 5

To ensure proportionality as required by Standards 4 and 5, the following should be added to the policy in respect of interim directions:

*Interim directions imposed in gender-based violence appeals must be based on a documented risk assessment and must be reviewed at regular intervals to ensure they remain necessary and proportionate.*

## Trauma-Informed Practice

Standard 4 requires safe, person-centred processes. The draft policy references trauma-informed management of processes as a reason for extending timelines, but does not:

- Define trauma-informed appeal processes
- Specify safeguards against re-traumatisation
- Limit adversarial questioning

There is no alternative participation method for students wishing to lodge an appeal. Appeal hearings are generally intimidating for students, and appellants frequently have little or no insight into what questions to expect or how much information they may need to provide to an appeal panel. Given that most students will already be anxious, disclosure and discussion of gender-based violence will only amplify distress. The current approach to appeal hearings risks victim-survivors being required to repeat their experience to five or six strangers who hold significant power over them. Creating a whole of organisation approach which is person-centred and trauma-informed requires a holistic methodology ensuring these principles are operationally embedded and not merely axioms.



## Recommendation 6

The following addition would operationalise the Standard 4 person-centred requirement in the specific context of appeal processes

*In conducting an appeal process where sexual misconduct or gender-based violence are factors, the University or Academic Secretary must ensure that all processes:*

- (a) *guarantee evidence is sought and dealt with in a manner that minimises re-traumatisation of the discloser;*
- (b) *avoid unnecessary repetition of evidence or accounts;*
- (c) *permit alternative participation methods where required for safety or wellbeing; and*
- (d) *ensure that the Discloser is not required to directly engage with the Respondent unless necessary and proportionate.*