

CHSQF054 Student Academic Grievance and Appeals Policy & Procedures

Contents

1. Purpose	2
2. Scope.....	2
3. Definitions.....	2
4. Policy Statements.....	2
4.1 Timeliness.....	2
4.2 Confidentiality	2
4.3 Policy coverage	3
4.4 Without prejudice or disadvantage	3
4.5 Record-keeping and access to records.....	3
4.6 Student Support.....	4
5. Academic Appeals – Final Grades or Assessments	4
5.1. Informal Resolution of Final Grades or Assessments.....	4
5.2. Internal Resolution of Final Grades or Assessments Appeals.....	4
5.3. External Resolution of Final Grades or Assessments Appeals.....	5
6. Other Academic Grievances	5
6.1. Range of Academic Grievances.....	5
7. Procedures	5
7.1. Informal Internal Grievance or Appeal	5
7.2. Formal Internal Grievance to the Registrar	6
7.3. Formal Internal Appeal to the CHS Academic Appeals Committee.....	6
7.4. External Grievances and Appeals Processes	7
8. Responsibilities.....	8
9. Records	9
10. Related Documents	9
11. Related legislation	9
12. Version Control.....	9
Annexure A: Steps to Resolving Academic Grievances and Appeals.....	10
Annexure B: Services Provided by Resolution Institute.....	11

1. Purpose

This policy describes the process that CHS shall apply for resolution of student grievances and 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.

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>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.

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 Policy coverage

- In relation to academic grievances, the term “complainant” applies to current students of the College.
- Complainants are entitled to access the grievance procedures set out in this policy regardless of the location of the campus of the Institute at which the grievance has arisen, the mode in which they study or their place of residence.
- The College will respond to any grievance or appeal that an overseas student may have regarding their dealings with the College or with the College’s education agents or anyone that the College has an arrangement with to deliver its courses or any related services.

4.4 Without prejudice or disadvantage

During all stages of this procedure CHS will take steps to ensure that:

- the complainant and any respondent will not be victimised nor discriminated against;
- the complainant has an opportunity to formally present their case and each party to a grievance may be accompanied and assisted by a support person at any relevant meetings (either physically or virtually);
- a full explanation in writing for decisions and actions taken as part of the process will be provided if so requested by the complainant or a respondent;
- where the internal or external grievance handling or appeal process results in a decision that supports the complainant, the College will immediately implement any decision and/or corrective and preventative action required and advise the complainant of the outcome;
- A complainant shall have access to the internal stages of this grievance procedure at no cost. Costs for an external appeal will be shared equally by the Institute and the complainant with the complainant required to contribute no more than \$100 towards the costs of an external appeal.

Any academic grievance or 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 grievance.

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 grievance handling and appeals process and will give the student appropriate contact details.

4.5 Record-keeping and access to records

- Records of grievances and appeals and their outcomes will be kept strictly confidential and stored by the Registrar’s Office. Records associated with this policy will be maintained according to the Records Management Policy and Record Retention and Disposal Schedule. A written record of all grievances handled under this procedure and their outcomes shall be maintained for a period of at least five years. These records will be maintained in the College’s document repository.

- The complainant and/or respondent will have a right to supervised access to all documents held by the College concerning his or her grievance or appeal upon written request to the Registrar.
- The Academic Registrar's Office shall maintain a Register of Grievances and Appeals that records the unique folio number of the case.
- All records relating to grievances will be treated as confidential and will be covered by the College's Privacy Policy.

4.6 Student Support

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

A 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 10 working days of the receipt of the appeal. After the review the outcome, including detailed reasons for the outcome, will be communicated back to the student by the Registrar in writing within 5 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 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 Registrar within 20 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 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. Any staff member of the College involved in considering the grievance at an earlier stage is ineligible to sit on the CHS Academic Appeals Committee. The CHS Academic Appeals Committee's decision, including detailed reasons for the decision, shall be communicated to the student by the Registrar in writing within 5 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 20 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 Grievances

6.1. Range of Academic Grievances

Other academic appeals typically relate to the following:

- Enrolment Conditions
- Probation
- Suspension
- Exclusion
- Provider transfer
- 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 grievance 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 grievances concerning other academic matters as described in Section 6 of this policy, the College encourages the student to take their grievance 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.

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

This should be done within 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 and communicate the outcome to the student in writing no later than 10 working days after the receipt of the grievance or appeal.

The student is responsible for ensuring that they make clear the nature and grounds of the grievance and, where applicable, provide evidence to support any claims.

7.2. Formal Internal Grievance to the 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 Registrar.

For grievances 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 Registrar within 20 working days.

The written submission should clearly state:

1. The background to the grievance
2. The exact grievance or nature grievance
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 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 Registrar will respond directly in writing to the student concerned, including detailed reasons for any decision, no later than 20 working days after the receipt of the grievance. In the case of successful appeals, the Registrar will ensure that appropriate action is taken immediately.

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 Registrar within 20 days of the date of notification of the outcome of the first formal stage.

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 appeal within 10 working days after a written request is received from the complainant for the matter to be heard by the Committee. Both the Dean's nominee and the other academic staff member must not have previously been associated with the grievance. 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 CHS Academic Appeals Committee will 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 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 is a member of 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).

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 \$100, with the remainder paid the College. However, should the decision be in the student's favour the College will refund the student's share of mediation and/or arbitration costs.

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 grievance 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](http://www.ombudsman.gov.au/contact-us)

The Overseas Student Ombudsman can investigate the following matters:

- 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 immediately upon any recommendation(s) arising from external review following 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 Registrar assumes the following responsibilities:

- Investigate formal grievances associated with academic matters
- Monitor progress in all formal academic grievances and appeals

- Notify students of the outcomes following investigations and decisions by the CHS Academic Appeals Committee
- Ensure that where grievances or appeals are upheld, appropriate action is taken within the timeframes specified in this policy
- Ensure that records are kept of all actions taken under this policy
- Ensure that any recommendation(s) received from external mediators are immediately implemented.
- Provide an annual analysis of academic grievances received and their resolution to the Academic Board and the Governing Board, including recommendations 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
- CHS Overseas Student Transfer Between Registered Providers Policy & Procedures

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)

12. Version Control

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Version	Summary of changes	Approval date	Review Date
1.0	Document Established	Academic Board: 11 September 2018 Governing Board: 18 September 2018	30 October 2020
2.0	Academic Appeals separated from Non-academic Appeals; also title changed	Academic Board: 16 October 2018 Governing Board: 23 October 2018	30 October 2020
3.0	Sec 4.6 added. Reviewed for consistency. Steps added	Academic Board: 26 May 2020 Governing Board: 26 May 2020	20 May 2022
3.1	Use of RI mediation and other services clarified	Principal: 31 July 2020	31 July 2022
3.2	Clarification of scope, public access, costs and record keeping in line with FEE-HELP guidance.	Principal: 28 January 2021	31 July 2022
3.3	Minor updates arising from CRICOS application review	Principal: 25 August 2021 Academic Board: TBA	03 June 2024

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 informally 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 electronically.	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 Registrar within 20 working days.
6	Director of Studies resolves appeal within 10 working days.	Registrar investigates appeal, makes a decision and communicates result to student within 20 working days of receipt of appeal.
7	Registrar informs student of result of appeal within 5 working days of the decision.	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 Registrar within 20 working days for matter to be referred to CHS Academic Appeals Committee.
9	Students not satisfied with result appeal to Registrar within 20 working	

	days 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 Registrar informs student of result of appeal, including detailed reasons for the decision	
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	The College will act immediately upon any recommendation(s) arising from external review. The Registrar will be responsible for ensuring that any recommendation(s) received are fully implemented.	

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.

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

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