

CHS Student Academic Grievance and Appeals Policy & Procedures

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1. Purpose

This policy describes the process that CHS shall apply for resolution of student academic appeals, including the process for independent external review of decisions made under this policy.

2. Scope

This policy applies to the College, its staff and students, and to persons who may not yet be students but who have demonstrated an intention to enrol as a student in the College.

The policy and procedures set out in this document do not remove the student's right to take further action under Australia's Consumer Protection Laws, nor circumscribe the student's right to pursue other legal remedies.

3. Definitions

Term	Definition
<i>Appeal</i>	An application to reconsider a decision made by the College. Academic Appeals are related to a student's academic performance, including award of grades, assessments, course progress and compliance with the academic rules and course requirements.
<i>Exclusion</i>	Permanent cancellation of a student's enrolment in their course and the termination of their rights and privileges as a student of CHS, including their right to re-apply for admission.
<i>Grievance</i>	A complaint or concern raised against some aspect of the College including, but not limited to, actions, processes or facilities which are considered unfair, disadvantageous, wrong or inadequate.
<i>Overseas student</i>	An overseas student who is studying in Australia on a student visa.
<i>Bullying</i>	Bullying occurs where an individual or group of individuals repeatedly behave unreasonably towards a person or group of persons (in this instance, a student or group of students), and that behaviour creates a risk to health and safety.
<i>Complaint</i>	An expression of dissatisfaction made in relation to an action, decision or omission within the responsibility and control of the College, a College staff member or a student, where a response or resolution process is expected wherever possible.
<i>Unsatisfactory Academic Progress</i>	Refers to the academic status of a student who is identified as making unsatisfactory course progress as defined in the CHS Course Progress Policy.

4. Policy Statements

The following principles underpin student grievance, complaint and appeal resolution processes against College decisions.

4.1 Timeliness

The College will ensure that any grievance or appeal will be dealt with as quickly as possible and normally within the timeframes indicated within this policy.

4.2 Confidentiality

Student academic appeals will be treated confidentially. Access to information about a grievance or appeal will only be granted to staff dealing with the matter. All records will be kept strictly confidential.

4.3 Without prejudice or disadvantage

Any academic appeal will be considered without prejudice and solely on its merits and the evidence provided. The complainant will not be disadvantaged while the grievance or appeal is in progress, for example, the student would be allowed to continue enrolment or to attend class. The no disadvantage rule does not apply to the decision reached beforehand by the College under this policy as part of the resolution of a separate complaint.

The enrolment of overseas students studying in Australia on a student visa will be maintained throughout the student's participation in the internal appeals process and the College will not report the student to the relevant Australian Government departments unless extenuating circumstances relating to the welfare of the student apply.

If the internal appeal process is complete, and has upheld the College's decision, the College will advise the student within ten (10) working days of the right to access an external complaint handling and appeals process and will give the student appropriate contact details.

4.4 Record-keeping and access to records

Records of academic appeals and their outcomes will be kept strictly confidential and stored by the Registrar's Office.

The complainant and/or respondent will have a right to supervised access to all documents held by the College concerning his or her appeal.

The Academic Registrar shall maintain a Register of Academic Appeals that records the unique folio number of each case and resolution details.

4.5 Cost

There will be no charge to the student through the internal appeals processes. If the matter proceeds to an external mediator or complaints body, the costs of mediation will be shared jointly by the student and by the

College of Health Sciences. Overseas students incur no charges to access the Australian Government's Overseas Students Ombudsman service. If the external mediator finds in the student's favour the College shall bear all reasonable costs incurred by the student in accessing the external mediator.

4.6 Student Support

Students or prospective students may, at any time during the grievance or appeals process, seek independent professional advice and support and may be accompanied by a third party at any relevant meeting. This can also include support services arranged by the College.

5. Academic Appeals – Final Grades or Assessments

5.1. Informal Resolution of Final Grades or Assessments

Student seeking to appeal a final grade or an assessment shall lodge a written appeal using the Academic Appeals online application form on the CHS Student Administration Portal. An acknowledged message will be sent to student electronically. The appeal, including the relevant evidence attached, will be forwarded to the Director of Studies who shall aim to resolve the appeal in consultation with the relevant academic staff within ten working days of the receipt of the appeal. After the review the outcome is communicated back to the student by the Academic Registrar within ten working days of the decision. Students may seek independent professional advice and support, including support services arranged by the College, and may be accompanied by a third party at any meeting with the Director of Studies or the Academic Registrar.

5.2. Internal Resolution of Final Grades or Assessments Appeals

If the student is satisfied with the outcome of the informal appeal process the matter is closed and the registry of academic appeals is updated by Student Services. If student is not satisfied with the outcome he or she shall respond to the Academic Registrar within 10 working days requesting the matter be referred to the CHS Academic Appeals Committee attaching the relevant documents to support the case.

The CHS Academic Appeals Committee shall be convened by the Dean and facilitated by the Academic Registrar or Directors of Studies within 10 working days to determine the appeal. The composition of the CHS Academic Appeals Committee and the procedures to be followed in making appeals to it are described in Section 7.3 of this policy. The CHS Academic Appeal Committee's decision shall be communicated to the student by the Academic Registrar within ten working days of the decision by the CHS Academic Appeals Committee.

5.3. External Resolution of Final Grades or Assessments Appeals

If the student is satisfied with the decision of the CHS Academic Appeals Committee, the matter is closed and the registry of academic appeals is updated by the Student Services. If the student is not satisfied with the decision, he or she will have 10 working days to apply to the relevant external body for review of the evidence and determination of the appeal. Full details of the procedures to be followed and external review facilities are provided in Section 7.4 of this policy.

6. Other Academic Appeals

6.1. Range of Academic Appeals

Other academic appeals typically relate to the following:

- Enrolment Conditions
- Probation
- Suspension
- Exclusion
- Application for Credit
- Reduced Study Load
- Special Consideration
- Academic Misconduct

Conditions on enrolment including suspension or exclusion are based on the recommendations made by the Board of Examiners¹ (BoE) and or the Academic Review Committee².

In some cases, such as application for credit or reduced study load, the appeal may be resolved informally.

7. Procedures

7.1. Informal Internal Grievance or Appeal

Annexure A shows the steps to resolving an academic grievance or appeal.

The first informal stage for resolution of grievances associated with assessments and final grades is described in Section 5.1 of this policy.

In relation to appeals and grievances concerning other academic matters as described in Section 6 of this policy, the College encourages the student to take their grievance or appeal directly to the staff member who is responsible for the matter or issue with a view to arriving at a mutually agreeable resolution. Students may contact the staff member in person via email to the staff member's College email address or by phone and request telephone transfer to the staff member. Students may seek independent professional advice and support, including support services arranged by the College, and may be accompanied by a third party at any meeting with the staff member.

This should be done within ten (10) working days of the matter or issue to which has given rise to the grievance or appeal.

That staff member should aim to resolve the grievance or appeal no later than ten (10) working days after the receipt of the grievance or appeal.

¹ Board of Examiners is a sub-committee of the Academic Board

² Academic Review Committee is a sub-committee of the Board of Examiners

For appeals and grievances for both assessments, final grade and other academic matters, the student is responsible for ensuring that they make clear the nature and grounds of the grievance or complaint and, where applicable, provide evidence to support any claims.

7.2. Formal Internal Grievance or Appeal to the Academic Registrar

This stage does not apply to appeals concerning assessments and final grades. Students dissatisfied with the result of the informal process described at Section 5.1 of this policy, should refer to Section 7.3 of this policy concerning appeal to the CHS Academic Appeals Committee through the Academic Registrar.

For grievances or appeals associated with academic matters other than those concerning assessments or final grades, if the student is not satisfied with the result of the informal process the student can escalate the matter to a formal process by writing to the Academic Registrar within ten (10) working days.

The written submission should clearly state:

1. The background to the grievance or appeal
2. The exact grievance or nature of the appeal
3. What steps have been taken to address the grievance or appeal including dates
4. A brief description of how the matter can be resolved from the point of view of the student

The Academic Registrar will investigate the case presented and may:

- designate any staff member, who has not had prior involvement in the case, to assist with the investigation;
- form a working party to investigate and report on the matter
- consult with relevant academic and administrative staff as well as students of the College on matters pertaining to the case; and/or
- request the student to meet with them in person or via teleconference to discuss the case. At such a meeting students may seek independent professional advice and support, including support services arranged by the College, and may be accompanied by a third party.

The Academic Registrar will respond directly in writing to the student concerned no later than twenty working days after the receipt of the grievance. In the case of successful appeals, the Academic Registrar will ensure that appropriate action is taken within 10 working days of communicating with the student.

7.3. Formal Internal Appeal to the CHS Academic Appeals Committee

Section 5.3 of this policy stipulates that appeals associated with assessment and final grades where the student is not satisfied that their grievance has been resolved at the informal stage move directly to appeal to the CHS Academic Appeals Committee.

In relation to appeals concerning other academic matters, students not satisfied that their grievance has been resolved after the first formal stage as outlined in Section 7.2 of this policy may appeal in writing to the CHS Appeals Committee via the Academic Registrar.

The appeal to the CHS Academic Appeals Committee must contain evidence that the matter has not been dealt with properly or state the reason or reasons the matter should be reviewed by the CHS Academic Appeals Committee such as new information or evidence that was not considered previously.

The Dean shall convene the Academic Appeals Committee. It may be chaired by the Dean or the Dean's nominee plus a senior member of CHS academic staff and an external member to investigate the complaint within 10 working days after a written request is received from the complainant for the matter to be heard by the Academic Appeals Committee. Both the Dean's nominee and the other academic staff member must not have previously been associated with the case. The Committee may request the complainant to appear in person including having a representative to accompany him/her where requested by the student. The Committee may also request further information from any staff or executives or other members of the College.

The Academic Appeals Committee shall make a decision on the matter which is communicated to the student by the Academic Registrar within ten working days of the decision by the Academic Appeals Committee. In the case of successful appeals, the Academic Registrar will ensure that appropriate action is taken within 10 working days of communicating with the student.

7.4. External Grievances and Appeals Processes

If the student's grievance or appeal remains unresolved following consideration by the CHS Academic Appeals Committee, the student may request a review through an external independent mediator or body. CHS shall join the Student Mediation Scheme of the Resolution Institute for mediation on all unresolved academic appeals and grievances including final grades and those listed in Section 6.1 of this policy (ref Annexure B).

Domestic students can request mediation and/or arbitration through the Resolution Institute. The Resolution Institute provides access to high quality dispute resolution practitioners through its online dispute resolver directory and its nomination service. Its services include mediation and arbitration for complex cases with an independent arbitrator who can make an enforceable decision. The maximum costs of mediation and/or arbitration by the Resolution Institute for a student will be \$200, with the remainder paid the College of Health Sciences. However, should the decision be in the student's favour the College will refund the student's share of mediation and/or arbitration costs. In cases of arbitration, awards made by an Arbitrator are final and binding on both parties.

Email: infoaus@resolution.institute

Phone: +61 2 9251 3366; 1800 651 650

<https://www.resolution.institute>

Overseas students on a student visa can request a free and independent external review of their complaint through the Overseas Students Ombudsman. In most cases the external body will consider whether the College has followed its policies and procedures rather than make a decision on the matter

itself. Students may contact the Overseas Students Ombudsman by email or by phone for further information and guidance:

Email: ombudsman@ombudsman.gov.au

Call: 1300 362 072 within Australia Outside Australia call +61 2 6276 0111

<http://www.ombudsman.gov.au/contact-us>

The Overseas Student Ombudsman can investigate the following types of complaints:

- refusing admission to a course
- fees and refunds
- course or provider transfers
- course progress or attendance
- cancellation of enrolment
- accommodation or work arranged by your provider
- incorrect advice given by an education agent.

It should be noted that the Overseas Student Ombudsman cannot make decisions about issues to do with academic merit, such as whether a student has met course requirements.

In conducting an investigation, the Overseas Students Ombudsman is empowered to decide whether the College has followed its rules, policies and procedures and treated the student fairly. If the Overseas Students Ombudsman finds that the College has made a mistake it can ask us to:

- apologise
- change or reconsider a decision
- provide better information
- improve a policy or procedure
- provide a refund
- take some other action.

The College will act upon any recommendation(s) arising from external review within thirty (30) working days of receipt of the recommendations. The Registrar will be responsible for ensuring that any recommendation(s) received are fully implemented.

If a student remains dissatisfied with the outcome of an external review or mediation, they may refer the matter to an external agency such as the Anti-Discrimination Board of NSW, NSW Fair Trading, the Victorian Equal Opportunity & Human Rights Commission, or other agencies where relevant.

8. Responsibilities

The Academic Registrar assumes the following responsibilities:

- Investigate formal complaints and grievances associated with academic matters
- Monitor progress in all formal academic grievances and complaints
- Notify student of the outcomes following investigations and decisions by the CHS Academic Appeals Committee

- Ensure that where appeals are upheld, appropriate action is taken within the timeframes specified in this policy
- Ensure that records are kept of all actions taken under the above sections of this policy
- Identify discrimination, sexual harassment and bullying behaviours and initiate the appropriate internal or external process
- Ensure that any recommendation(s) received from external mediators are fully implemented within thirty (30) working days of receipt of the recommendations
- Provide an annual analysis of academic complaints received and resolution of the same to Academic Board and the Governing Board, including recommendation for changes to both policy and practice where appropriate.

9. Records

Records associated with this policy will be maintained according to the Records Management Policy and Record Retention and Disposal Schedule.

10. Related Documents

- CHS Governing Board Charter
- CHS Academic Board Charter
- CHS Privacy Policy
- CHS Academic Integrity Policy and Procedures
- CHS Student Code of Conduct
- CHS Assessment Policy
- CHS Course Progress Policy
- CHS Critical Incident Policy
- CHS Equity and Diversity Policy

11. Related legislation

- Higher Education Support Act 2003
- Tertiary Education Quality and Standards Agency (TEQSA) Act 2011
- TEQSA Higher Education Standards Framework (Threshold Standards) 2015
- Education Services for Overseas Students (ESOS) Act 2000 and National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018)
- Australian Qualifications Framework (AQF).

Annexure A: Steps to Resolving Academic Grievances and Appeals

Step	Assessments and Final Grades	Other Academic Matters
1	Student submits online appeal form	Student appeals directly to relevant staff member.
2	Application and supporting documents received by Student Services	Staff member investigates appeal and makes a decision within 10 working days of receipt of appeal.
3	Acknowledgement message sent to student	Staff member communicates decision to student.
4	Application sent to Director of Studies	If student satisfied with result, the appeal process is complete.
5	Director of Studies investigates appeal	Students not satisfied with result may appeal to the Academic Registrar
6	Director of Studies resolves appeal within 10 working days	Academic Registrar investigates appeal, makes a decision and communicates result to student within 20 working days of receipt of appeal.
7	Academic Registrar informs student of result of appeal within 10 working days	If student satisfied with result, the appeal process is complete.
8	If student satisfied with result, the appeal process is complete.	Students not satisfied with result appeal to Academic Registrar for matter to be referred to CHS Academic Appeals Committee.
9	Students not satisfied with result appeal to Academic Registrar for matter to be referred to CHS Academic Appeals Committee.	
10	Dean convenes CHS Academic Appeals Committee within 10 working days of receipt of appeal.	
11	CHS Academic Appeals Committee investigates the appeal and makes a decision.	
12	The Academic Registrar informs student of result of appeal within 10 working days	
13	If student satisfied with result, the appeal process is complete	
14	Students not satisfied with result appeal to external remediation body.	
15	External remediation body investigates the appeal, makes a decision and communicates it to College and student.	
16	If appeal upheld, College acts on recommendations within 30 working days.	

Annexure B: Services Provided by Resolution Institute³

Acknowledgement: information in this page has been copied from RI website unchanged for accuracy purposes

Student mediation scheme

Education and training institutions can join the Student Mediation Scheme to access an external appeals process.

About the Student Mediation Scheme

Since 2002, we have administered the Student Mediation Scheme providing education and training institutions with an external appeals process. The scheme allows a member educational and training institution or its student to refer to Resolution Institute as the external review body once its internal grievance system has been exhausted. We appoint a suitably qualified mediator, liaise between the parties as necessary and manage the process.

Providers can join the Student Mediation Scheme for a calendar year, and renew annually. When or if required, Resolution Institute will:

- Appoint a mediator.
- Arrange as appropriate mutually convenient dates, locations and or teleconferences for pre-mediation discussions and mediation discussions with the provider and the student.
- Provide each of the mediation participants and the mediator with the documentation necessary to conduct the mediation.

Please note, our mediation services under our Student Mediation Scheme can only be used when the provider's internal appeals processes has been exhausted.

³ Source: Resolution Institute (<https://www.resolution.institute/resolving-disputes/tertiary-student-au>) cited 20 July 2020