

STUDENT COMPLAINTS, GRIEVANCES AND APPEALS PROCEDURE

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1.0 Purpose

This procedure 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 steps to take for managing grievances to facilitate a prompt, fair and effective resolution.

2.0 Scope

This procedure 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.

EIT will respond to any appeal, grievance or complaint made regarding dealings with EIT, EIT's education agents or any related party that EIT has an arrangement with to deliver a course or related services.

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 (HR) Manager. In such cases, it may be decided to handle the matter in accordance with the relevant human resources policy.

This procedure (and related policy) 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 procedure aims to set down the processes for dealing with grievances, and expectations and responsibilities of all parties involved.

Further information and advice may be sought from the Higher Education Manager or HR Manager at any

time. Staff will need to continue to work during a staff grievance procedure and work in accordance with directions from their supervisor or another nominated supervisor if the grievance is with the supervisor.

The Higher Education Manager or HR Manager will determine if the complainant may need referral to other professionals such as counsellors and medical practitioners, or whether a human resources policy may apply to staff involved in a grievance.

4.0 Implementation

A complainant may have immediate concerns about the outcomes of the approach they adopt with regard to a complaint. In some cases, they may require assistance and advice to reflect on how to proceed with a grievance.

Complainants can seek advice from a Learning Support Officer or the Higher Education Manager. This can help a complainant review their appeal or complaint and consider whether it is covered under this procedure and the associated policy, and whether they wish to pursue an informal or formal appeal or grievance\complaint process.

This could take into account whether a complainant could 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.

Appeals should be lodged by the student within 10 business days of the notification of decision (eg. from the date of the release of official final grade(s)).

Grievances must be lodged within 20 business days after the grievance occurred. The complainant may proceed with the following courses of action:

Take no further action

- Try undertaking an informal approach with the person concerned
- Proceed to a mediator
- Proceed with a formal appeal or grievance with or without an advocate
- Take the grievance to an external authority.

4.1 Appeals

Appeals can be lodged in circumstances where the complainant is contesting the decision of an outcome. Refer to item 4.7 of this policy for situations where appeals generally apply.

The criteria for the lodgement of an appeal is that:

- The appeal is lodged through the correct channels within 10 business days of notice of the initial decision and
- The appeal demonstrates new evidence not considered in the original decision and/or
- The appeal demonstrates the occurrence of an irregularity of established procedure

In the first instance, an appeal against a decision (academic or non-academic) should be directed to the person/s who made the decision, or the person/s who provided the notice of the decision. Refer to item 4.3 and 4.4 below.

4.2 Grievances/Complaints

Grievances/complaints may be lodged in cases where EIT (an individual, group or as an entity) did not follow their published procedures, acted negligently or did not take sufficient actions to prevent a complainant being treated unfairly, or prejudicially. Refer to item 4.7 of this policy for situations where appeals generally apply.

The criteria for the lodgement of a grievance or complaint is as follows:

- 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

In the first instance, an appeal against a decision (academic or non-academic) should be directed to the person/s who made the decision, or the person/s who provided the notice of the decision. Refer to item 4.3 and 4.4 below.

4.3 Academic and Non-Academic Appeals and Grievances

The process for handling grievances is separated into two streams: academic and non-academic. The overarching principle is for the complaint to be directed to the person or persons involved in the first instance, and then taken through the hierarchical structure if the issue is not resolved at each level. Access to grievance processes is free of charge. The final internal decisions are made by:

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

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.

Appeal and Grievance outcomes and case summaries will be reported quarterly, to the Academic board for academic cases, and to the Governance Board for non-academic cases, to ensure consistency and procedural fairness in the application of the Student Complaints, Grievances and Appeals Policy

Academic Matters

For appeals, complaints or grievances of an academic nature, the complainant may speak to the respondent in the first instance.

Please note that procedures for assessment re-marks are outlined in the section 'Student Appeals' in the Assessment, Moderation and Student Progress Procedure.

The informal or formal resolution processes should be followed as outlined in this procedure, with the addition of the process for requesting remarks of assessment. The stages in the process and the requirement to keep records of the process apply.

Academic cases may include matters surrounding:

- learning and teaching,
- assessment (including extensions, marking and final grades),
- credit or recognition of prior learning outcomes,
- research
- scholarship decision around academic criteria,
- academic misconduct

Non-Academic Matters

For appeals, complaints/grievances that are non-academic, the complainant may wish to use the informal resolution approach in the first instance by speaking to the person involved in the grievance, and/or speaking to the person's supervisor or the Higher Education Manager. If not satisfied with the outcome, they can lodge a formal appeal, complaint or grievance with the Higher Education Manager.

Non-academic cases may include matters surrounding:

- course enrolment
- progression and graduation,
- fees and finances,
- IT and security,
- scholarship decisions around non-academic criteria, student safety and wellbeing

4.4 Informal and Formal Resolution Processes

Within the two streams of appeal and grievance, there are two key types of resolution: informal and formal. Within these types of resolution are a number of stages, which will be initiated depending on the stage at which a resolution is agreed.

The following types of resolution and stages should be followed to resolve the appeal or grievance, noting that where informal resolution is not possible, then the stages of formal resolution will need to be initiated.

4.4.1 Informal Resolution

The informal resolution proceeds as follows:

The complainant may seek to resolve the issue with the respondent directly with the aim of resolving the matter as soon as possible and reaching an acceptable outcome that minimises any potential detriment to ongoing working relationships.

However, the complainant or respondent is not compelled to use the informal process. In such cases, they have the option of proceeding immediately to a formal process.

The informal process is preferred, where appropriate, to avoid lengthy formal proceedings, and to use a consultative, teaching approach to raise awareness and prevent further issues.

If an informal process has been agreed, and the issue is with a member of staff, they will be expected to make a genuine attempt to resolve the issue fairly and appropriately. Any staff member who is approached informally with a complaint is obliged to respond to the complainant within 5 working days of receiving the complaint. Their response should include the following:

- An offer to organise a time to contact the student to discuss the issue/s. Complainants and respondents are encouraged to seek the support of another party to assist them during the process. The aim is 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 Higher Education Manager or Course Coordinator.
 - an understanding of whether an informal process will be sufficient to resolve the issue.

EIT will begin assessment of an informal complaint or appeal within 10 working days of the complaint or appeal being lodged. Appeal and Grievance outcomes considered through the informal resolution process will be finalised as soon as practicable, but will not exceed 15 working days, unless there are circumstances that warrant further time, such as persons being unavailable due to leave, semester break, or other such circumstances. Further time may be negotiated between all parties, up to 20 working days, after which the complaint should be withdrawn or the formal resolution process invoked.

4.4.2 Formal Resolution

The complainant is encouraged to seek advice from the Higher Education Support team regarding the process for formal resolution of the grievance. If students decide to use the formal resolution process, a Complaints and Appeals Form must be submitted to the Higher Education Manager.

Complainants and respondents are encouraged to seek the support of another party to assist them during the process. All parties are notified that the grievance is confidential and that they are protected from victimisation.

If the grievance has already undergone an informal resolution process, then the Higher Education Manager may decide that the formal resolution process will proceed immediately to the investigation stage, after lodgement of a written formal complaint using the Complaints and Appeals Form.

The stages of the formal resolution process are:

Formal lodgement and Initial Conciliation – aims to reach a resolution that is agreed by both parties via discussion and not via the submission of evidence.

- a. Lodgement of a written formal complaint by the complainant with the Higher Education Manager, or the HR Manager if more appropriate (eg. if the grievance is with the behaviour of a staff member, and the formal appeal/grievance is acknowledged).
- b. The Higher Education Manager (or other suitably qualified senior manager) will assign the complaint to the responsible person as per the table in item 4.7 of this procedure and they will begin assessing a complaint or appeal within 10 working days of the lodgement of the complaint or appeal (5 days if the case is complex), and finalise the outcome as soon as practicable;
- c. If the case is simple:
 - i. The responsible person forwards the grievance to the respondent/s and asks them to respond within five (5) working days regarding commencing a conciliation process.
- d. If the case is complex and planning is required
 - i. The responsible person is to appoint investigators within five (5) days of receipt of notice, who have no prior knowledge of the grievance
 - ii. Investigators to interview respondent within 48 hours of receipt of written grievance, to obtain their response. Further interviews to proceed, as required over a 15 working day period, with the complainant, respondent and other witnesses. Preparation of report by the investigators, within 5 working days after the last interview, including recommendations for the decision maker to consider.
- e. Discussions are initiated and a facilitator (who may be any uninvolved, appropriately trained EIT staff member) is appointed. All parties are advised that their statements will be confidential and without prejudice, if they agree to proceed. Meetings with the complainant and respondent commence within five (5) working days (subject to availability of both parties), either individually or together, in an attempt to achieve agreed outcomes. The aim of a group meeting is to provide

an opportunity to air the grievance and permit a response to the allegations, via a facilitated discussion.

f. Outcomes of the meeting will be documented in writing, including the reasons for the outcome, decisions and agreed actions, and provided to the complainant and the respondent.

g. Proposed resolution

- If a resolution is agreed, then both parties will sign a statement advising that the grievance has been resolved. The resolution may include further actions such as counselling; relevant training; or other agreed actions. Parties should be advised that victimisation or any means of reprisal is unacceptable and could invoke disciplinary action.
- Monitoring of outcomes agreed should be actioned by the Higher Education Manager, to ensure compliance with any agreed actions.

4.5 Simultaneous Grievances and Appeals

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

4.6 Withdrawal of Grievances

A complainant 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.

4.7 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 and the staff member's file where relevant. To ensure that they can be represented as an accurate record of the grievance process, the parties attending should confirm in writing that the author has truthfully and accurately recorded the proceedings.

All records will be stored for at least 5 years from the date of the conclusion of the complaint process, during which time all parties to the complaint should have access. The records should otherwise remain confidential.

4.8 External Appeals

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, EIT will advise the complainant within 10 working days of concluding the internal review of the complainant's right to access an external complaint handling and appeals process at minimal or no cost. EIT will give the complainant the contact details of the appropriate complaints handling and external appeals body, such as:

- An academic member of staff who can mediate or arbitrate based in a local university in the country in which the student resides
- The Office of Fair Trading
- A Mediator service which EIT subscribes to (Resolution Institute) for both local and internationally based students.

Contact details for Resolution Institute:

Level 1 and 2, 13-15 Bridge Street
Sydney, NSW 2000
Phone: + 61 2 9251 3366

Fax: + 61 2 9251 3733

Emails: infoaus@resolution.institute

Websites: www.resolution.institute

The purpose of the external appeals process is to consider whether EIT has followed its policies and procedures or the other grounds for appeal listed above, rather than make a different decision to that made by EIT.

For example, if a student appeals against their unit results and goes through EIT's internal appeals process, the external appeals process would look at the way in which the internal appeal was conducted; it would not make a determination as to what the unit assessment result should be.

Students may also contact the Tertiary Education Quality and Standards Authority via its website: <http://www.teqsa.gov.au/complaints>

If EIT is notified that an external appeal has been made or legal action has been taken, the internal complaint process will be suspended until the external appeal is completed.

4.9.1 CRICOS Students

International on-campus (CRICOS) students may lodge an external appeal with the Overseas Students Ombudsman. The following (as extracted from <https://www.ombudsman.gov.au/How-we-can-help/overseas-students/for-overseas-students>) applies to these students:

- In Australia, you have the right to complain and appeal.
- The Overseas Students Ombudsman's services are FREE.
- In some cases, the Ombudsman may decide not to investigate your complaint and appeal. This might happen where another organisation can help you, or you have not spoken to your provider about your complaint.
- If the Ombudsman decides not to investigate, they will tell you why and refer you to another organisation that can help.
- The Ombudsman is independent and impartial. If they do decide to investigate your complaint and appeal, they will contact EIT and ask us what happened.
- They will treat your information with privacy and respect, and collect, store, use and disclose your personal information only in accordance with Australian privacy laws.

If they find that EIT has made a mistake or acted unfairly, they may ask EIT to:

- apologise to you
- change or reconsider a decision
- change their policies or procedures
- take some other action

If the external appeal results in a decision that supports the complainant, EIT must immediately implement any decision and/or corrective and preventative action required and advise all parties of the outcome. All parties must abide by the final outcome of the external appeals process.

Making a complaint to the Overseas Students Ombudsman

Online: <http://www.ombudsman.gov.au/making-a-complaint/overseas-students>

Telephone: 1300 362 072

Facsimile: 02 6276 0123

Mail: GPO Box 442
Canberra ACT 2601
AUSTRALIA

If the internal appeals process finds in EIT's favour and the CRICOS student goes on to access an external appeals process, EIT will not prolong the CRICOS student's enrolment by creating ongoing Confirmation of Enrolments (CoEs) if the overseas student's enrolment was due to lapse naturally. However, EIT will not report the CRICOS student through Provider Registration and International Student Management System (PRISMS) for unsatisfactory course progress or attendance until the CRICOS student has accessed the internal and external complaints handling and appeals process, and the decision or recommendation supports EIT.

EIT will only report a CRICOS student for unsatisfactory course progress or attendance in PRISMS after:

- the internal and external complaints processes have been completed and the breach has been upheld;
- the CRICOS student has chosen not to access the internal complaints and appeals process within the 20 working day period;
- the CRICOS student has chosen not to access the external complaints and appeals process; or
- the CRICOS student withdraws from the internal or external appeals process, by notifying EIT in writing.

When the external appeals process has been completed, EIT will immediately implement the decision or recommendations and/or take the preventative or corrective action required by the outcomes of the external complaints handling or appeals process, and notify the CRICOS student of the outcome.

4.10 Procedure summary table

<p>Is it an Academic appeal/grievance/complaint?</p> <ul style="list-style-type: none"> - learning and teaching, assessment (including extensions, marking and final grades), research, credit or recognition of prior learning outcomes, scholarship decision around academic criteria, academic misconduct or other similar matters. <p>Is it a non-academic appeal/grievances/complaints?</p> <ul style="list-style-type: none"> - course enrolment, progression and graduation, fees and finances, scholarship decisions around non-academic criteria, IT and security, student safety and wellbeing, or other similar matters. 	
APPEALS	GRIEVANCES/COMPLAINTS
<ul style="list-style-type: none"> - Programs - Rejection of leave/deferral from Studies application - Credit and RPL decisions - demonstrates new evidence not considered in the original decision and/or - demonstrates the occurrence of an irregularity of established procedure 	<p>Where EIT did not follow published policies and procedures, acted negligently or did not take sufficient actions to prevent a complainant being treated unfairly, or prejudicially.</p> <p>Generally, for one of the following items:</p> <ul style="list-style-type: none"> - Inappropriate, irregular or perceived incorrect application of EIT policies and procedures. - Bias, prejudice or perceived unfair treatment. - Negligent, unusual or perceived inappropriate conduct by a person involved.

APPEALS	GRIEVANCES/COMPLAINTS
<p>The following are generally not grounds for formal appeal</p> <ul style="list-style-type: none"> - where a student is appealing an academic judgement on the merits of their work submitted for assessment (including on a student's research methodology) - where no new evidence is being presented or a student is 'dissatisfied' with the decision - Where a student disagrees with official published EIT policies and procedures, in some circumstances this may fall under complaints and grievances. - Where a student has misunderstood or not been aware of the published policies and procedures. - Where a student was unaware of a situation because they had not read their student emails or notices posted to the Learning Management System. 	<p>Grievance/complaint criteria</p> <ul style="list-style-type: none"> - 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 <p>The following are generally not grounds for formal grievance/complaint</p> <ul style="list-style-type: none"> - Where a student is unhappy with an outcome that has been made in line with published policy and procedure - Where no new evidence is being presented or a student is 'dissatisfied' with the decision - Where a student has misunderstood or not been aware of the published policies and procedures. - Where a student was unaware of a situation because they had not read their student emails or notices posted to the Learning Management System.
<p>Decision maker for academic concerns: (after informal appeal) 1 – Course coordinator 2 (escalated) – Deputy Dean</p> <p>Decision maker for non-academic concerns: (after informal appeal) 1 – HE manager (or HR manager in specific cases) 2 (escalated)– Accreditation and Compliance Manager</p>	<p>Decision maker for academic concerns: academic concerns: (after informal grievance/complaint) 1 – Course coordinator 2 (escalated)– Deputy Dean</p> <p>Decision maker for non-academic concerns: (after informal appeal) 1 – HE manager (or HR manager in specific cases) 2 (escalated)– Accreditation and Compliance Manager</p>
<p>Should the assigned person/s above have a conflict of interest in the case, or are deemed otherwise inappropriate to make the final decision, another suitable qualified senior manager may be assigned to the case.</p>	
<p>If, after the formal appeals process has been exhausted, the students is still dissatisfied with the outcome, they can proceed to external appeals as outlined in this procedure.</p>	

5.0 Definitions:

Appeal - an application made to have a decision reviewed

Complainant - the party who has lodged a grievance

Domestic Student: An Australian Citizen, Australian Permanent Resident or a New Zealand Citizen with a Special Category Visa who meets residency criteria. This includes students who are paying tuition fees directly without using the FEE-HELP loan scheme ('domestic non FEE-HELP') and students who are using the FEE-HELP loan for all or part of a unit(s) tuition fee ('domestic FEE-HELP').

Grievance/complaint- a problem or concern raised about something for which a party is seeking resolution. The term complaint is often used interchangeably with grievance.

International Student: A student who is not a domestic student. This includes students on student visas or temporary residence visas ('international on-campus (CRICOS)') and those studying off-shore via online learning ('international online').

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 Legislation

- The following policies and procedures are related to this policy:
- Student Complaints, Grievances and Appeals Policy.HE
- Assessment, Moderation and Student Progress Policy.HE
- Assessment, Moderation and Student Progress Procedure.HE
- Academic Honesty and Misconduct Policy.DS
- Privacy Policy.DS

- 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.