SGA HE STUDENT ACADEMIC APPEALS POLICY AND PROCEDURE

1. Policy Statement
   It is recognised that from time to time disputes may arise with respect to academic decisions. SGA makes provision for such decisions to be reviewed.

2. Purpose/Principles
   The policy and procedures below reflect the expectations and responsibilities of both SGA and its students in resolving student academic grievances. Through the application of this policy and procedures SGA aims to:
   - develop a culture that views complaints as an opportunity to improve the organisation and how it works;
   - set in place a complaints handling system that is client focussed and helps the Institution to prevent complaints from recurring;
   - ensure that any complaints are resolved promptly, objectively and with sensitivity and in an environment of complete confidence;
   - ensure that the views of each complainant and respondent are respected and that any party to a complaint is not discriminated against nor victimised at any stage of the process; and
   - ensure that there is a consistent response to complaints.

2 Scope
   This policy applied to all students of SGA studying in higher education courses.

3 Background and Need
   The following principles apply with respect to any dispute about an academic decision, whether dealt with formally or informally.

3.1 Availability
   The Policy is freely available to students and staff. It is published on the relevant public website. Students are entitled to access the grievance procedures set out in this policy regardless of the campus at which the grievance has arisen.

3.2 Timeliness
   - All disputes should be resolved as quickly as possible.
   - Deadlines prescribed in these procedures should always be followed, unless there are exceptional circumstances.
   - If the deadline is to be exceeded by staff, the student must always be informed of the length of, and the reason for, the delay.

3.3 Confidentiality
   All grievances must be treated confidentially at all stages in the process. Access to information about a grievance must be strictly limited to those staff that have a “need to know” in order to deal with the grievance

3.4 Without disadvantage
   The fact that a student has made a complaint under these procedures will not disadvantage the student in any way, especially by way of subsequent victimisation or discrimination. That said, the fact that a student has had to complain may, of itself, cause disadvantage, for example, delay in finalising the mark for a unit of study. Students should be able to complain under these procedures and feel confident that they will not be disadvantaged or discriminated against in any other way.
3.5 Procedural fairness
Grievances will be handled in an unbiased manner and taking into account the principles of procedural fairness (Appendix 2).

3.6 Support
Any person involved in this process who is disadvantaged in any way in their ability to present their case should be allowed the support and advice they need to participate effectively. While a conciliatory approach is preferred and encouraged under these rules, it may be appropriate, in some circumstances, that the student or staff member has another person speak on his or her behalf.

3.7 Record-keeping
In order to facilitate resolution of student complaints, it is important that staff establish and maintain proper records (through a Register of Complaints and Appeals) and documentation on StudyGlobal once a complaint becomes formal. Staff are also advised to keep brief notes of any informal discussions with students. Copies of documentation given to students in relation to a unit of study should be kept, as well as a record of the date on which that information was supplied to students and the means by which it was disseminated.

3.8 Access
Students have a right of supervised access to all documents concerning their appeal. This right does not apply to any documents for which SGA claims legal professional privilege.

3.9 Resolution
Given the nature of many academic grievances, SGA expects that most concerns will be resolved at an informal level (see Section 6). This form of resolution provides an ideal opportunity for open and direct dialogue between the student and academic staff member. Additionally, informal resolution normally provides the most time effective mechanism for resolving academic grievances.

3.10 Cost
All stages of the process concerning the hearing and settlement of an academic appeal shall be free of charge to the student.

4 Definitions

4.1 Academic Grievances
Complaints or appeals against academic decisions normally include, but are not limited, to:
- academic progress decisions;
- assessment matters;
- a decision of a member of academic staff that affects an individual student or a group of students;
- content or structure of academic programs or nature of teaching;
- supervision of practicum; and
- issues related to authorship or intellectual property.

4.2 Reviews of Grades
A process for requesting a review of a grade forms part of the Student Assessment Policy and Procedure. Students should utilise this process in the first instance if they wish to request a review of a grade. Students who remain dissatisfied with the outcome of their review may then utilise the following formal appeal section of this policy (Section 7).

4.3 Formal Appeals
A formal appeal can take place if the academic grievance or outcome of review of grades cannot be resolved informally. Formal appeals are dealt with initially by the Academic Director (Section 7)
5 Procedures for Dealing with Academic Grievances

5.1 Stages of the Process

There are four stages in the process associated with the resolution of an academic appeal with each stage representing an increase in the formality with which the appeal is managed. The stages of the process are:

- **Stage 1** Informal resolution between the student and academic staff member.
- **Stage 2** Formal appeal to the Academic Director
- **Stage 3** Internal appeal to the Student Academic Appeals Committee of the Academic Board
- **Stage 4** External appeal to the relevant body

A summary flow chart of the process is given in Appendix 1

5.2 Escalation

When escalating an appeal, students must present evidence that the previous determination was lacking in either academic judgement and/or due process.

6 Stage 1 Informal Resolution between Student and Academic Staff Member

6.1 When a student has a complaint about any academic matter, he or she should first discuss the matter with the academic staff member concerned. If the student has any concerns about raising the matter with this person, then he or she should discuss the matter with the State Course Coordinator. Concerns about the decision of a committee should ordinarily be raised with the chair of the committee.

6.2 SGA expects that in most cases the discussion of the concern or complaint with the relevant staff member will result in a prompt resolution of the matter which both parties will find acceptable. If this informal approach to dealing with the student's concerns does not lead to an acceptable resolution within 14 days of the matter being raised, then a more formal process for resolution of the matter, as specified below, can be pursued at the discretion of the student.

6.3 Consideration of appeals on academic grounds and/or issues of procedure or due process will be dealt with at this informal stage.

7 Stage 2 Appeal to the Academic Director

7.1 Formal complaints must be submitted in writing to the Academic Director. Complaints on academic grounds and/or issues of procedure or due process will be considered.

To commence the formal process, the student must complete a Student Complaint Lodgement Form or write a letter and send it to the Academic Director at the campus at which they are studying.

The following information needs to be provided in writing:

- details of the complaint;
- supporting information that the student wishes to be considered as part of the complaint;
- an explanation of the steps already taken to try to resolve the complaint informally and why the responses received are not considered satisfactory; and
- what the student thinks needs to be done to address their concerns.

7.2 The Academic Director will commence the process of considering the complaint within 10 working days of receiving the written Complaint Lodgement Form or letter and will acknowledge receipt of the complaint in writing to the student. The Academic Director will ensure all steps are taken to resolve the complaint within 20 working days.
7.3 In considering the complaint, the Academic Director will arrange a meeting with the student to explore the nature of the grievance. The student may be accompanied or assisted by a support person at any meeting. The complaint will then be investigated by the State Academic Director who will discuss the student’s issues with the person(s) concerned.

7.4 If the complaint is upheld, the Academic Director will immediately notify relevant staff to implement the actions required to resolve the complaint. The all parties concerned will be provided with a written report on the steps taken to address the complaint within 20 working days of the commencement of the complaint process.

If the complaint is not upheld, then all parties concerned will be given a written explanation detailing the reasons for that decision.

The Academic Director will retain a written record of the complaint and its outcome.

8 Stage 3 Appeal to the Student Academic Appeals Committee of the Academic Board

8.1 Where a student believes that the processes detailed previously have not been complied with, the student may appeal to the Academic Board - Student Academic Appeals Committee. The Appeals Committee will receive and make findings on matters of procedural fairness and due process only.

8.2 Any appeal to the Appeals Committee must be made in writing within one month of the State Academic Director’s decision being released to the student, subject to otherwise stated appeal deadlines.

8.3 The Chair of the Appeals Committee will acknowledge receipt of the written grievance in writing within 10 working days from its receipt and indicate when a resolution of the matter can be expected. The student will be given at least 5 days’ notice in advance of the Committee meeting date. Normally, it is expected that the matter will be resolved within 20 working days of it being raised with the Committee and the student will receive written notification within 5 days of a decision.

8.4 The Terms of Reference of the Academic Board - Student Academic Appeals Committee and its guidelines for its procedures are given in Appendices 3 & 4.

9 Stage 4 External Appeal

9.1 In the event of the student remaining dissatisfied with the result or conduct of SGA’s internal procedures for handling the complaint, the student has the right to access an external appeals process under the provisions of the ESOS Act and the National Code.

9.2 An international student may lodge an external appeal or make an external complaint about a decision by contacting the Overseas Students Ombudsman. The Overseas Students Ombudsman offers a free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their private education or training provider. See the Overseas Students Ombudsman website www.oso.gov.au or phone 1300 362 072 for more information.

9.3 A domestic student may lodge an external appeal by contacting the Administrative Appeals Tribunal (AAT) at http://www.aat.gov.au/ApplyingForAReview/WhenCanTheAATHelp.htm

10.4 If the external review process supports the complaint, SGA will immediately implement any decision and/or action required, and advise the student in writing. If the complaint is not upheld, then he/she will be given a written explanation including the reasons for that decision.

10 Record Keeping and Confidentiality

10.1 Records of all complaints handled under this procedure and their outcomes shall be maintained for a period of at least five years to allow all parties to the complaint appropriate access to these records, upon
written request to the Academic Director. Records of student complaints will be maintained at the last campus that the student studied.

10.2 All records relating to complaints and their outcomes will be treated as confidential and will be kept separate to the student’s file in a secure environment in accordance with the Institution’s Records Management and Privacy Policies.

10.3 A copy of the statement of the findings at each stage of the process will be provided to the student.

10.4 A register of complaints and appeals will be maintained by the Campus Director/State Academic Director. For each complaint/appeal, the following is recorded:
- details of the parties involved
- the documents lodged
- details of the complaint/appeal
- details of the resolution or other outcome

11 Communication to Staff and Students

11.1 This procedure will be made available to students, or those seeking to enrol in a course of study with SGA, regardless of the location of the campus at which the complaint has arisen, the mode in which they study or their place of residence.

11.2 If a student chooses to lodge a formal complaint their enrolment will be maintained while the appeals process is ongoing.

11.3 Nothing in this Academic Appeals Policy and Procedure limits the rights of students or persons seeking to enrol with SGA to take action under Australia’s Consumer Protection laws. The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other higher education provider policies or under statute or any other law. Also, these procedures do not circumscribe an individual’s rights to pursue other legal remedies.

11.4 This Policy and Procedure will be disseminated by publication in the Student Handbook and on the relevant public website. This Policy and Procedure will also be discussed at Student Orientation. For the purposes of communicating to and training staff, this Policy and Procedure will form part of the induction process and will be published in the Staff Web Portal.

12 Approval and Review

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<tr>
<th>SGA HE ACADEMIC APPEALS POLICY</th>
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<tbody>
<tr>
<td>Policy Owner</td>
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### Appendix 1

**Appeals Procedure Flow Chart**

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<tr>
<th>Stage 1</th>
<th>Informal Negotiation</th>
<th>Review of Grade</th>
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<td>Speak to the person involved</td>
<td>Refer to Assessment Policy</td>
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**If Unresolved**

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<thead>
<tr>
<th>Stage 2</th>
<th>Lodge Formal Appeal</th>
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<tr>
<td>Complete a Complaint form or write a letter to the State Academic Director</td>
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<tr>
<td>Student receives written acknowledgement of complaint within 10 working days of lodgement</td>
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<tr>
<td>Grievance Counsellor seeks to resolve complaint in 20 working days</td>
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<tr>
<td>Student receives written notification of outcome</td>
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**If Unresolved**

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<th>Stage 3</th>
<th>Student Academic Appeals Committee</th>
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<tr>
<td>Complete a Complaint form or write a letter to the Chair of the Appeals Committee within 1 month of receipt of initial appeal report</td>
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<tr>
<td>Chair of the Appeals Committee convenes an Appeals Committee with 10 days of receipt complaint and panel meets within 20 working days of receipt of complaint.</td>
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<tr>
<td>Student given at least 5 working days notice in advance of Committee meeting.</td>
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<tr>
<td>Student receives written notification within 5 working days of decision</td>
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**If Unresolved**

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<th>Stage 4</th>
<th>External Appeal</th>
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Appendix 2 Procedural Fairness

Procedural fairness must be observed in all aspects of the grievance handling process. In practice procedural fairness involves:

- ensuring that there is proper investigation of the facts;
- informing relevant parties of any allegations made against them, as appropriate;
- ensuring that all parties are informed of the procedures under which the grievance is being handled and are given a copy of the relevant policy and guidelines;
- ensuring that all parties are heard and those who have had complaints made against them are given an opportunity to respond.
- ensuring that all relevant submissions and any mitigating factors are given due and proper consideration before any conclusions are reached or any action is taken;
- advising all parties that if the grievance is of such a serious nature that disciplinary action may result, then the facts revealed during an investigation into the grievance may be used in any subsequent disciplinary proceedings;
- impartiality on the part of the investigator and/or decision maker must exclude themselves if there is any bias or conflict of interest.

These procedures usually require that the person raising a grievance must be willing to be identified, unless the facts of the matter are not in dispute, or the matter involves allegations of corruption, mal-administration or serious waste or child abuse. If in doubt about the requirements of procedural fairness, advice should be sought from the Chief Executive Officer.

On any occasion when the grievance is to be discussed, staff (both grievant and/or respondent) may choose to be accompanied by a colleague from SGA.

If the allegations have been made in writing, a copy will be given to the parties against whom the allegations have been made (unless the allegations relate to corruption, mal-administration and serious waste or child abuse where legislation provides otherwise).
Appendix 3

Student Academic Appeals Committees

A Student Academic Appeals Committee may be formed by a SGA Academic Board, when a student academic appeal is not able to be resolved through the normal student academic appeals process described in the Student Academic Appeals Policy.

Terms of reference of the Student Academic Appeals Committees

Functions
- Investigate and recommend to the Academic Board upon appeals against suspension, failure, requirement to repeat units and any such further matters as may be determined from time to time by resolution of the Academic Board.
- Confine its considerations to matters relating to procedural fairness and not to consider or rehearse the academic merits of the case.
- Conduct an investigation which may include consideration of:
  - written appeals and submissions
  - examination of the relevant academic records, and/or
  - advice from the State Academic Director and academic staff where the Committee considers this appropriate.
- Permit the student involved to attend and/or be assisted by a person nominated by the student, for example, a family member or friend.

Membership
The membership of the Student Academic Appeals Committee shall comprise:
- Chairperson of an Academic Board, other than that responsible for the appellant’s course.
- Staff representative who is a member of an Academic Board other than that responsible for the appellant’s course chosen by the Chair of the Academic Board.
- Student representative who is a member of the Teaching and Learning Committee or Student Representative Council.

Any member of this Committee shall be obliged to declare any interest in any matter before the Committee, and may then be required to withdraw from that meeting at the request of other members of the Committee.

In the event of a member withdrawing, the Chair may appoint an appropriate replacement from the current members of the Academic Board.

Frequency of Meetings
The Student Academic Appeals Committee meets as needed when convened by the Academic Board.

Review of Terms of Reference
These terms of reference may be reviewed from time to time by the Academic Board.
Appendix 4 Guidelines for the Student Academic Appeals Committee

The following Guidelines are provided to assist the Student Appeals Committee in the conduct of hearings and to encourage stability and equity across student academic appeals.

1. Briefing of Parties
   • All persons involved in the Appeal will be referred to relevant documents concerning policy and procedure prior to the commencement of formal hearings.
   • The Appellant will be offered the opportunity to address the Student Appeals Committee.
   • Schedules will be arranged so that the Appellant can attend the College on the day specified for the hearing.

2. Collection of materials
   • All materials relevant to the Appeal will be made available to members of the Student Appeals Committee at least 48 hours before the Committee hearing.
   • Where appropriate, parties will be permitted to view relevant submissions by others, for example, the document submitted by the Appellant will be viewed by the State Academic Director and, correspondingly, the State Academic Director’s submission to the Student Appeals Committee will be available to the Appellant.

3. Preliminary sessions
   The Student Appeals Committee will convene prior to any hearing that involves the Parties. At that meeting the members of the Committee will:
   • Review all documents
   • Consider lines of investigation and questioning and isolate issues to be resolved, and
   • Determine the nature of proceeding, for example, will the appellant be interviewed alone or in the company of the State Academic Director; will other College academic staff be invited to address the Committee or present evidence.

4. Hearings by the Student Appeals Committee
   4.1 Preliminary Matters
   All parties are to be made aware of
   • the composition of the Student Appeals Committee
   • the Terms of Reference of the Student Appeals Committee, and in particular, that the “Student Appeals Committee is not empowered to consider or rehearse the academic merits of the case and shall confine its consideration to matters related to procedural fairness and due process” (Academic Board Terms of Reference), and
   • the right of the Appellant to make a further appeal to an external arbiter appointed by the College Board. The external arbiter is required to conduct any further review under the same constraints as applied to the Academic Board Student Appeals Committee.

   4.2 General procedures
   The procedures to be adopted during the appeal are to be explained to the parties prior to the commencement of hearings. These procedures are as follows:
• All remarks will be addressed to the Chair.
• Minutes of the “hearing” will be taken and will be available to the parties for private, supervised viewing.
• At the discretion of the Committee, hearings may involve the Appellant and relevant College staff in joint sitting.
• Each person will be given an opportunity to speak.
• The appellant may speak at appropriate times but the person accompanying the appellant will act to support the appellant but may not act as an advocate for the appellant.
• The support person may not address the Committee without the express permission of the Chair.
• There will be no interruption or cross-questioning during the period a person is making a statement.
• Members of the Committee may question the participants directly.
• The appellant or any other participant may request a brief adjournment for consultation.
• During Committee sessions that include College Staff and the Appellant, participants may question one another, but only through the Chair.
• Following the conclusion of the hearings, the Appeals Committee will retire.
• Minutes of the private discussions of the Committee will be taken but will remain confidential.
• A decision, including reasons, will be provided to the parties as soon as possible and within ten working days.
• The report and all records related to the student’s appeal will be filed separately from the student’s regular file.