



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 accessing external support services or for providing referrals to external support services/agencies.

Students may also, at their own expense, seek independent advice such as mediation support or legal advice.

4.2.1 External appeal body – National Student Ombudsman (NSO)

Where an appellant is dissatisfied with the outcome of the College's internal appeals process, the appellant may seek an external avenue of appeal. The National Student Ombudsman (NSO) is the College's independent external grievance handling and appeals body.

The NSO is an independent service for higher education students. A request for external appeal may be made directly to the NSO using the lodgement options described on the NSO website, including phone, online form, in person or in writing. Current contact details are available at www.nso.gov.au.

The College will cooperate with any external appeals process, subject to applicable privacy and confidentiality obligations.

4.2.2 Overseas students – additional requirements

The College applies the same appeals procedures to all students. The following additional notification and enrolment-status requirements apply to overseas students.

Where an overseas student is not successful in the College's internal appeals process, the College will, within ten (10) working days of completion of the internal process, provide written advice to the student which includes:

- notification of the outcome of the internal process
- the student's right to access an external grievance handling and appeals process at minimal or no cost
- the contact details for the National Student Ombudsman (NSO).

The College will also inform the student of any implications for enrolment status during the appeals process, in accordance with the College's *Enrolment Policy and Procedure* and applicable requirements for overseas students.

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, recommendations 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:

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
2.2	Updated external appeal pathway to NSO; removed legacy external body references	Board of Directors	12/03/26

8. Additional Information

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

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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

