

Student Appeals Procedure

1. Purpose and Scope

- 1.1 The Student Appeals Procedure documents the appeals processes for students, possible outcomes, identifies external appeal pathways and describes record keeping requirements. It should be read in conjunction with the Student Complaints and Appeals Policy and the Student Grievance and Complaints Procedure.
- 1.2 An appeal brought under this procedure must relate to
 - 1.2.1 the decisions of either AIAT academic or non-academic committees;
 - 1.2.2 academic misconduct;
 - 1.2.3 general misconduct
 - 1.2.4 a complaint;
 - 1.2.5 academic progression;
 - 1.2.6 incorrect information or advice given by an academic or administrative staff of AIAT or which appeared in any publication of AIAT which has caused hardship to the student;
 - 1.2.7 admission;
 - 1.2.8 suspension orders;
 - 1.2.9 review, extend, renew or vary suspension orders;
 - 1.2.10 exclusion for a notifiable disease; and
 - 1.2.11 student fitness to study.
- 1.3 This procedure applies to
 - 1.3.1 current students of AIAT;
 - 1.3.2 persons who have studied or completed studies at AIAT within the previous six months;
 - 1.3.3 persons seeking to enrol at AIAT (prospective students);
 - 1.3.4 any third-party providing services on AIAT's behalf to current or prospective students at AIAT (such as education agents, industry supervisors); and
 - 1.3.5 all staff members involved in the management of complaints and appeals processes.

2. Definition

Refer to *Glossary of Terms* for commonly used terms. The definitions below are included for clarity.

Appeal - a request for reconsideration of a decision. An appeal may be either an initial complaint about a decision relating to an administrative or academic matter or a request for a review of the outcome of a complaint.

Complaint - A reasonable expression of dissatisfaction or discontent, decision or omission within the control or responsibility of AIAT in the delivery of academic, administrative or support services that involves a formal process for resolution.

Grievance - Minor issues that are suitable to be addressed informally and usually resolved easily (e.g. by a discussion with local staff, clarification of a misunderstanding etc.). *Definition from TEQSA Guidance Note: Grievance and Complaint Handling*

Non-academic appeal – An appeal about a complaint that does not relate to student progress or assessment or curriculum or award in a course. It includes, but is not limited to, appeals related to operational or administrative matters within the Institute, unfair treatment and/or abusive behaviours.

3. Procedure

3.1 Grounds for appeal

3.1.1 An appeal against a decision made in terms of an AIAT Policy or Procedure may be lodged only on one or more of the following grounds:

- a. new and relevant material exists that was not reasonably available to the student previously;
- b. did not comply with AIAT policies or procedures;
- c. involved improper, irregular or negligent conduct;
- d. involved discrimination, prejudice, or bias against the complainant; or
- e. was demonstrably unfair or unjust in the circumstances, regardless of the fact that it was made in accordance with the relevant policy or procedure.

3.1.2 Students may not appeal against Academic Results based on

- a. the accredited subject structure and assessment methods;
- b. student workload or the amount of work the student has done;
- c. financial implications of not passing the subject;
- d. grades received by the student in other subjects;
- e. the need for additional marks to enable a pass/better grade; or
- f. pending graduation.

3.1.3 Other Limitations

- a. Failure to read and act upon a notice or correspondence sent to the student AIAT email account are not grounds for an appeal.
- b. A student may only submit an appeal on their own behalf, not on behalf of a group or any other student. Group appeals will not be accepted.
- c. Decisions by the Board of Directors to revoke an award cannot be appealed.

3.2 Lodging an appeal

3.2.1 A student will remain enrolled during the appeal process unless a penalty of suspension, preclusion or expulsion has been implemented according to the Student General Misconduct Procedure.

- 3.2.2 A student should lodge an appeal with the Campus Manager within 20 working days of receiving notification of a decision. The following information should include:
- details about the decision being appealed;
 - a copy of the original decision they are seeking to appeal;
 - details of the grounds for the appeal;
 - an explanation of how each ground applies to their case;
 - any supporting materials or documents.
- 3.2.3 The Campus Manager will
- ensure all documentation is applicable;
 - acknowledge the notice of appeal within five working days;
 - determine which committee will hear the appeal with guidance from the Head of Institute regarding academic matters; and
 - record the matter and any action taken in the Student Appeals Register.
- 3.2.4 The appeal process must commence within 10 working days of receipt of the application to appeal.
- 3.3 Appeal Committees
- 3.3.1 Academic appeals will be heard by the Academic Appeals Committee, whose terms of reference and membership are defined in the AIAT Governance Charter.
- 3.3.2 Non-academic appeals will be heard by the Non-Academic Appeals Committee.
- 3.3.3 Non-Academic Appeals Committee composition
- Voting members
 - CEO (who acts as the chair) or another senior manager;
 - Head of Institute or other senior academic;
 - Director, Learning and Teaching or other senior academic;
 - A member of the Student Services Office; and
 - A student nominated by the recognised student organisation who has received appropriate training.
 - Reasonable steps will be taken to ensure the committee is gender balanced.
 - The committee may include an administrative staff member to assist with coordinating the meeting, taking minutes and corresponding with the student, but is not a voting member.
 - The committee cannot include any person previously involved in the issue being appealed.
- 3.3.4 The committees will ensure the principles of natural justice are applied to any hearings and the management of the appeal.
- 3.3.5 Wherever practicable, membership of the appeal committee convened to hear an appeal remains the same throughout the hearing of the matter notwithstanding any adjournment.
- 3.4 Prior to the hearing

- 3.4.1 The Chair of the committee will consider the appeal documents provided and may decide to dismiss the appeal if the Chair finds that there are no grounds for appeal, or that the appeal is lacking in substance or is frivolous or vexatious.
- 3.4.2 If the appeal is dismissed the student must be notified within five working days of the decision being made and the reasons for the decision.
- 3.4.3 The Chair of the committee will request additional evidence or documentation if required for the hearing. This includes interviewing staff, students or other relevant people to obtain further evidence.
- 3.4.4 The student must be given at least five working days' notice of:
 - a. the date and location of the hearing;
 - b. their right to provide additional relevant information to their written submission and the deadline for this;
 - c. their right to attend and speak at the hearing in person or via internet telecommunications and to call witness/es to the hearing;
 - d. their right to bring a support person to the hearing who is not a legal practitioner and who has not been involved in the matter which is subject to appeal;
 - e. the opportunity for them to ask questions of the Committee and answer questions asked by the Committee;
 - f. the fact that the hearing will be held even if they do not respond or attend the hearing and that a decision (and outcome or penalty if appropriate) will be made in their absence.
- 3.4.5 Committee members must declare any conflict of interest to the Chair prior to hearing the case. The Chair, or the full Committee if the conflict relates to the Chair, will decide on an appropriate action.
- 3.4.6 A person who is excluded from the Committee due to a conflict of interest may still provide supporting material or documents or provide information relevant to an appeal.
- 3.4.7 An agenda will be created and circulated to all committee members and the student at least 5 working days prior to the hearing. Additional information to be included:
 - a. names of all committee members;
 - b. all information as listed in clause 3.4.4;
 - c. a report from the Academic Progression Committee (for an appeal arising from the Academic Progression Policy)
 - d. the student's transcript (where the student is currently or was a student and the transcript is relevant to the appeal);
 - e. references to any relevant policy or procedure; and
 - f. any further evidence or documentation requested by the appeals committee.

3.5 Conduct of Hearing

- 3.5.1 The Academic Appeals Committee or Non-Academic Appeals Committee must conduct a hearing in the manner that it considers appropriate in accordance with the requirements of procedural fairness and natural justice.
- 3.5.2 The Chair will allow the support person to speak on the student's behalf if
 - a. the support person has expertise likely to assist the Committee on procedural, technical or factual matters or
 - b. the student has additional support requirements.
- 3.5.3 If the support person becomes disruptive or unreasonably impairs the hearing, the support person may be excluded from the hearing by the Chair at the Chair's discretion. This includes severing the internet telecommunications being utilised for the meeting, even if this means cutting off the student.
- 3.5.4 At the hearing, the committee must
 - a. give the student the opportunity to be heard and to ask questions of the Committee and answer questions asked by the Committee;
 - b. act fairly and impartially;
 - c. exercise independent judgement;
 - d. conduct themselves in an unbiased, professional and courteous manner.
- 3.5.5 The Chair will maintain order at the hearing and, for this purpose only, the Chair has the power to order the removal of a person, including a student.
- 3.5.6 If the student is removed from the hearing either by the Chair or due their support person disrupting the hearing and the internet telecommunications being severed (see clause 3.5.3), the hearing will be terminated and rescheduled.
- 3.5.7 The hearing may be rescheduled a maximum of 3 times due to disruptions by the student or their support person.
- 3.5.8 If the hearing has been rescheduled 3 times without successful completion, the hearing may proceed without the student.
- 3.5.9 The committee will privately consider all the information presented after the hearing. The committee
 - a. may seek confirmation of evidence prior to making their decision; and
 - b. will make a decision on whether the student has reasonably established the grounds of appeal. The decision is reached by a majority of committee members with the Chair having the casting vote.
- 3.5.10 In determining the appeal outcome, the appeals committee:
 - a. act fairly and impartially in all circumstances;
 - b. may follow any procedurally fair process it considers appropriate to the nature of the matter;
 - c. will consider all material presented or made available to it when making a decision;
 - d. will make a decision based on a balance of probabilities – that based on the available evidence, a proposition is more likely to be true than not;
 - e. must consider new evidence only where it relates to the original decision. For the avoidance of doubt, in the case of unsatisfactory progress material related to performance subsequent to the performance on which the

original decision was made is not new evidence as it does not relate to the original decision; and

- f. in the case of unsatisfactory progress where a student's enrolment has been terminated by the Academic Assessment, Results and Integrity Review Committee, must only allow a student to continue in their course where it forms the view that the student has a credible and workable plan for academic improvement, and has demonstrated evidence in support the grounds on which they appealed.

3.6 Outcomes of Appeals

3.6.1 The appeals committees will either

- a. allow the appeal in whole or in part; or
- b. dismiss the appeal.

3.6.2 If the appeal is dismissed, the relevant appeals committee must confirm the original decision.

3.6.3 If the appeal is not dismissed, the relevant appeals committee may:

- a. set aside any decision or sanction; or
- b. substitute or vary any decision or sanction.

3.6.4 Where the appeals committee proposes to set aside, substitute or vary the original decision or sanction, it should ensure that:

- a. the substituted decision or penalty is one that would have been reasonably available to the original decision-maker, and
- b. wherever practicable, they have heard from the original decision-maker regarding the proposed substitute decision.

3.6.5 The decision should be made as soon as practicable after the hearing.

3.6.6 Outcome of appeal decisions made will be communicated to the original decision maker as an educative process.

3.6.7 The decision of the appeals committee will finalise AIAT's appeals procedure.

3.7 The appeals committees will

3.7.1 inform the student of the outcome as per Clause 3.8 below; and

3.7.2 record the matter and any action taken in the Student Appeals Register.

3.8 Notification to student

3.8.1 The outcome will be sent in writing to the student within five working days of the hearing. This communication will advise the student of:

- a. the findings of the committee in relation to the grounds of appeal, and
- b. the evidence considered in arriving at these findings, and
- c. whether the appeal is upheld (even if only in part) or not (in which case it is dismissed and the original decision stands); and
- d. the committee's decision and the reasons for its decision; and
- e. any consequences as a result of the new decision; and
- f. any actions to be taken by staff or the student; and

- g. a statement that the decision of the Committee is final and there is no further right to internal appeal within AIAT; and
- h. their right to lodge a complaint or appeal through an external body as per Clause 3.10, if they remain dissatisfied with AIAT's decision.

3.9 Appeals against exclusion or preclusion which are dismissed

- 3.9.1 If the Academic Appeals Committee dismisses an appeal against exclusion or preclusion, the Campus Manager will inform the student that they have 10 working days in which to seek an external review of its decision (see Clause 3.10 Independent External Review).
- 3.9.2 Where a student does seek an external review, they must provide evidence to the Campus Manager of their lodgement of application for review within this time frame if they wish to continue to be enrolled or on approved leave of absence while that review is being conducted.
- 3.9.3 If no valid notice of application for external review is lodged with the Campus Manager at the expiry of 10 working days after the date the Academic Appeals Committee decision has been sent, the Campus Manager will arrange cancellation of the student's enrolment as of the effective date.
- 3.9.4 Where a student's external review application is dismissed by the external reviewer, the Campus Manager will arrange cancellation of the student's enrolment as of the effective date.
- 3.9.5 Where an international student studying in Australia is precluded for unsatisfactory academic progress, the Campus Manager will report the student to the Federal Government in accordance with the Education Services for Overseas Students (ESOS) Act and National Code.

3.10 Independent External Review

- 3.10.1 The decision of the Non-Academic Appeals Committee or the Academic Appeals Committee are final and not subject to further review in AIAT.
- 3.10.2 If the student wishes to appeal the decision of the Student Appeals Committee or the Academic Appeals Committee, they will have twenty (20) working days to request an independent external review from the date of their letter notifying the appeal outcome.
- 3.10.3 An independent external review should only be made after all internal appeal processes under this Policy and Procedures have been addressed. However, at any part in the complaints or appeals process the complainant may refer the matter to an external agency.
- 3.10.4 All complainants may request mediation or an external review through Resolution Institute <https://www.resolution.institute/>. A student Mediation Scheme Information Kit can be obtained from the Resolution Institute, currently to be found at following link: <https://www.resolution.institute/resolving-disputes/tertiary-student-au>.

- 3.10.5 Mediation and external reviews will be conducted in accordance with the Resolution Institute Mediation Rules (<https://www.resolution.institute/documents/item/1897>).
- 3.10.6 **Please note** that applying for an external review with the Resolution Institute will incur a **fee** that will be split 50/50 by the person complaining/appealing a decision and AIAT. For the exact fees, complainants/appellants should contact the Resolution Institute.
- 3.10.7 For international students, may lodge a complaint with the Commonwealth Ombudsman <https://www.ombudsman.gov.au/How-we-can-help/overseas-students>
- 3.10.8 Students may want to consider contacting the Tertiary Education Quality and Standards Agency (TEQSA) for certain types of complaints. More information to be found currently at <https://www.teqsa.gov.au/complaints>.
- 3.10.9 Using an interpreter
- a. The Commonwealth Ombudsman’s website provides details on how to organise for the use of an interpreter.
- 3.11 Communicating with student
- 3.11.1 Written communication for preclusion or expulsion must be via items 2, 3 or 4 of Table 1: Communicating with students.
- 3.11.2 All other written communication with students will be delivered and received in accordance with Table 1: Communicating with students.

Table 1: Communicating with student

Notice is sufficient if it is in writing and delivered by one of the following means:	Notice is deemed to have been received:
1. emailed to the student’s allocated AIAT email account. If the student does not have an AIAT email account, one of the three methods below must be used.	24 hours after the time it was sent
2. given to the student in person	Immediately
3. posted by ordinary or express post (preferred) to the student at <ul style="list-style-type: none"> • the address shown on the student’s record on the student document management system or, • if the student is not on the student document management system, the last recorded address for that student, 	on the third business day after it was sent
4. delivered by courier to the student at <ul style="list-style-type: none"> • the address shown on the student’s record on the student document management system or, • if the student is not on the student document management system, the last recorded address for that student, 	on the date recorded in the courier’s records as the date of delivery

3.12 Records and reports

- 3.12.1 At each stage of the process, appropriate records of all relevant documentation will be maintained including:
- a. Any documents or other media related to the appeal;
 - b. Records of any meetings, telephone calls and emails with the student or any other details in anyway connected with the appeal;
 - c. Copies of all correspondence;
 - d. Decision reached on the appeal including those that had no grounds for appeal.
- 3.12.2 Student Appeals Register
- a. There is a Student Appeals Register. The Campus Manager owns and manages the Register.
 - b. Requests from staff for information contained in the Register must be made to the Campus Manager.
 - c. Students are entitled to access any entries about them in the register.
 - d. Aggregated data may be reported for the purposes of appeals monitoring, quality improvement and research, but must not disclose the identity of individuals.
 - e. Records will be retained in accordance with the Records Management Policy.
- 3.12.3 Annual Report
- a. The Campus Manager will provide quarterly reports to the Learning and Teaching Committee and Academic Quality, Compliance and Risk Committee.
 - b. The Campus Manager submits a report listing appeals by category, the findings, outcomes determined, the number that went to External Appeal/Independent Review and including trend analysis and actions to address identified root causes to the EMG and the Learning and Teaching Committee.
- 3.13 Confidentiality
- 3.13.1 All matters discussed in any phase of this procedure must be treated with strictest confidence, except where necessary for the discharge of that person's or committee's responsibilities under this procedure or as otherwise required or permitted by law.

4. Roles and responsibilities

- 4.1 All students are responsible for
- 4.1.1 contributing to a harmonious work and study environment;
 - 4.1.2 respecting the rights of both the complainant and the respondent in accordance with the principles of natural justice;
 - 4.1.3 ensuring all information associated with the complaint or appeal is disclosed only to those legitimately involved in the resolving the complaint or appeal;

- 4.1.4 ensuring that any complainant who wishes to discuss their case further are directed to obtain further advice from the Student Services Office, student representative or Course Director; and
 - 4.1.5 acknowledging responsibility and participate, in good faith, in restorative activities to put things right when required.
- 4.2 All staff are responsible for
- 4.2.1 contributing to a harmonious work and study environment;
 - 4.2.2 respecting the rights of both the complainant and the respondent in accordance with the principles of natural justice;
 - 4.2.3 ensuring all information associated with the complaint or appeal is disclosed only to those legitimately involved in the resolving the complaint or appeal;
 - 4.2.4 ensuring that any complainant who wishes to discuss their case further are directed to obtain further advice from the Student Services Office, student representative or Course Director; and
 - 4.2.5 withdrawing or declining involvement or discussion with a student regarding a complaint or appeal if there is, or could be, a real, perceived or potential conflict of interest.
- 4.3 The Chairs of the Student Complaints Committee, the Non-Academic Appeals Committee and the Academic Appeals Committee are responsible for
- 4.3.1 following this procedure;
 - 4.3.2 ensuring the principles of natural justice are followed;
 - 4.3.3 timely resolution to the complaint or appeal; and
 - 4.3.4 providing written communication to the complainant regarding the outcome and reasons for the decision.
- 4.4 The Campus Manager is responsible for
- 4.4.1 follow this procedure;
 - 4.4.2 receiving appeals;
 - 4.4.3 determining which appeals committee should hear the appeal;
 - 4.4.4 managing the Student Appeals Register; and
 - 4.4.5 providing quarterly Student Complaints and Appeals Reports to the Learning and Teaching Committee, Student Welfare and Services Committee and Academic Quality, Compliance and Risk Committee;
 - 4.4.6 providing an annual report regarding academic appeal trends to the Learning and Teaching Committee and;
 - 4.4.7 providing an annual report regarding non-academic appeal trends to the EMG.

5. Procedure Details

Institution	Australian Institute of Advanced Technologies (AIAT)
Procedure name	Student Appeals Procedure
Procedure Reference No.	PROC – 32b

Procedure Approval	Board of Directors in consultation with Academic Board regarding academic matters
Procedure Authority	Executive Management Group
Responsible Officer	CEO
Governance Reference Threshold Standards	HESF 2021: 2.4, 7.2.2.f, 7.3.1.l, 7.3.3
Related Documents	Academic Progression Procedure AIAT Governance Charter Discrimination, Bullying and Harassment Prevention Policy Student Academic Misconduct Procedure Student Code of Conduct Student Grievances and Complaints Procedure Student General Misconduct Procedure
Related Legislation	Commonwealth Higher Education Support Act 2003 (HESA) Higher Education Provider Guidelines 2012 (Compilation No. 7, 2021) Higher Education Standards Framework (Threshold Standards) 2021 (HESF) National Code of Practice for Providers of Education and Training to Overseas Students 2018
References	AIAT has referred and benchmarked with the following institutions and policies during the creation of this policy: Australian College of Applied Psychology (2018) Grievances, Complaints and Appeals Procedure Deakin University (2019) Student Appeals Procedure Flinders University (2019) Student Review and Appeal Procedures Kaplan Business School (2020) Grievances, Complaints and Appeals Handling Policy Melbourne Institute of Technology (2019) Academic Appeals Policy and Procedure University of Melbourne (2021) Student Appeals Policy University of Southern Queensland (2016) Non-Academic Appeal Procedure
Date of approval	31 March 2022
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Policy Category	Academic

6. Document Version Control

Document No	PROC – 32b	Last Modify Date	Summary of Changes

Version No	1.0	NA	Initial version approved by Board of Directors
	1.01	31/3/2022	Fix typos; modify policy number
Created Date	Feb 2022		