
Student Complaints, Grievances and Appeals Policy

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1.0 Purpose

This policy provides the provisions available to students enrolled in higher education courses at EIT to resolve any grievance as quickly as possible. It defines the framework for management of student grievances to facilitate a prompt, fair and effective resolution.

2.0 Scope

This policy applies to all EIT's higher education students and to staff involved in managing student grievances. Grievances must be lodged as soon as possible after the grievance occurred.

It excludes discrimination, sexual harassment and bullying. These issues are dealt with in specific policies covering these issues. Academic performance and progress are included in policies specific to those areas.

If the alleged grievance involves a staff member and it is considered that it may amount to misconduct, the matter must be reported to the Human Resources Manager. In such cases, it may be decided to handle the matter in accordance with the relevant human resources policy.

This policy (and related procedure) does not remove the right to take further action under Australia's Consumer Protection Laws nor does it prevent the student from pursuing other legal remedies.

3.0 Objectives

This policy aims to set down the principles, expectations and responsibilities of EIT, its staff and students, when dealing with student grievances.

EIT recognises that effective communication is of paramount importance when attempting to resolve difficulties experienced by students. EIT is committed to a culture of openness, fairness and continuous improvement, which includes being open to criticism. All parties will be treated fairly, equitably and with dignity.

If a student chooses to access the complaints and appeals processes, the student's enrolment will be maintained while the complaints and appeals process is ongoing.

4.0 Implementation

4.1 Principles

The resolution procedures of EIT are based on the following principles:

- EIT student grievance and complaint policies and processes deliver timely resolution of formal complaints and appeals against academic and administrative decisions without charge or at reasonable cost to students, and these are applied consistently, fairly and without reprisal.
- All suggestions, concerns, complaints or grievances from students will be acknowledged and treated promptly and fairly.
- Grievance policies and procedures will be widely publicised, including student support mechanisms.
- No student (or associated party) should suffer any discrimination or unfair action as a result of making a complaint.
- Vexatious complaints will not be tolerated.
- All parties must be considerate, cordial and treat each other with respect, and allow no tolerance of intimidating or threatening behaviour. Informal resolution of complaints is the first priority, where appropriate, to achieve a prompt resolution.
- Student grievances should be addressed as close to the source as possible.
- Professional staff who are experienced in dealing with these issues, such as student advocates and mediators, are critical for achieving successful outcomes.
- The principles of natural justice (procedural fairness) will be afforded to all parties.
- It is crucial that all parties put significant effort into detailed communications and understanding of all the issues.
- Students may be accompanied by a support person, who is not a legal representative, for attending interviews.
- All parties to the complaint or grievance should be regularly notified as to the progress of the process.
- All exchanges of information should rely on the utmost level of confidentiality, except where release of information is required by law.
- Decisions about formal complaints and appeals are recorded and the student concerned (and all other relevant parties) is informed in writing as quickly as possible of the outcome and the reasons, and of further avenues of appeal where they exist and where the student could benefit.
- If a formal complaint or appeal is upheld, any action required is initiated promptly.

4.2 Reasons for complaint or grievance

The process for handling grievances is separated into two structures: academic and administrative. The overarching principle is for the grievance to be directed to the person or persons involved in the first instance, and then to proceed through the

hierarchical structure if the issue is not resolved at each level. The final internal decisions are made by:

- The Academic Board for academic grievances
- The Governance Board for non-academic grievances

Typical reasons for a complaint include the following:

- A student impacted (or perceived to be) in the inappropriate, irregular or incorrect application of EIT policies and procedures.
- A student impacted by bias, prejudice or perceived unfair treatment.
- A penalty that seems excessively harsh being applied to a student.
- A student impacted by negligent, unusual or inappropriate conduct by a person involved.
- A student impacted by a decision which didn't take all the facts and issues into account.

4.3 Grounds for appeal

A student may decide to appeal a decision at any stage of the process if they are not satisfied with the outcome. A number of reasons may be valid grounds for appealing an outcome such as:

- A belief that an irregularity in the procedures has occurred.
- New evidence and facts have emerged that could change the decision.
- The penalty imposed or decision reached could be considered unreasonable.

CRICOS students may lodge an appeal with the Overseas Students Ombudsman. Details of process and contact details are found in the Student Complaints, Grievances and Appeals Procedure.

5.0 Definitions

Appeal - an application made by a student to have a decision reviewed where that decision relates to a matter affecting his or her studies or life as a student.

Complainant - the student who has lodged a grievance

CRICOS Student: A student studying in Australia and holding an Australian student visa

Grievance- a problem or concern raised by a student about something affecting his or her studies or life as a student, for which the student is seeking resolution. The term complaint is often used interchangeably with grievance.

Mediator - A disinterested and skilled individual in mediating complaints in an academic environment who is considered impartial and objective by both student and staff member or complainant and subject of the complaint.

Natural Justice Principles - The principles of natural justice that decision makers under this policy must follow can be broadly summarized as follows:

- All parties to the matter(s) in dispute, including respondent(s), shall have a right to be heard before a decision is made, including the right to respond to any statements or evidence that may prejudice their case.

- All relevant submissions, information and evidence to be considered by the decision-maker should be disclosed, where requested, to all parties to the complaint prior to the hearing. Matters that are not relevant shall not be taken into account by the decision-maker.
- The decision maker/s shall not be biased or appear to be biased (by a reasonable and informed bystander) nor have a vested interest or personal involvement in the matter being considered.
- In addition to these principles of natural justice, there should be no undue delay in responding to complaints or appeals and all parties to such matters under this policy shall have the right to a representative of their choice, other than a currently practicing solicitor or barrister (except in extraordinary circumstances at a hearing with the prior leave of the Chair).

Representative - another member of staff, a union representative, or another person to provide support, provided that the representative is not a currently practicing solicitor or barrister.

Respondent(s) - one or more persons who are alleged to have caused the student's grievance.

Student Advocate - An independent person, who can provide a student with unbiased objective advice about a proposed complaint, the process to resolution and suggest possible outcomes.

6.0 Related policies and procedures

The following policies and procedures are related to this policy:

- Student Complaints, Grievances and Appeals Procedure
- Assessment, Moderation and Student Progress Policy
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- Academic Honesty and Misconduct Policy
- Privacy Policy
- Tertiary Education Quality and Standards Authority,
<http://www.tegsa.gov.au/complaints>
- Ombudsman Western Australia
http://www.ombudsman.wa.gov.au/Publications/Documents/guidelines/Complaints_by_overseas_students.pdf
http://www.ombudsman.wa.gov.au/Complaints/Overseas_Student_Complaints.htm

7.0 Accountabilities

The Academic Board is responsible for review and approval of this policy.

The policy is to be implemented via induction and training of staff and distribution to students and EIT's community via the website and other publications.