

---

## Student Complaints, Grievances and Appeals Policy

---

<b>Policy/Document Approval Body:</b>	Academic Board
<b>Date Created:</b>	26 February 2010
<b>Policy Custodian:</b>	Dean of Engineering
<b>Policy Contact:</b>	Higher Education Manager
<b>File Location:</b>	W:\Data - ALL.Standard\Policies and Procedures\EIT Policies and Procedures
<b>Location on EIT website:</b>	<a href="http://www.eit.edu.au/organisation-policies">http://www.eit.edu.au/organisation-policies</a>
<b>Review Period:</b>	Three years from date of commencement
<b>Revision No:</b>	7
<b>Date of Revision:</b>	2 May 2018
<b>Date Approved:</b>	2 November 2018
<b>Date Commenced:</b>	5 November 2018

### 1.0 Purpose

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

### 2.0 Scope

This policy applies to all EIT's higher education students enrolled in a course of study, persons seeking to enrol in an EIT higher education course of study, and to staff involved in managing grievances. It applies to academic and non-academic matters.

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, students enrolled, and persons seeking to enrol in, an EIT higher education course of study, when dealing with grievances.

EIT recognises that effective communication is of paramount importance when attempting to resolve complaints and/or grievances. 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 an enrolled 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.
- Grievances must be lodged as soon as possible after the grievance has occurred
- All suggestions, concerns, complaints or grievances will be acknowledged and treated promptly and fairly.
- Grievance policies and procedures will be widely publicised.
- No 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.
- Complaints and/or 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.
- Any party 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.
- Once a decision has been reached, all parties should be informed as quickly as possible, in writing, about the results of the complaint or grievance.
- All records should be stored for at least 5 years, during which time all parties to the complaint should have access. The records should otherwise remain confidential.
- Enrolled students, or persons seeking to enrol, in a higher education course of study with EIT are entitled to access EIT's complaint and grievance procedures, regardless of the location at which the grievance has arisen, the complainant's place of residence or the mode in which they study.

## **4.2 Reasons for complaint or grievance**

The process for handling grievances is separated into two structures: academic and administrative (non-academic). 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:

- Inappropriate, irregular or perceived incorrect application of EIT policies and procedures.
- Bias, prejudice or perceived unfair treatment.
- A penalty that seems excessively harsh being applied.
- Negligent, unusual or perceived inappropriate conduct by a person involved.
- A decision which didn't take all the facts and issues into account.

## **4.3 Grounds for appeal**

A decision can be appealed at any stage of the process if any of the parties 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.

Any appeals will be referred to an external reviewer who is to be an independent person or body established or nominated by EIT.

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.HE'.

## **5.0 Definitions**

**Appeal** - an application made to have a decision reviewed

**Complainant** - the party who has lodged a grievance

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

**Grievance-** a problem or concern raised about something for which a party 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 all parties.

**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 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.HE
- Assessment, Moderation and Student Progress Policy.HE
- Assessment, Moderation and Student Progress Procedure.HE
- Academic Honesty and Misconduct Policy.DS
- Privacy Policy.DS
- Admissions Policy.HE
- 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/Publications/Documents/guidelines/Complaints_by_overseas_students.pdf)  
[http://www.ombudsman.wa.gov.au/Complaints/Overseas\\_Student\\_Complaints.htm](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.