

STUDENT COMPLAINTS, GRIEVANCES AND APPEALS PROCEDURE

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1.0 Purpose

The purpose of this procedure is to set out the method that EIT will adopt to ensure a high-quality management process for student complaints and grievances.

2.0 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 EIT's Vocational Education and Training (VET) and Professional Certificate of Competency activities and courses.

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.

3.0 Introduction

This 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 achieving the optimum satisfaction of all parties.

This procedure sets out the four main categories for dealing with complaints, which are:

- Informal resolution;
- Mediation;
- Grievance resolution; and
- Appeals.

4.0 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 education association, from an appropriate agency, such as Resolution Institute (EIT is a member of Resolution Institute's Student Mediation Scheme) or otherwise from an appropriate academic staff member, VET College Manager or the Human Resources Manager from 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 parties participating?
- What are the key objective issues?
- Whether there is a real issue at stake?
- The best process to resolve the issue, and
- 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 makes an informal approach to 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 favor 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 to proceed with different courses of action:

- Take no further action;
- Try undertaking an informal approach with the party(ies) concerned;
- Proceed to a mediator;
- Proceed with a grievance with or without an advocate; and
- Apply to have the complaint or grievance reviewed externally.

EIT is a member of the Resolution Institute's Student Mediation Scheme, and all external appeals will be referred to them.

5.0 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 ten (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 online 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 or via an online meeting, 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 education that can more often give rise to complaint, namely, students wanting a review of assessment items and students seeking a review of their results. In this case, students should, in the first instance, take the following steps.

5.1 Student Review of All Assessment Items

Students are permitted to review all marked assessment scripts within a three-month period of receipt of results through the learning management system, Moodle. Students are able to appeal their assessment decision with no charge to the student. The procedure for the student in this case is to approach the EIT Learning Support Officer (LSO) within a three-month period who will first organise for the original assessor to provide further feedback to the student, and if the student is not satisfied after receiving additional feedback, the LSO will organise for the necessary scripts to be reassessed by an alternative suitably qualified assessor.

5.2 Student Review of Results

Students who do not accept the validity or fairness of their course results can approach their LSO within three (3) months of receiving the result to request a review of their results. The LSO will first organise for the original assessor to provide further feedback to the student, and if the student is not satisfied after receiving additional feedback, the LSO will organise a suitably qualified assessor to review the mark and advise the student. With sensitive and thoughtful communication between the LSO, the assessor and the student with regard to the reasons for the result, 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 Deputy Dean according to the procedures set out below.

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

- Advise the respondent formally that they wish to pursue the matter further by lodging a formal grievance or requesting a mediated discussion.

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.

6.0 Formal Complaints / Grievance Procedures

If the student is not satisfied with the informal resolution approach, within 10 working days of the failure of informal resolution, the student should then lodge a formal complaint/grievance.

When a complaint or appeal relates specifically to an academic issue e.g., review of assessment items or a review of results, a student can make a direct approach to the VET College Manager who may (if required) refer the matter to the Deputy Dean within ten (10) working days of receiving it from the student and request a review. If the Deputy Dean agrees to review an allocated result. The Deputy Dean will provide a decision to the VET College Manager or relevant LSO within ten (10) working days of receiving the request detailing any recommended adjustments together with objective reasons which will stand up to third party academic scrutiny from another institution. The VET College Manager or relevant LSO will provide a written response to the student regarding the outcome of the review within ten (10) working days of receiving it from the Deputy Dean.

In the case of a non-academic complaint, the complainant should make a direct approach to either the VET College Manager or EIT's Human Resources Manager. The VET College Manager and/or the Human Resources Manager will acknowledge receipt of the complaint within ten (10) working days and will provide the student with a suggested date for completion of the investigation. At this point the Human Resources Manager may also recommend any solutions that align with EIT's policies and procedures in an attempt to resolve the problem quickly and effectively.

Once the investigation has been finalized, the Human Resources Manager will provide a written response to the student detailing the outcome of the investigation. Clear reasons will be given for the decision that has been made.

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 ten (10) working days of receipt of the outcome of the initial decision of the Human Resources Manager and clearly set out the reasons why an appeal should be considered.

To lodge an appeal, a student must be eligible and have valid grounds to appeal, and lodge their appeal in the correct format. 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.

The Academic Board can consider appeals regarding academic issues. The Academic Board can refer grievances relating to student discipline, academic integrity or other non-academic issues 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 ten (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 twenty (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. If the Governance Board is considering an appeal after being referred to it by the Academic Board, the same principles will apply.

The principles of natural justice, equity and the policies and procedures of 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 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 within ten (10) working days of the panel meeting.

6.1 Repeated Grievances and Appeals

If a student repeatedly submits grievances on a specific matter and they are not upheld, further complaints will be dealt with by the Human Resources Manager (or another appropriate, independent EIT staff member if the Human Resources Manager was involved in the original decision), 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, they may appeal to the Academic Board.

6.2 Simultaneous Grievances and Appeals

If a student has submitted multiple grievances and is involved in multiple appeals that relate to one another, the investigating staff member will attempt to bundle the grievances into one investigation.

6.3 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.

6.4 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.

7.0 External Mediation

If the student is not satisfied with the formal resolution approach within 10 working days of the outcome of the formal resolution, the student should make a formal request to the Dean of Engineering and/or the Human Resources Manager to establish an external mediation process.

EIT is a member of the Resolution Institute's Student Mediation Scheme, and all external appeals will be referred to them and will be handled in accordance to their Mediation Rules (see Appendix A of EIT's "**Student Complaint, Grievances and Appeals Policy.VET**"). The costs of any necessary mediation will be met by EIT.

The Human Resources Manager will submit an outline of the complaint to Resolution Institute 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 EIT is removed from any direct contact with the mediator during the execution of the process.

7.1 Arbitration by an Academic from the Student's Home Country

In the case of overseas offshore students who wish to appeal to a member from a local institution in that student's own country, EIT would be prepared to abide by the decision of a mutually agreeable academic, preferably with an engineering background.

The student would need to confirm in writing to the Dean that he or she is not satisfied with using the external mediation processes of EIT (and does not want to proceed to the external Resolution Institute student mediation process) and has access to a local institution 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 institution with qualifications that are recognised in Australian 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 seven (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.

8.0 Definitions

Please refer to the EIT Glossary that can be found [here](#) for all definitions used in this document.

9.0 Related Documents

- Academic Freedom and Code of Ethics Policy.DS
- Assessment Validation and Student Progress Procedure.VET
- Assessment, Validation and Student Progress Policy.VET
- Diversity, Fair Treatment and Equal Opportunity Policy
- EIT01 Training and Assessment Policy
- EIT01.3 Support Learners Policy
- EIT01.4 Conduct Effective Assessments Policy
- EIT01.5 Trainers and Assessors Policy
- EIT02 Quality Assurance Policy
- EIT04 Accurate and Accessible Information Policy
- EIT05 Learners are Informed and Protected Policy
- EIT06 Complaints and Appeals Policy
- EIT07 Governance and Administration Policy
- Privacy Policy.DS
- Records Management Policy and Procedure.DS
- Student Code of Conduct.DS
- Student Complaints, Grievances and Appeals Policy.VET
- Student Support Policy.DS
- Student Support Procedure.DS
- VET Student Loans Policy

10.0 Related Legislation

The following legislation is relevant to this policy, however not all are mandatory for education providers:

- [*Privacy Act 1988 \(Cwth.\)*](#)
- [*Standards for Registered Training Organisations \(RTOs\) 2015 \(Cwth.\)*](#)
- [*VET Student Loan Act 2016 \(Cwth.\)*](#)
- [*VET Student Loan Rules 2016 \(Cwth.\)*](#)
- [*VET Student Loans \(Courses and Loan Caps\) Determination 2016 \(Cwth.\)*](#)

11.0 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.