

STUDENT COMPLAINTS, GRIEVANCES AND APPEALS POLICY

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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 and appeal 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 Appeals

4.2.1 Appeals definition

The right of appeal is afforded to students, to ensure they are treated fairly and decisions are not made with prejudice. This is different to a grievance/complaint and an appeal submission must meet the grounds for appeals as outlined below.

4.2.2 Grounds for appeal

To lodge and appeal, a student must be eligible and have valid grounds to appeal, and lodge their appeal correctly. To be eligible for an appeal a student must

- lodge their appeal through the correct channels within 10 days of notice of the initial decision
- demonstrate new evidence not considered in the original decision and/or
- Demonstrate the occurrence of an irregularity of established procedure

Refer to the Student Complaints Grievances and Appeals Procedure.HE for details.

4.3 Complaints or grievances

4.3.1 Grievance and complaints definition

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 Deputy Dean for academic grievances
- The Higher Education Manager for non-academic grievances

4.3.2 Grounds for grievance or complaints

A grievance can be lodged or a decision can be appealed at any stage of the process if any of the parties are not satisfied, and have valid grounds for lodging an appeal or grievance, which are:

- That the grievances/complaint lodged within 20 business days after the grievance occurred and
- The complainant had/s a belief and evidence that an irregularity in the procedures has occurred and/or the penalty imposed or decision reached could be considered unreasonable.

4.4 Appeal and Grievance conditions

The overarching principle is for the appeal or grievance to be directed to the person or persons involved in the first instance (eg. student, Unit Lecturer, LSO, Course Coordinator etc.), and then to proceed through the hierarchical structure if the issue is not resolved at each level.

Failure to submit or present evidence which meets the grounds for appeal or grievance, may result in an automatic dismissal of the grievance or appeal.

EIT does not guarantee that the review/assessment of an appeal or grievance will be completed in time for students to graduate in their current round of graduations, and may delay the release of unit outcomes/results.If the complainant is not successful or satisfied with the outcome of EIT's internal

complaints handling and appeals process, and has grounds for an appeal, an external appeal can be sought from an independent person or body established or nominated by EIT.

CRICOS students may lodge an external 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
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- Academic Honesty and Misconduct Policy.DS
- Privacy Policy.DS

- Admissions Policy.HE
- Tertiary Education Quality and Standards Authority, <http://www.teqsa.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.