
Student Complaints, Grievances and Appeals Procedure

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Definitions : **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.

Grievance: A defined issue to be investigated as described in this policy (and associated procedure). This is due to the failure of informal processes in resolving the issue. The result of resolving the grievance may be disciplinary action against a staff member or student or compensation for the student.

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.

Working day: As different parts of the world (where students may reside) have different public holidays (and indeed working days), a working day is any day from Monday to Friday. The Academic Board may redefine the number of working days; if it is deemed unreasonable for a student or staff member who resides in a country with an extended holiday festival (e.g. Christmas, Hannukah or Ramadhan).

Purpose: The purpose of this procedure is to set out the way the EIT will ensure a high quality management process for student complaints and grievances.

Scope: This procedure applies to all the professional staff, students and academics currently attending or working for the EIT or who have attended in the past. It relates to complaints that have arisen from a student's past or current involvement with the EIT.

Due to the limited number of students and staff at EIT, this grievance procedure will apply for issues such as discrimination, sexual harassment and bullying by staff as well as for academic issues such as assessment review, examination and assignment marks and student termination.

As the EIT is a distance learning institute with students and staff members scattered throughout the world, the processes described below may take



longer those of a residential college or university. Despite these physical limitations, all efforts will be made to expedite an issue as it is appreciated that remoteness and distance can exacerbate them.

Overview : The procedure describes the best practice approach to handling grievances from when they are initiated to dealing with them in a fair, prompt, confidential and objective manner with an appropriate resolution to optimally the optimum satisfaction of all parties. The procedures cover informal resolution, mediation, grievances and appeals.

Essential Supporting Documents: ACPET external appeals procedure for students residing in Australia

<http://www.acpet.edu.au/students/student-support/appeals>

Overseas Students Ombudsman complaints procedure for students residing outside of Australia

<http://www.oso.gov.au/making-a-complaint/>

Related Documents: Student Complaints, Grievances and Appeals Policy

1. Introduction

These procedures set out the three main categories for dealing with complaints, which are:

- Informal Resolution
- Mediation
- Grievance resolution.

2. Seeking Advice

A student may have immediate concerns about the outcomes of the approach they adopt with regard to a complaint. It is thus advocated that students carefully consider the issues before making a response. In some cases, they may require assistance and advice to reflect on whether it is worth proceeding with a complaint.

Students can seek advice from a professional who works in this area, such as a student advocate from an appropriate higher education association or agency, such as Australian Council for Private Education and Training (ACPET) or the Overseas Students Ombudsman or an appropriate academic staff member or the Human Resources Manager from the EIT. This can help students review the complaint and consider whether it is genuine and legitimate. Students, in consultation with their advisors, can then more carefully consider:

- What happened at what times and with what actors participating
- What are the key objectives issues
- Whether there is a real issue at stake
- The best process to resolve the issue
- List the possible outcomes

The student advisor may also be able to help students assess whether they could opt for the most straightforward method of resolution, which is that the student make an informal approach the person with whom they have the complaint directly. The student may come to see the benefits of being able to resolve the issue quickly and effectively through an informal



approach and therefore consider that it is worth investing effort in this approach in favour of other more formal approaches. However, they may also have to consider whether as a student they could actually be placed at a greater risk if they were to make a direct approach to the respondent and whether in certain circumstances a further confidential investigation of the facts is warranted.

If a student is not considered to be at reasonable risk, the mediation approach can be considered. If there is the possibility of risk for the student, a more formal grievance approach should be followed.

The student may thus initially opt proceed with different courses of action:

- Take no further action
- Try undertaking an informal approach with the person concerned
- Proceed to a mediator
- Proceed with a grievance with or without an advocate
- Apply to have the complaint or grievance reviewed externally.

The EIT, like many private education Registered Providers has chosen the Australian Council for Private Education & Training (ACPET) as the body to administer external review procedures for students residing in Australia. ACPET has no involvement in the decision making process, but refers a complaint or a grievance to a panel of independent external reviewers to undertake the external review in accordance with the National Code of Practice for Registration Authorities and Registered Providers of Education and Training to Overseas Students 2007. To apply for an external review a student must complete the application form which can be downloaded from ACPET's website referred to above and pay the appropriate lodgement fee.

The Overseas Students Ombudsman will provide an external complaints and appeals mechanism for students who live abroad but studying with a private registered education provider. This service can be accessed on the OSO's website referred to above using the online complaint form. This service is free of charge to both providers and students.

3. Informal approach

In most cases where a member of staff is approached directly, a genuine attempt will be made to resolve the issue fairly and appropriately. Any staff member who is approached informally with a complaint is obliged to respond to the student within 10 working days of receiving the complaint. Their response should include the following:

- A formally acknowledged receipt of the complaint
- An offer to organise a time to contact the student. If, due to the limitations of distance education it is not possible for the member of staff to meet with the student personally, a time that is mutually convenient should be arranged to discuss the issues over the phone, rather than through the use of email or other asynchronous means of communication.
- It is the responsibility of the respondent to try and set out for the benefit of the student the key parameters of the complaint and to try and establish:
 - aspects of the issue that can be agreed on and those where there is a difference in opinion

- the relevant rules, requirements, policies or procedures (both written or implied) that have a bearing on the complaint
- the preferred method for resolving a particular kind of complaint and any other parties that may need to be involved in its resolution, such as the EIT Human Resources Manager.
- an understanding of whether an informal process will be sufficient to resolve the issue.

There are two areas in the delivery of higher education that can more often give rise to complaint, namely, students wanting a review of all assessment items and students seeking a review of their results. In this case, students should, in the first instance, take the following steps.

3.1 Student Review of All Assessment Items

Students are permitted to review all marked assessment scripts within a three month period (of receipt of results) in conjunction with a staff member being present. This can be challenging with students located at remote locations around the world but will be undertaken using web conferencing technologies (and so called desktop sharing where the script in question can be viewed by both the student and instructor but cannot be downloaded by the student). No charge will be levied by the EIT for this service. The procedure for the student in this case is to approach the EIT course coordinator within a three month period who will organise for the necessary scripts to be made available through desktop sharing of web conferencing software.

3.2 Student Review of Results

Students who do not accept the validity or fairness of their course grade can approach their lecturer within 3 months of receiving the result to request a review of their results. The lecturer will review the mark and advise the student. With sensitive and thoughtful communication between the lecturer and the student with regard to the reasons for the mark, it is anticipated that most queries will be resolved at this point. If the student is not happy with this communication, they can request that their complaint be reviewed by the Dean of Engineering according to the procedures set out in Section 5. below.

If the informal approach seems unlikely to bring about a satisfactory outcome, the student should discuss the issue further with his/her advisor/s and consider alternative approaches. Within 10 working days, the student should then:

- Advise the respondent formally that she/he wishes to pursue the matter further by requesting a mediated discussion or otherwise to lodge a formal grievance procedure.
- Approach an external independent agency such as ACPET or the Overseas Students Ombudsman for assistance in resolving the problem.

The Human Resources Manager should be made aware of developments and play a role in trying to find an in-house resolution of the complaint on the understanding that complaint procedures involving external agencies can take considerably more time to resolve and are prone to become more convoluted.



4. Mediation

If the student is not satisfied with the informal resolution approach (or the respondent has suggested mediation) within 15 working days of the failure of informal resolution, the student should make a formal request to the Dean of Engineering and the Human Resources Manager to establish a mediation process.

It is the responsibility of the Human Resources Manager to decide whether mediation will be the most viable and practical course of action. If mediation seems unlikely to succeed or if there are obstacles to dealing with the complaint expeditiously through this process (for example if the parties can find no mutually agreeable mediator), the Human Resources Manager will suggest proceeding directly to the grievance procedure.

If the Human Resources Manager decides that mediation is appropriate, s/he will negotiate the appointment of an independent mediator who is acceptable to all parties. The mediator is unlikely to be a full time EIT staff member but an external academic or part time lecturer who is considered to be reasonably disinterested in the issues surrounding the complaint.

The Human Resources Manager will submit an outline of the complaint to the individual nominated to mediate as well as to the involved parties. The Human Resources Manager will also ensure that the mediator liaises only with parties involved directly and that the EIT is removed from any direct contact with the mediator during the execution of the process.

If the mediator, the respondent or the complainant deem that mediation is not going to result in a satisfactory outcome, the Human Resources Manager will be formally advised by the mediator and the formal grievance procedure can be initiated.

5. Complaints Grievance Procedures

When an appeal relates specifically to a review of assessment items or a review of results, a student can make a direct approach to the Dean within 14 days of discussing the situation with the lecturer and request a review of the materials. If the Dean agrees to review an allocated mark, an instruction in writing will be given to the lecturer within 14 working days with regard to any recommended adjustments together with objective reasons which will stand up to third party academic scrutiny from another institution.

In the case of any other complaint, if it appears that an informal resolution is not possible, the respondent should, in consultation with the complainant and the EIT Human Resources manager, take steps to find a resolution by applying to another member of staff to take on a mediating role or otherwise to find another mediator who is mutually acceptable to the parties. However, if it seems unlikely that the complaint will be resolved through a mediated discussion, or if the complainant does not wish to pursue mediation, the avenue is open for the complainant to submit their complaint to be dealt with through a formal grievance procedure.

A written outline of the grievance will be submitted to the Human Resources Manager who will ensure that it is written in a clear and understandable manner, supported by appropriate evidence and accompanied by suggested means of resolution. The Human Resources Manager will investigate the grievance and within 15 days provide the student with a



suggested date for completion of the investigation and recommend any solutions that align with the EIT's policies and procedures in an attempt to resolve the problem quickly and effectively.

The Human Resources Manager will then contact the student to let them know the outcome of the investigation. Clear reasons will be given where no mutually acceptable resolution is possible. If the problem is considered to be beyond the scope or competence of the Human Resources Manager to appropriately investigate, the complaint will be submitted to the Dean of Engineering who will also attempt to resolve it with a more extensive approach based on a greater level of responsibility.

If a student is not satisfied with the outcome, an appeal can be lodged with regard to the decision. Students seeking to lodge an appeal should do so within 15 working days of the outcome of the initial decision of the Human Resources Manager or the Dean of Engineering and clearly set out the reasons why an appeal should be considered.

The Academic Board can consider issues relating to academic judgment, such as mark allocation for an assignment, but the complainant should be advised beforehand by the Human Resources Manager that the decision in such cases is likely to be based on objective best academic practice. The Academic Board can refer grievances relating to student discipline or academic integrity to the Governance Board. The same documentation used in the earlier submissions can be used or alternatively it can be modified so long as it retains the same essential understandings about the complaint. The Chair of the Academic Board will acknowledge receipt of the grievance appeal within 10 working days of lodgment.

In the case of complaints about academic judgment, the Chair of the Academic Board will convene a meeting of an appropriate panel of members of the Board with no fewer than two members of the EIT academic staff and no fewer than three members of the Academic Board (using the medium of teleconferencing if required for them to confer) as soon as possible but within 20 working days of the lodgment of the appeal with the Board. Members of the Academic Board who have been directly involved with the issues arising out of the complaints process are not eligible to be part of this appeal procedure.

The principles of natural justice, equity and the policies and procedures of the EIT will be followed in the deliberations of the panel. A detailed analysis will be conducted and full disclosure given to the student when the final result of their investigation is issued.

Both the respondent and the complainant, along with their advisors or other supporting participants, will be entitled to make a presentation to the members of the panel. The principles of academic professionalism in the exchange of views shall be upheld at all times. If there are any breaches of these principles, the meeting will be terminated and reconvened without the disrupting influences.

After the panel reports back to the Academic Board, the Chair will confirm the findings with regard to the grievance, determine a resolution, or otherwise request further investigation of the issues pertaining to the grievance. A fully documented outcome of the grievance procedure will be provided to the student, the respondent and to relevant members of the EIT staff.



Arbitration by an academic from the student's home country

In the case of overseas students who wish to appeal to a member from a local university in that student's own country, the EIT would be prepared to abide by the decision of a mutually agreeable academic, preferably with an engineering background. However, it is unlikely that EIT courses, particularly the Masters program, compete with the offerings from other universities. More likely the educational programs offered through the EIT by distance learning web conferencing approach would only serve to complement the educational offerings from the local university.

The student would need to confirm in writing to the Dean that he or she is not satisfied with using the internal appeals processes of the EIT (and does not want to proceed to the Overseas Students Ombudsman) and has access to a local university that is accredited appropriately in their country of residence.

The Dean would ask the student to draw up a list of three potential independent arbitrators who are academics at the nominated university with qualifications that are recognised in Australian higher education institutions in the engineering, technology or science fields. The Dean would then select one of the three, and make contact in order to conduct an interview about the review process. If the arbitration is to proceed the Dean would submit a mutually agreed statement of all relevant facts to the arbitrator.

The Dean would also arrange for an honorarium to be paid to the arbitrator for approximately two hours review work prior to the commencement of the review to avoid later complaints about being placed under undue pressure. The arbitrator would be asked to issue a considered judgement in writing within 7 days with copies being made available to both the Dean and the student, on the understanding that the parties would be bound by the judgement as a final decision with no further recourse to appeal.

If there is simply too much work involved and the issues are unduly onerous, for example, entailing more than ten pages of evidence and documentation and requiring more than five hours review time, the student would need to proceed through the Overseas Students Ombudsman Appeal process as previously outlined.

6. Repeated grievances and appeals

If a student repeatedly submits grievances on a specific matter (more than four times) and they are not upheld, further complaints will be dealt with by the Human Resources Manager, who will investigate the grievance thoroughly and commence an investigation if it is considered to be warranted. If no basis for the complaint appears to exist, the student will be advised that it will not be progressed further unless further evidence comes to light. If the student is not happy with the decision taken by the Human Resources Manager, s/he may appeal to the Academic Board.

7. Simultaneous grievances and appeals

If the student has submitted multiple grievances and is involved in multiple appeals that relate to one another, the Human Resources Manager will attempt to bundle the grievances into one investigation.

8. Withdrawal of Grievances

A student may withdraw a grievance at any point in the process. Most often withdrawals would be due to an informal, conciliatory input being initiated by one of the parties during the



grievance process. When a complaint is withdrawn, the grievance will be deemed to have been resolved.

9. Detailed Records

All participants in a grievance procedure should keep confidential notes of their discussions with other parties, and copies of such notes and associated findings made available for inclusion in the student's file. Mediators in particular are required to keep detailed written records of all mediated discussions and their outcomes. To ensure that they can be represented as an accurate record of the mediation process, the parties attending should confirm in writing that the mediator has truthfully and accurately recorded the proceedings.