



STUDENT GRIEVANCES AND APPEALS POLICY

Approving authority	Academic Board
Approval date	2 April 2014, Reviewed May 2017
Purpose	This policy outlines the grounds on which students can have their academic, general and administrative complaints and appeals heard and outlines the processes and procedures to be followed for resolution.
Responsibility for implementation	Head of Student Services & Administration
Next scheduled review	May 2020
Document Location	R:\OIHE\Policies\Student Grievances and Appeals Policy & Procedures.docx
Associated documents	Academic Appeals Policy Academic Integrity Policy Academic Progress Policy Assessment & Grades Policy Credit Transfer & Articulation Policy Deferring, Suspending or Cancelling a student's enrolment policy Student Consultation Policy Student Feedback Policy Student Support and Services Policy

Acknowledgements:

This policy has been developed with reference to the following institutions' policies:

Monash University (2013). Academic and Administrative complaints or appeals Policy. available at <http://policy.monash.edu.au/policy-bank/academic/education/management/complaints-grievance-policy.html>, accessed 30 November 2013

Avondale College of Higher Education, Student Grievances and Appeals Policy, available at <http://www.avondale.edu.au/information::Policies/display/?s=MzI0>, accessed 31 July 2013

1. Principles

Oxford Institute of Higher Education (hereafter referred to as "the Institute") is committed to resolving student grievances/complaints and appeals in a manner that both protects and respects the rights of both the Institute and the student.

The procedures for considering student complaints or appeals will be governed by the following principles:

- 1.1 Students who lodge an academic or administrative complaint or appeal have the right to due process and a fair hearing. Any staff member subject of the complaint or appeal equally has the right to due process and a fair hearing.
- 1.2 Student complaints or appeals will be treated in a serious, sensitive, confidential and timely manner and discussed only with those persons relevant to the case or who can provide specialist advice.



- 1.3 Staff involved in resolving student complaints or appeals will act fairly at all times and base their decisions on a thorough and unbiased consideration of facts and views expressed by all parties.
- 1.4 A student must be able to invoke the complaints or appeals procedures without fear of reprisal, discrimination or victimisation.
- 1.5 Each complainant, and appellant can formally present his or her own case at minimum cost to themselves, and each party may be accompanied and assisted by any support person at any relevant meeting.
- 1.6 Provision for review by an independent third party is available if internal process fail to resolve a grievance or if students remains dissatisfied with an internal appeal outcome.

2. Scope

This policy covers all forms of student complaints and appeals in relation to the operations of the Institute including teaching and assessment, the quality of the teaching, student amenities, administration, student support, student services, bullying, discrimination, sexual harassment and any other areas of perceived inappropriate, unfair or discriminatory treatment, action or decision.

3. Policy

- 3.1 The Institute will receive student complaints or appeals concerning any decision, action or situation relating to or arising from the operations of the Institute and will carefully and respectfully consider all complaints and appeals in a fair and judicious manner.
- 3.2 Students may make a complaint on any matters of concern relating to teaching and assessment, the quality of the teaching, student amenities, administration, student support, bullying, discrimination, sexual harassment and any other areas of perceived inappropriate or unfair treatment. Internal appeals can be lodged if students disagree with a decision made by the Institute.
- 3.3 Students are advised of the Institute's complaints and appeals policy and procedures by one or more of the following means:
 - On the institute website.
 - Within the student handbook.
 - Within the Student Acceptance Agreement.
 - By publication, from time to time, of bulletins and notices.
 - Within the information provided by student services.
- 3.4 All complaints and appeals will be handled professionally and confidentially in order to achieve a satisfactory resolution that is fair and equitable to all parties.
- 3.5 Students will be provided with details of the nominated external independent third party they may approach for review if the internal institute processes fail to resolve the complaint or appeal.
- 3.6 At any stage in the internal complaints or appeals process students are entitled to be assisted or accompanied by a support person. Any staff member who is the subject of a complaint or appeal also has the right to have an accompanying support person.
- 3.7 A student's enrolment must be maintained whilst consideration of a complaint or appeal is in progress and the outcome has not been determined.



- 3.8 The Institute will encourage the parties to approach a complaint or appeal with an open view and to attempt to resolve problems through discussion and conciliation. Where a complaint or appeal cannot be resolved through discussion and conciliation, or the Institute's determination of a matter is not accepted by all parties, access is available to an appropriate external and independent body to review the process and decision implemented by the Institute.
- 3.9 If there is any matter arising from a student complaint or appeal that is a systemic issue which requires improvement action this will be reported to the Institute management as part of the continuous improvement process.
- 3.10 Nothing in this policy inhibits student's rights to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to other legal remedies. Students wishing to take this course of action are advised to: Contact a solicitor, or contact the Law Institute of Victoria, 470 Bourke St Melbourne 3000, and telephone 9602 5000 for a referral to a solicitor.
- 3.11 The Institute will keep proper records of all informal and formal discussions conducted under this policy and procedure and their outcomes on student files.
- 3.12 The Institute will consider all outcomes from formal complaints and appeals. If the result of the appeal or complaint is favourable to the student, the Institute will immediately implement the decision, and or corrective / preventative action, if applicable.
- 3.13 The Student Grievances and Appeals Policy & Procedures will be made available to students via a link on Moodle Shells for each unit.

4. General Procedures –Student Complaint or Appeals

4.1 Informal Complaints or Appeals

- 4.1.1 Any student with a question or concern may raise the matter with staff of the Institute and attempt an informal resolution of the question or concern.
- 4.1.2 Students are encouraged to seek the support and assistance of the Institute's student services officers as part of this informal process.
- 4.1.3 It is desirable that student complaints or appeals procedures be kept as informal as possible, based on principles of mediation and negotiation.
- 4.1.4 Questions or complaint or appeals dealt with in this way do not become- part of the formal complaint or appeal process and will not be documented, recorded or reported on unless the Institute staff member involved determines that the issue question or complaint or appeal was relevant to the wider operation of the Institute as it identifies potential areas of risk or improvement.
- 4.1.5 Students who are not satisfied with the outcomes of the question or complaint or appeal are encouraged to register a formal complaint or appeal.

4.2. Role of student services

- 4.2.1 Student services staff are the first point of call for students who may want to make a complaint or lodge an appeal or simply wish to discuss their options on any matters of concern relating to teaching and assessment, the quality of the teaching, student amenities, administration, student support, bullying, discrimination, sexual harassment and any



other areas where they feel that they have been subjected to inappropriate or unfair treatment.

- 4.2.2 The role of the Head of Student Services & Administration is to act as an advocate and advisor to the student on these matters and to ensure all students receive fair and equitable treatment at the Institute. Students are free to make appointment to discuss their concerns with the Head of Student Services & Administration. To ensure the issues are being addressed by the appropriate person, with student consent, the Head of Student Services & Administration may raise the issue with the relevant staff members.
- 4.2.3 If required, the Head of Student Services & Administration may assist students in lodging formal complaints and appeals.
- 4.2.4 The Head of Student Services & Administration may accompany students in any formal complaint or appeal hearing. In this situation they are in attendance as advisors, not as advocates.

4.3 *Formal Complaint or appeals*

- 4.3.1 Students who are not satisfied with the outcome of the informal process, or, who want to register a formal complaint or appeal, may do so. A student making a complaint or appeal must clearly identify the issue, provide all available information in support of their case and cooperate with the investigation of the complaint or appeal. In the process both the student and staff must be treated with courtesy and respect.
- 4.3.2 Students are encouraged to seek support of the Institute's student services officers in lodging their formal complaint or appeal.
- 4.3.3 The Institute manages formal complaints and appeals in two categories.

General and Administrative Complaints and Appeals

All complaints and appeals against any aspect of the Institute's operations that do not relate to academic decisions as detailed above.

Academic Complaints and Appeals

Complaints and Appeals against academic decisions relate to the following matters:

- Assessment for an individual item or of a Unit or a review of that assessment.
- Penalty for academic misconduct and plagiarism.
- Refusal of an application for course credit.
- Failure to maintain satisfactory academic progress.

5 Procedures – General and Administrative Complaints and Appeals

- 5.1 To register a formal general and administrative complaint or appeal a student must complete the Student Complaint or Appeal Application Form and contact the Head of Student Services & Administration (or Vice-President if the Head of Student Services & Administration / Institute Director is an involved party) to arrange a meeting. A meeting will be organised for students and the Institute Director.
- 5.2 At this meeting the complaint or appeal can be raised and a resolution attempted. At the meeting stage of the complaints or appeals process a record must be made in writing and

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signed and dated by the complainant and the Institute Director. The complaint or appeal is recorded in writing by completing the student complaint or appeal form or a new document can be prepared and signed during the meeting.

- 5.3 Each complainant, and appellant can formally present his or her own case at minimum cost to themselves, and each party may be accompanied and assisted by a support person at any relevant meeting.
- 5.4 The Institute Director will then attempt to resolve the complaint or appeal with the student and any other parties who may be involved. The resolution phase must commence within 10 working days of the complaint or appeal being lodged in writing.
- 5.5 A maximum time of 20 working days from the commencement of the resolution phase will be allowed for the resolution unless all parties agree in writing to extend this time.
- 5.6 Should the appeal relate to the Institute's intention to a suspend or cancel the enrolment of an international student, the student must lodge an appeal within 20 working days of receiving the notification of intention from the Institute.
- 5.7 At the end of the resolution phase the Institute Director will report the Institute's decision to the student. The Institute's decision and reasons for the decision will be documented by the Institute Director, provided to the student within 5 working days of the agreed date of the end of the resolution phase and copy is placed in the student's file.

5.8 *Outcome of Complaints or Appeals*

5.8.1 Substantiated complaints or appeals will be redressed appropriately according to the nature, severity and complexity of the complaint. Remedies may include:

- 5.8.1.1 An apology.
- 5.8.1.2 Reversal of the initial decision that gave rise to the complaint or appeal.
- 5.8.1.3 Correction of any misleading information or incorrect records.
- 5.8.1.4 A change of Institute policy, procedures and practice.

5.8.2 If the outcome of an internal appeal by an international student against the Institute's decision to suspend or cancel the student's enrolment is unfavourable to the student, then the Institute will provide the student with the opportunity to access the external process appeal within a set time frame. In cases where students do not access the external appeal within the set time frame, the Institute will report the student to the Department of Immigration and Border Protection (DIBP) via PRISMS. In cases where students access the external appeal, the Institute needs to await the outcome of the external appeals process (supporting the Institute's internal appeal outcome) before notifying the Government through PRISMS of the change to the student's enrolment.

5.9 *Appealing the Outcome of Complaint or Appeals*

5.9.1 There are no further avenues internally within the Institute for appeals after the internal appeals process has been completed. Students can access the external appeals process if they are not satisfied with the outcome.

5.10 *External Appeals*



- 6 5.10.1 If the student is still not satisfied with the outcome, students may lodge an appeal to the nominated external independent third party within 10 working days for a review (refer clause 6.9). **Procedures –Academic Complaints and Appeals**

6.1 Students who wish to complain or appeal an academic matter must submit their complaint or appeal in writing using the Academic Appeals Application Form. This form must be lodged with the Institute Director within 20 working days of the receipt of an official notification from the Institute of the decision they wish to appeal.

6.2 On receipt of the application the Institute Director will refer the matter to a Student Discipline and Appeals Committee.

6.4 Grounds for Academic Appeal

The Student Discipline and Appeals Committee will initially determine whether the appeal is against an academic decision relating to:

- Assessment for an individual item or of a Unit or a review of that assessment. Penalty for academic misconduct and plagiarism.
- Refusal of an application for course credit.
- Failure to maintain satisfactory academic progress.

6.4.1 Grounds for Appeal of an Assessment Grade

Appeals against assessment grades must be made on the grounds that:

- an error has occurred in the calculation of the grade.
- the assessment did not comply with criteria published in the course guide or other course/unit assessment information.
- The assessment process did not comply with the Institute's policies on assessment.

6.4.2 Grounds for Appeal of decision regarding unsatisfactory Academic progress.

Under the ESOS Act 2000 and its associated National Code, the Institute must report international students for failing to make satisfactory academic progress. In this regard the Institute must issue students with a formal notification of intent to report. Students may then within 20 working days lodge a formal appeal against the Institute's decision.

The grounds for the appeal are not restricted, but should demonstrate why the student should not be reported. For example, if the student produces documentary evidence demonstrating that compassionate or compelling circumstances apply

6.5 Once the Student Discipline and Appeals Committee is satisfied that the grounds for appeal are consistent with 6.4, the appeal will progress. If not the appeal is dismissed

6.6 Hearing an Academic Appeal

6.6.1 The Chair of the Student Discipline and Appeals Committee has responsibility for conducting the hearing in a professional manner, to meet the circumstances of the case and the requirements of fairness and natural justice, without being bound by the rules of evidence.

6.6.2 The student will be invited by the Chair to address the Committee and may be accompanied by any person (not including a legal practitioner).



6.6.3 The Committee or the student may at any time prior to the making of a final decision, request an adjournment of the proceedings (up to 4 weeks). This may be in the case where leave is sought to source additional information considered important to the outcome of the appeal. The application for an adjournment shall be considered by the Committee in the context of the circumstances of the case and to uphold principles of fairness and natural justice.

6.7 *Decision of the Student Discipline and Appeals Committee*

6.7.1 The outcome of the appeal and reasons for the outcome will be recorded in writing and signed and dated by the Chair of the Student Discipline and Appeals Committee.

6.7.2 Appeals will be rejected by the Student Discipline and Appeals Committee on the basis of one or more of the following grounds:

6.7.2.1 The initial decision has been properly and appropriately made consistent with the applicable policies, processes and procedures of the Institute and the student has not presented sufficient argument or evidence to justify any change of the initial decision.

6.7.2.2 The appeal was not submitted within the prescribed time limits

6.7.2.3 The appeal was vexatious or frivolous or designed to delay the hearing of other appeals or the implementation of other administrative decisions.

6.7.3 The decision of the Student Discipline and Appeals Committee will be communicated to the student in writing within 5 working days, unless the Student Discipline and Appeals Committee decide that additional investigations, information or monitoring are required. In this case the student will be advised of the decision within 5 working days of the Student Discipline and Appeals Committee reaching a decision.

6.7.4 If the outcome of an internal appeal by an international student against the Institute's decision to suspend or cancel the student's enrolment is unfavourable to the student, then the Institute will provide students with the opportunity to access external appeal within a set time frame. In cases where students do not access the external appeal within the set time frame, the Institute will report the student to the Department of Immigration and Border Protection (DIBP) via PRISMS. In cases where students access the external appeal, the Institute needs to await the outcome of the external appeals process (supporting the Institute's internal appeal outcome) before notifying the Government through PRISMS of the change to the student's enrolment.

6.8 *Appealing the Outcome of Complaint or Appeals*

6.8.1 There are no further avenues within the Institute for appeals after the internal appeals process has been completed. An external appeals process is available.

6.9 *External Appeals*

6.9.1 If all the above internal procedures have been followed and student is still not satisfied with the outcome, the Institute will advise the student that they may lodge an external appeal to the nominated independent third party within 10 working days for a review.

6.9.2 The Institute uses the following external independent third parties to review external complaints and appeals.



- ***For domestic Australian students***

LEADR

Phone: 02 9251 3366

Email: leadr@leadr.info

Website: www.leadriama.org/

Address: Level 1, 13 -15 Bridge St I SYDNEY 2000

<http://www.leadriama.org/chapters-groups/victoria>

Students are required to pay \$192.50 to submit an external review to LEADR. However if the result of the external appeal is in favour of the student all costs imposed by the LEADR will be reimbursed/paid by the Institute within 10 working days following the receipt of a request for reimbursement or provision of original or certified/verified copy of the invoice from LEADR. No other costs incurred by the appellant will be reimbursed.

- ***For overseas students who are on a student visa***

OVERSEAS STUDENT OMBUDSMAN (OSO)

Phone: 1300 362 072

SMS: 0413 266 662

Email: ombudsman@ombudsman.gov.au

Website: www.oso.gov.au (please download the application form from this website)

Address: G.P.O.Box442, Canberra, ACT 2601

The OSO is a free service.

- 6.9.3 The external appeals procedure is determined by the nominated independent third party who is external to the Institute and all parties will be notified by them of the required steps, actions and outcomes.
- 6.9.4 The Institute must provide all requested documentation to the external independent third party and comply with all steps and directions of the external independent third party in the process of the review.
- 6.9.5 The Institute will maintain the student's enrolment (and will continue to monitor the course progress of any international student) whilst the external appeal is in progress.
- 6.9.6 If the result of the appeal to the external independent third party is favourable to the student, the Institute will immediately implement any decision, and or corrective /preventative action, if applicable. The student will be advised in writing of this outcome of the external process.