



IONA COLLEGE
TRINITY

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Student Appeals Policy and Procedure

Approved by the Board of Directors on 22 September 2022

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1. Purpose

This Policy and Procedure outlines the principles and processes for the handling of internal and external appeals by students of Iona Trinity College of Higher Education Pty Ltd (**the College**) against the outcome of a grievance, or against a decision made by the College in circumstances outlined in this and related policies.

2. Scope

This Policy and Procedure applies to:

- Prospective and currently enrolled students of the College
- graduates of the College whose enrolment ended no more than six months before the appeal was lodged, and
- any decisions made by the College that impact on a student, including in relation to the outcomes of any student grievances.

3. Policy

3.1 Principles

Effective management of appeals provides for natural justice in the handling of student issues and assures the quality and fairness of decision-making.

The management of appeals at the College is guided by the following principles:

- consistency;
- ethical and equitable practices;
- respect for all parties;
- procedural fairness and appropriate impartiality;
- transparency;
- timely and effective processes.

During all stages of the appeal process, the College will take all steps to ensure:

- the appellant has an opportunity to formally present his or her case and to be accompanied and assisted by a support person at any relevant meetings
- a full explanation in writing for decisions and actions taken as part of the process will be provided to the appellant
- where the internal or external appeal process results in a decision that supports the appellant, the College will immediately implement any decision and/or corrective and preventative action required and advise the appellant of the outcome
- there is no cost to the appellant for using the internal appeals process and that any costs for accessing external appeals mechanisms are minimised.

4. Procedure

4.1 Internal appeals

4.1.1 Grounds for appeal

If a student is dissatisfied with the outcome of a grievance managed under the provisions of the *Student Grievance Policy and Procedure*, they may lodge an appeal.

Students also have the right to appeal a decision made by the College under other policies and procedures where:

- the conditions and processes in the College's policy or procedure have not been adhered to
- the student's performance, behaviour or action was affected by circumstances that could not be reported at the time for valid reasons and have not been taken into account in making the relevant decision
- there has been a material lack of clarity on the part of the College in relation to documentation or expectations which has affected the performance, behaviour or actions of the student, or
- staff have not acted fairly towards a student by showing bias in the way they have made a decision.

4.1.2 Lodging an appeal

All requests for appeals must be lodged in writing to the Principal at the College or via email to info@iona.edu.au, by completing the *Student Grievance and Appeal Form* available at the College and the website at itc.edu.au within 20 working days of the decision or outcome which is the subject of the appeal.

4.1.3 Appeal assessment and findings

The Principal will acknowledge receipt of the appeal within ten (10) working days and convene an appeals panel.

An appeals panel will normally consist of the following members but membership may be adjusted depending on the issue being appealed (e.g. an appeal against a finding of sexual misconduct requires individuals with appropriate training):

- an external member of the Academic Board
- an external member of the Board of Directors
- one academic staff member, who has not had previous involvement with the student on other matters
- one professional staff member of the College employed at a managerial level or above

The Chair of the Committee will be either the Academic Board or Board of Directors member, depending on the nature of the decision being appealed.

The appeals panel or their delegate will gather any other information deemed necessary to determine the appeal. This may include further consultations with relevant parties. Each party may ask another person to accompany them to these further consultations.

After consideration of all relevant information, the Chair of the appeals panel will provide a written report with their recommendations to the Principal for approval.

Following approval of the recommendations, a letter will be sent to the appellant advising the further steps to be taken to address the grievance or original decision, and the reasons for

the decision, within ten (10) working days. The letter will further advise the appellant of their right to access the external appeals process if they are not satisfied with the outcome of their internal appeal.

4.2 External appeal

All appellants have the right to seek external avenues of appeal if they are dissatisfied with the outcome of internal appeals processes within the College.

The College does not charge any student for referrals to external support services/agencies. Students also have the option of seeking a mediator or legal advice at their own expense.

4.2.1 Dispute resolution service – all students

If any appellant is dissatisfied with the outcome of their appeal, they may make a written request to the College that they wish the matter to be dealt with through an external dispute resolution process facilitated by the Resolution Institute. Refer to <https://resolution.institute> for further information.

The College will then advise the Resolution Institute in writing of the request within five (5) working days. The Resolution Institute will arrange for a mediation or arbitration, whichever has been requested by the appellant, to be held between the College and the appellant within ten (10) working days of the written notification from the College.

If the appellant requested mediation and the matter remains unresolved, then the matter will proceed to arbitration with the Resolution Institute

The College will bear any costs associated with the mediation or arbitration.

The appellant/complainant or the respondent may ask another person to accompany them to the mediation or arbitration meetings.

The outcome of the mediation, including any recommendations arising, will be reported to the Principal, or his or her nominee, within ten (10) working days of the completion of the review. Upon receipt of the report of the outcome from the Resolution Institute, a written report will be provided to the appellant within five (5) working days on the recommended actions to resolve the grievance.

The College agrees to be bound by recommendations from the Resolution Institute and the Principal, or his or her nominee, will ensure that any recommendations made are implemented promptly upon receipt of the mediator's report.

4.2.2 International students

If an international student is dissatisfied with the outcome of an appeal at the end of the internal appeals process, the student may wish the matter to be dealt with through an external dispute resolution process facilitated by the Commonwealth Ombudsman. Refer to www.ombudsman.gov.au for further information.

The Commonwealth Ombudsman can only address 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 is important to note that the Commonwealth Ombudsman does not handle complaints about the quality of education being provided. For complaints of these nature, international students may access the external dispute resolution process outlined above.

4.3 Outcomes of grievance and appeals processes

Where the outcome of any internal and external appeals process supports the student, the College will implement the decision or corrective action as soon as possible and advise students accordingly.

4.4 Further action

The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other policies or under statute or any other law. Nothing in this Policy and Procedure limits the rights of individuals to take action under Australia's Consumer Protection laws. Also, these procedures do not circumscribe an individual's rights to pursue other legal remedies.

4.5 Enrolment status

Where a student chooses to access any provisions under this Policy and Procedure, the College will in most cases maintain the student's enrolment while the appeal process is ongoing. For more information on the enrolment status of an international student in relation to appeals, refer to the College's *Enrolment Policy and Procedure*.

4.6 Record keeping and confidentiality

A written record of all appeals handled under this Policy and Procedure and their outcomes shall be maintained for a period of at least five (5) years in the Student Grievance and Appeals Register. All parties may seek appropriate access to these records upon written request to the Student Services Manager.

All records relating to appeals will be treated as confidential.

4.7 Reporting

The Student Services Manager will prepare a report each year analysing data from the Grievance and Appeals Register for submission to the Board of Directors. The report will include any recommendations for improvements to College services and operations on the basis of any identified trends.

The Board of Directors will approve recommendations as appropriate and allocate any necessary budget and responsibility for implementation.

4.8 Approval, publication and training

This Policy and Procedure will be made available to students and prospective students through publication in the *Student Handbook* and on the College's website.

This Policy and Procedure will form part of the staff induction process.

5. Responsibilities

The Student Services Manager:

- maintains the Student Grievance and Appeals Register, and
- prepares a Report.

The Principal:

- considers requests for internal appeals for all matters
- approves recommendations from internal appeals, and
- ensures recommendations from internal and external appeals are implemented.

The Board of Directors must assure itself that any systemic issues arising from observed trends in grievances and appeals are addressed and monitored.

6. Definitions

For the purposes of this Policy, the following terms are defined as follows:

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| Appeal | An action taken when students wish to challenge the outcome of a grievance or a decision made by the College in defined circumstances |
| Appellant | The student who has lodged an appeal against the outcome of a grievance or a decision made by the College |
| Complainant | A student who has taken action in relation to a grievance under the <i>Student Grievance Policy and Procedure</i> |
| Grievance | A student's expression of dissatisfaction with any aspect of the College's services and activities, such as the enrolment process, quality of education provided or behaviour of academic/administrative staff |
| Respondent | A person against whom a grievance has been lodged, formal or informal |
| Student | Any reference to a student mean a currently enrolled student as well as a prospective student (e.g. applicants for admission into the College's course) |

7. Version history

| Version # | Changes | Approval Body | Approval Date |
|-----------|--|--------------------|---------------|
| 1.0 | Original version | Board of Directors | 23/06/22 |
| 2.0 | Rectify error in flowchart | Board of Directors | 22/09/22 |
| 2.1 | Clarified appeals to be assessed by an appeals panel | Board of Directors | 04/10/24 |

8. Additional Information

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| Policy Status | Approved |
| Policy Owner | Principal |
| Next Review Date | 3 years from Approval Date |
| Associated Internal Documents | Admission Policy and Procedure Assessment Policy and Procedure |

Assessment Review Policy and Procedure
Sexual Assault and Sexual Harassment Policy and Procedure
Staff Academic Integrity Policy and Procedure
Student Academic Integrity Policy and Procedure
Student Appeals Policy and Procedure
Student Code of Conduct
Student Grievance and Appeal Form

Higher Education Standards Framework (Threshold Standards) 2021 All standards under Section 2.4

National Code of Practice for Providers of Education and Training to Overseas Students 2018 Standards 3.3.7, 6.1.6, 10.1 to 10.4

Other Applicable Legislation and Instruments Education Services for Overseas Students Act 2000
Higher Education Support Act 2003
Tertiary Education Quality and Standards Agency Act 2011

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9. Appendix 1 | Student Appeals Process Flowchart

