

# Appeals Against Non-Promotion of Academic Employees

1.0 Purpose

2.0 Scope

3.0 Procedure | 3.1 Basis of appeal | 3.2 Submitting an appeal | 3.3 Following receipt of an appeal | 3.4  
Composition of the Appeal Panel | 3.5 Appeal Panel process | 3.6 Appeal decision

4.0 Definitions

5.0 Information

6.0 Related Policy Documents and Supporting Documents

## 1.0 Purpose

This procedure outlines the steps and requirements for academic employees to appeal an unsuccessful application for promotion.

## 2.0 Scope

This procedure applies to appeals against decisions not to promote an academic employee, which have been made through the process outlined in the Promotion of Academic Employees Policy and Promotion of Academic Employees Procedure.

## 3.0 Procedure

### 3.1 Basis of appeal

- 3.1.1 Appeals against non-promotion may only be made on the grounds of the University's failure to comply with its own procedures in a significant way.
- 3.1.2 There is no appeal option for reconsidering the academic merits of a case for promotion. Similarly, the judgement of the relevant Promotions Committee or other decision maker may not be used as the basis for an appeal.
- 3.1.3 Employees receive, upon notification of non-promotion, a copy of the minute extract from the meeting where the decision on their application was made. They will also have received a copy of the Head of Element's report. No other material will be supplied to or available to the employee regarding the promotion decision.

## 3.2 Submitting an appeal

- 3.2.1 Employees who believe they meet the grounds for an appeal against a decision not to promote can lodge their appeal with the Director, Human Resources
- 3.2.2 Appeals, with complete documentation, must be lodged within 10 working days of the date that the employee was sent a notification and the relevant Promotions Committee minute advising that their promotion application was unsuccessful. Appeals or further documentation will not normally be accepted after this time.
- 3.2.3 Appeals must be submitted using the relevant forms and prepared in accordance with the instructions on the [Academic Promotions](#) web page.
- 3.2.4 It is the responsibility of the appellant to put forward the case for the appeal and to provide evidence supporting allegations that the University's procedure was not correctly followed in a significant way.

## 3.3 Following receipt of an appeal

- 3.3.1 Human Resources will advise the Provost (for appeals at professorial level) or relevant Dean (Academic) that the employee's appeal has been submitted.
- 3.3.2 Human Resources will forward a copy of the appeal submission to the Chair of the Appeal Panel.

## 3.4 Composition of the Appeal Panel

- 3.4.1 Each Appeal Panel will comprise three persons:
  - a. a person to chair the Panel, appointed by agreement between the Vice Chancellor and the National Tertiary Education Union (NTEU).
  - b. an employee appointed by the Vice Chancellor
  - c. an employee nominated by the NTEU.
- 3.4.2 The Chair will be an employee of the University or a person who has previously been an employee and is retired from the University.
- 3.4.3 In appointing an Appeal Panel, the University will ensure that the membership excludes members of the relevant Promotions Committee and individuals responsible for completing an appellant's report for the Promotions Committee and that there is due regard for gender balance. Before accepting appointment to an Appeal Panel, individuals must declare potential conflicts of interest.
- 3.4.4 The Director, Human Resources will also appoint an Human Resources employee to provide secretarial support to the Appeal Panel.
- 3.4.5 The appellant will be advised of the membership of the Appeal Panel.

## 3.5 Appeal Panel process

- 3.5.1 Before convening the full Panel, the Chair of the Appeal Panel has the authority to review appeal submissions and to reject submissions that:
  - a. seek to argue the academic merits of a case or
  - b. challenge the judgement of the relevant Promotions Committee regarding its assessment of the merits of a case.

- 3.5.2 If the Chair has rejected the appeal, Human Resources will inform the appellant of the decision.
- 3.5.3 If the Chair deems the appeal meets the requirement for an appeal, Human Resources will forward a copy of the appeal submission to the Chair of the relevant Promotions Committee or nominee for comment. The Chair or nominee must provide comment within 10 working days.
- 3.5.4 When a full Panel is to consider an appeal, Human Resources will inform the appellant and advise the membership of the Appeal Panel. The appellant should notify the Director, Human Resources upon receipt of the notification if they are concerned about a conflict of interest with a Panel member.
- 3.5.5 The Appeal Panel should normally consider the documentation within 20 working days of receiving the appeal submission taking into consideration the timeline for the Chair of the relevant Promotions Committee to submit their comments.
- 3.5.6 In considering an appeal, the Appeal Panel will compare the process followed in the appellant's case with the University procedures outlined in the Promotion of Academic Employees Procedure and the Academic Staff Enterprise Agreement.
- 3.5.7 The Panel will seek to determine whether the University failed in a significant way to comply with its own procedures.
- 3.5.8 The Panel will be provided with the following documentation for their consideration:
  - a. the appeal submission
  - b. the response from the Chair of the relevant Promotions Committee
  - c. extracts from Committee minutes and other relevant documentation relating to the recommendation or decision
  - d. links to the University's Promotion of Academic Employees Policy, Promotion of Academic Employees Procedures and Academic Staff Enterprise Agreement.
- 3.5.9 The Panel may decide to seek clarification on particular issues from parties relevant to the appeal, including the appellant. This clarification may be requested in writing or through interviews with the Panel.
- 3.5.10 The proceedings of an Appeal Panel will be confidential.

### **3.6 Appeal decision**

- 3.6.1 After considering all material, the Appeals Panel will advise the Director of Human Resources that it is their determination that:
  - a. the appeal be dismissed, or
  - b. if the Panel finds that the University failed in a significant way to comply with its own procedures, the case be referred back to the relevant Promotions Committee for reconsideration.

- 3.6.2 The Appeal Panel's decision, where possible, will be on the basis of consensus. Where this is not possible, the Panel will use a majority vote.
- 3.6.3 The relevant Promotions Committee will normally reconsider a re-referred case within 10 working days. The Chair of the Appeal Panel will be an additional member of the Committee for the process of reconsideration. They will detail to the Committee the identified departure(s) from the process and work with the Promotion Committee Chair to ensure that due process is followed.
- 3.6.4 The University will endeavour to announce any successful promotion resulting from an appeal at the time the public announcement is made for other successful applicants but will be unable to hold the main announcement if there are unexpected delays with an appeal.
- 3.6.5 There is no further appeal available once the University has concluded this process.

## **4.0 Definitions**

For the purposes of this procedure and related policy documents, the following definitions apply:

**Appellant** means the employee who has lodged the appeal.

## 5.0 Information

Title	Appeals Against Non-Promotion of Academic Employees
Document number	2024/0001020
Purpose	This procedure outlines the steps and requirements for academic employees to appeal an unsuccessful application for promotion.
Audience	Staff
Category	Operational
Subcategory	Staff
UN Sustainable Development Goals (SDGs)	This document aligns with Sustainable Development Goal: 8: Decent Work and Economic Growth
Approval date	February 2024
Effective date	February 2024
Review date	2029
Policy advisor	Director, Human Resources
Approving authority	Provost

## 6.0 Related Policy Documents and Supporting Documents

Legislation	<a href="#">Academic Staff Enterprise Agreement 2023-2025</a>
Policy	<a href="#">Promotion of Academic Employees Policy</a>
Procedures	<a href="#">Achievement Relative to Opportunity Guidelines</a> <a href="#">Promotion of Academic Employees Procedure</a>

Local Protocol

[Academic Promotions web page](#)

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Forms

[Application and Case for Promotion Form](#)

[Equity Statement Form](#)

[Head of Element Report](#)

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