

## STUDENT ADVOCACY & SUPPORT



MACQUARIE  
University

# Guide to Special Consideration Appeals

For students who have submitted a Special Consideration Application and remain dissatisfied with the decision. This should be read in conjunction with the [Special Consideration Policy / Procedure](#), and the [Academic Appeals Policy / Procedure](#).

When preparing an appeal against the outcome of a Special Consideration decision it is important to consider the requirements of procedure as stated by the Special Consideration policy. It is recommended that you read and understand the details of the Special Consideration Policy before working on your appeal.

### SPECIAL CONSIDERATION POLICY

The *Special Consideration Policy* states:

*“This Policy applies only to short-term, **serious and unavoidable** circumstances that arise after a study period has commenced, and where specific assessment task/s have been affected.”*

Special Consideration is defined as:

*“The provision of one additional opportunity for a student to demonstrate that they have met the learning outcomes of a unit or units.”*

The University classifies circumstances as serious and unavoidable if they:

- could not have reasonably been anticipated, avoided or guarded against by the student; and
- were beyond the student's control; and
- caused substantial disruption to the student's capacity for undertaking assessment for the unit(s); and
- occurred during an event critical study period and were at least three (3) consecutive days duration or a total of 5 days within the teaching period and/or
- prevented completion of an assessment task scheduled for a specific date (e.g. final examination, in class test/quiz, in class presentation).

For an appeal to be successful you must be eligible for Special Consideration. An appeal is only available if the decision maker has not followed the Policy / Procedure correctly according to the grounds as set out in the Academic Appeals Policy. See also the [Guide to Academic Appeals](#) and the [Guide to Special Consideration](#).

### HOW TO APPEAL

In order to appeal a Special Consideration decision, you must do so **within 5 working days of receiving the notification of an outcome**. If you have experienced exceptional circumstances leading to delay in the submission of your appeal, you should explain this in your appeal application. Whether or not a late appeal will be accepted is at the discretion of the decision maker and extensions are not usual so **if it is within your control to do so, be sure to submit on time**.

You will need to lodge an application to appeal using the [Academic Appeals Application](#) in AskMQ.

### GROUND OFS OF APPEAL

An Academic Appeal asks the university to reconsider a Special Consideration decision due to a procedural error occurring in the original application. The appeal process is designed to check whether you were given procedural fairness.

An appeal against an applicable decision may only be made on the grounds that:

**PART A:** the procedure for dealing with the matter was unfair in the circumstances because one or more of the following things occurred:

- i. **the student affected was not given a reasonable opportunity, appropriate to the circumstances, to present his or her case or provide an explanation, before the decision was made**
  - What does the relevant policy say about the opportunity to explain before a decision is made?
  - Are there any extenuating circumstances that impacted your ability to provide the explanation?
  - Was there an opportunity to provide information about these circumstances or an explanation before the decision was made?
- ii. **the decision maker in making the decision was biased or there was a reasonable apprehension of bias, against the student affected**
  - What does the relevant policy say about how a decision maker should make their decision?
  - Was the decision maker following the policy or did they make the decision based on other reasons?
  - Can you evidence that the decision was not following the policy, and that there is some ulterior/hidden motive driving the decision maker?
  - Can you explain your 'apprehension' of bias or how the decision seemed bias to you?
- iii. **the decision maker in making the decision, took an irrelevant consideration into account**
  - What does the relevant policy say about the information which should be considered when making a decision?
  - Did the decision maker consider additional documents or information related to something that is outside of the policy requirements?
  - Can you explain what extra documents, evidence or information was considered, and how this impacted upon the decision that was made?
- iv. **the decision maker in making the decision, failed to take a relevant consideration into account**
  - What does the relevant policy say about the information and evidence which should be considered when making a decision?
  - Did you provide important pieces of evidence and information that the decision maker overlooked?
  - Can you explain what evidence/information (previously submitted) was overlooked or addresses a concern outlined in the decision you received.
- v. **the decision maker in making the decision, acted dishonestly or for an improper purpose**
  - What does the policy say about how a decision maker should make their decision?
  - Was the decision maker following the policy or did they make the decision based on other reasons?
  - Can you evidence that the decision was not following the policy, and that there is some improper or dishonest purpose driving the decision maker?
- vi. **there was no evidence to justify the decision made by the decision maker**
  - What does the relevant policy say about the evidence which should be considered when making a decision?
  - Was the decision based on evidence in accordance with the policy requirements?
  - Was the decision maker mistaken in the conclusions they drew, or did the decision maker misunderstand the evidence that was presented?
  - Can you provide reasons why you believe the evidence available to the decision maker could not lead to the decision that was made?
- vii. **the decision was so illogical or unreasonable that it could not have been rationally made**
  - What does the relevant policy say about the information which should be considered when making a decision?
  - What are the reasons given for the decision? Are the reasons given wholly illogical to the point of being entirely irrational?
  - Can you provide reasons why you believe the evidence or information provided by yourself could not logically or reasonably lead to the decision that was made?

- viii. **the decision was made in accordance with a guideline or direction from the University of general application without regard to the merits of the particular case**
- This ground may apply if the decision maker did follow the rule of the policy, but in your particular case it does not seem appropriate to follow a general rule.
  - Do you have a specific circumstance that requires unique consideration and flexibility beyond what is normally required?
  - Can you evidence the specific situation and explain why further consideration is required?
  - What difference would this additional consideration have upon the decision that was made?
- ix. **the decision maker made the decision in the particular case in accordance with the wishes of another person**
- What does the relevant policy say about how a decision maker should make their decision?
  - Was the decision maker following the policy or did they make the decision based on the wishes of another person?
  - Can you evidence that the decision was not following the policy, and that an alternate person who is not responsible for decision making has influenced their decision?
- x. **the required procedure for making the decision was not followed; and**
- What does the relevant policy say about the procedure that should be followed for the decision maker to make their decision?
  - Was the decision maker following the set procedure or did they overlook one of the important steps which should have been taken?
  - Can you explain how the policy was not followed and how it has impacted upon the decision that was made? and as a result, the student affected suffered substantial injustice.

**PART B:** as a result, the student affected suffered substantial injustice. In addition to the grounds above, you must explain:

- Why do you believe that the decision caused injustice?
- What are the consequences of the decision to you?
- What kind of detriment or loss will you suffer as a result?
- What kind of disadvantage or inequity does it cause you?

You must demonstrate that you meet one or more eligible grounds to appeal. Often this will be a matter of examining the way the decision maker applied (or failed to apply) the procedure to their decision-making process, and notification to you. You will need to consider reasons they gave you for their decision in the context of the grounds of appeal and the requirements as stated in the Special Consideration Policy.

## **SUPPORT AVAILABLE**

### **Feedback and support with your appeal**

If you would like feedback on your appeal, complete the [Student CARE MQ Referral form](#) select “Advocacy support” as the reason for referral, and attach your draft appeal (with evidence) to your submission.

*This guide was prepared for you by the  
Student Advocacy & Support Service.*

*The information is correct as of June 2021*



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