

## **Student Grievance and Appeals Policy**

Date of Approval by Governing Board: 7<sup>th</sup> April 2016

Date of review: April 2019

### **1. Purpose**

1.1 *Leaders Institute* recognizes the rights of students to report grievances and appeal decisions about academic and administrative aspects of their educational experience, which are within the control of the Institute and its management staff.

1.2 This policy sets out the structure that applies to student grievances and appeals in order to promote timely and just resolution of such issues.

1.3 This policy is supported by the *Student Grievance and Appeals Procedures*.

### **2. Principles**

2.1 A student who lodges a grievance or appeal of a decision will not be subject to discrimination or victimization.

2.1 *Leaders Institute* encourages students to resolve issues in the first instance informally through discussion with their Unit Coordinator and/or Program Director.

2.2 In cases where informal resolution is not achieved, the appeals process provides an additional opportunity for students to seek a resolution.

2.3 Confidentiality will be reasonably maintained for all parties concerned and records of all complaints and appeals will be kept in the Institute's formal record keeping system.

2.4 An investigation and resolution process for which the principles of natural justice and procedural fairness will be applied will be established for each complaint and/or appeal.

2.5 Students will be kept informed of the progress and outcome decisions of their complaint or appeal.

2.6 Students have the right to refer their complaint or appeal to an external agency after exhausting all avenues of resolution available within the Institute.

### **3. Definitions**

3.1 Academic grievance and appeals may include matters relating to:

- Selection and Admission
- Content and delivery of units
- Recognition of Prior Learning (RPL)
- Advanced Standing
- Assessments (including assignments, tests, examinations)
- Special Consideration
- Plagiarism.

3.2 Administrative grievance and appeals may include matters relating to:

- Fee Payment
- Suspension of Candidature
- Withdrawal without Penalty
- Misconduct (other than plagiarism)
- Critical Incidents
- Harassment and Discrimination
- Health and wellbeing
- Facilities.

#### **4. Scope**

4.1 This policy applies to all students of the Institute who request a review or appeal of a decision in relation to a matter which occurred during the student's time of enrolment and which falls within the responsibility of the Institute.

4.2 This policy should be read in conjunction with the following documents:

- *Student Grievance and Appeal Procedures*

## Student Grievance and Appeals Procedure

### 1. Context

1.1 These procedures support the *Student Grievance and Appeals Policy*.

1.2 The procedures apply to all students of *Leaders Institute* who request a review of an academic or administrative decision relevant to their studies.

1.3 As a general principle, staff and students are jointly accountable for resolving matters informally through discussion in a timely manner at the local level, and with a view to avoiding an escalation of the grievance.

1.4 A student is entitled to continue their enrolment in their course while an internal review or appeal process is ongoing. However, the student is not entitled to enrol in units which are the subject of or consequential to the decision under review and cannot withdraw from a unit with 'special circumstances' while the internal review or appeal process is ongoing if this unit is the subject of the decision under review or appeal.

### 2. Applying to lodge a grievance or to appeal a decision

2.1 Students intending to lodge a grievance or to appeal a decision by the Institute must apply in writing within 10 working days of the original event/decision, taking place.

2.2 A student will receive acknowledgement of receipt of their written grievance/appeal application within 5 working days of lodgement of the grievance/appeal.

2.3 A grievance/appeal submitted after the deadline will not normally be accepted unless the student can demonstrate exceptional or extenuating circumstances that prevented them from submitting by the deadline.

2.4 Any student who provides false or misleading information will have their grievance/appeal application deemed invalid and may be dealt with in accord with the Institute's *Student Misconduct Policy*. Similarly students who make vexatious or malicious complaints may be dealt with under the *Student Misconduct Policy*.

### 3. Stages within the Formal Grievance/Appeals Process

In lodging a grievance or applying for a review and/or appeal of a decision, students are expected to follow the steps set out in the process stages below.

#### 3.1 Stage 1

- Within 10 working days of the original event/decision the student is to lodge in writing the nature of their grievance/appeal.
- Students must provide the following
  - The nature of the grievance/appeal
  - What actions they have taken to resolve the matter to date
  - The outcomes they are seeking
- The student is issued with an acknowledgement of receipt of the grievance/appeal and advised of the timeframe for review of the grievance matter or appeal decision within 5 working days.
- The Academic Dean in cases of academic matters and the Campus Manager in cases of administrative matters is responsible for considering the grievance/appeal including all relevant documentation and arriving at a decision within 20 working days of receiving the documentation.
- The Academic Dean and Campus Manager will handle all grievances/appeals without prejudice and

document all actions taken to investigate and resolve the matter.

### **3.2 Stage 2**

- The student is notified in writing of the outcome within 20 working days of lodgement of the original grievance/appeal and of their right to appeal the decision.
- The student will be provided with a written statement, which will include a full explanation for the decision.
- The decision taken may include to:
  - Deem the grievance/appeal to be invalid
  - Dismiss the matter on the grounds that the student has not presented sufficient evidence to justify the matter as a grievance or matter for appeal
  - Consider the grievance/appeal and provide a decision based on the evidence

### **3.3 Stage 3**

- The student may accept the decision provided or submit a formal application to appeal the decision.
- In the case where there is no appeal available within the Institute, the student may lodge a grievance/appeal with the Queensland Ombudsman or an external agency.
- In applying for review of a decision by the Academic Dean/Campus Manager, the student has 10 days to submit and specify in writing the grounds for appeal and attach copies of all documents relevant to the decision.
- Students are expected to provide genuine reasons and factual evidence in support of an appeal of a decision. The Institute will not alter a decision merely on the grounds that the student disagrees with it. In applying for the review or appeal of a decision, the student bears the onus of proof and is responsible for establishing that the decision in the first instance was an unreasonable one.
- The appeal of decision matter, is then dealt with by the Student Grievance/Appeals Panel as soon as practicably possible.

### **3.4 Stage 4**

- The Chair of the Student Grievance/Appeals Panel can act executively in making a decision on behalf of the Panel in all matters.
- Each appellant is provided an opportunity to formally present his or her case to the Panel and bring a support person (other than a practising lawyer) to the Panel hearing.
- The decision of the Chair of the Student Grievance/Appeals Panel is final.
- The Chair may take any of the following actions:
  - Deem the grievance/appeal to be invalid
  - Dismiss the appeal on the grounds that the decision taken was right and proper, and/or the student has not presented sufficient evidence to justify further consideration of the appeal; and in so doing affirm the decision in its original form.
  - Consider the appeal for decision after establishing that there is sufficient evidence to support the finding that the decision taken was unreasonable
- Where a grievance/appeal has been rejected by the Chair on the grounds of it being found to be invalid or lacking in sufficient evidence to justify further consideration, there is no further internal avenue for the student to appeal.
- The student is advised of the outcome with supporting reasons.
- All appeal decisions made by the Chair of the Student Grievance/Appeals Panel are final and conclusive.

- If a student wishes to lodge a complaint, they will be directed to an external agency and provided with access to information concerning their rights to lodge an appeal.
- The Chair will also detail if any corrective or preventative actions are to be taken by the Institute as a consequence of the determination.

#### **4. The Student Grievance/Appeals Panel**

4.1 The Chair of the Student Grievance/Appeals Panel is appointed for a 12-month term by the Chair of the Academic Board.

4.2 Membership includes two (2) academic staff appointed by Academic Board (not associated with the grievance/appeal), and a nominee from the Student Representative Group, who cannot act as an advocate for the student.

4.3 The Panel will meet on a needs basis.

4.4 Any conflict of interest must be declared and that panel member must withdraw from the hearing.

#### **5. Confidentiality**

5.1 All documentation relating to student reviews and grievances/appeals will be kept confidential and will be disclosed only to those persons who have a right to the information by virtue of their role in the review or appeal process, or as required by law.