Student Appeals
Policy and Procedure

Effective Date: March 2013
Review Date: March 2014

Introduction

Many decisions that affect a student's rights or expectations have an appeal process if the decision is adverse for the student.

An appeal is an escalation step which may be open to a student if the student is dissatisfied with an adverse decision, or perceives an adverse outcome to a complaint or grievance the student has raised.

Sage Institute of Education has clear processes in place should a student wish to lodge a grievance or appeal.

Purpose of Policy:

As part of the approach by Sage Institute of Education to providing a fair, safe and productive training environment, consideration of appeals will be dealt with fairly, consistently, promptly, with sensitivity to all parties and in accordance with the principles of natural justice.

Principles of Natural Justice:

General procedural fairness in the handling of a grievance that involves all of the following elements:

- the right to a fair hearing
- the right to attend hearings with a friend or support person, if required
- the opportunity for all parties involved to be heard
- the respondent having full knowledge of the nature and substance of the grievance
- the complainant not determining the outcome, but may be a party to it
- the right to an independent, unbiased decision-maker
- a final decision that is based solely on the relevant evidence.

Access to information about appeal processes shall be made available fairly, consistently and promptly.

This policy and procedure supports:

- NVR Standards for Continuing Registration*
- VET Quality Framework

Relates to:

Student
Trainer/Assessor
Training Team Leader
Training Manager
General Manager

Responsibility of:

The General Manager and/or Academic Director have overall responsibility for the implementation of this Policy.

The Quality & Compliance Manager shall be responsible for ensuring this policy and its process is followed and all tasks are completed.

Monitoring by:

The Quality & Compliance Manager will conduct a yearly review of this policy and procedure as part of the continuous improvement cycle.
Guidelines:

As part of the approach by the Sage Institute of Education in providing a fair, safe and productive study environment, consideration of appeals will be dealt with sensitivity to all parties and in accordance with the principles of natural justice.

Access to information about the appeal process shall be made promptly available.

A final decision is a decision made by the member of staff authorised to make that decision and communicated to the complainant in writing when all internal appeal avenues within the RTO's procedures and processes, including under legislation, or under the Student Complaint and Grievances Policy, have been exhausted.

General Principles:

1. Parties wishing to lodge an Appeal must act reasonably and in good faith and demonstrate an understanding of their responsibilities and respect for the rights of others.

2. The raising of an Appeal against another party falsely or maliciously (whether or not the Appeal is later withdrawn) can itself become the subject of formal action. Parties should bear in mind that material about a person (if untrue) that lowers that person's reputation in the community may be considered defamatory.

3. Guidance on any Appeal process within the Procedures and Policies can be sought by the nominated staff member identified in the Procedure or Policy as having responsibility for guidance.

4. Students at all levels of the internal appeal process must receive in writing either before or during their appeal hearing, information on how the outcome of the appeal will be sent to them. The outcome of the appeal must be sent to the student's current address. Postage must be by registered post. The student's current address should be confirmed at the initial stage.

5. An Appeal against a decision that may result in a student being excluded or suspended will, in most cases, require the Student to lodge an Appeal within 20 working days of the student receiving notice of the decision.

Confidentiality and Privacy

Appeals must be treated by all parties as strictly confidential. This means that information about the appeal shall only be discussed with, or made available to, a person who:

1. is a party to the appeal;
2. is or has been legitimately involved in the management of that appeal; or
3. has a formal management role in following up the consequences or implications of the appeal.

Witnesses, support persons or any other observers must refrain from discussing the appeal with each other or with the parties unless those discussions are in accordance with the management of the appeal. Parties must be aware of the consequences if there is a breach of confidentiality. These consequences include disciplinary action under the staff member's applicable employment agreement.

Process:

1. An Appeals process commences when a formal complaint has been actioned.

2. Within 10 working days of receipt of the Student Grievance and Complaint Form, the General Manager must appoint an investigator to hear the grievance.

3. The investigator will, within 15 working days of appointment:
   - gather information from both the student complainant and respondent and such other persons or seek any further information the investigator considers necessary and will conduct any investigation in accordance with the Principles of Natural Justice
   - determine whether the grievance is justified;
   - recommend to the General Manager appropriate action which may include counselling for either or both parties; arranging for conciliation of the grievance; recommending disciplinary action; or that no further action be taken.

4. On receipt of the investigator's report, the General Manager will:
   - take such action as he/she deems appropriate
   - notify in writing both the student complainant and respondent of the outcome of the process, the
reasons for the decision and specify any action to be taken.
• Inform the Academic Director

5. The decision of the General Manager is the final step in the grievance process and is not open to challenge via any other dispute settling procedures of Sage Institute of Education.

6. The General Manager will inform the Academic Director of his/her decision. The General Manager will make notations on the Complaints, Grievances and Appeals Log on Sharepoint.

7. The Academic Director will inform the CEO of the Student Appeal.

8. The General Manager will be responsible in ensuring that the student complainant is notified about his or her right of appeal.

9. An appeal may be lodged by the complainant. Generally an appeal lodged with the General Manager must be due to an irregularity of procedure in the recommending and/or the making of the decision appealed against.

10. The General Manager will inform the Academic Director if an Appeal is lodged.

11. The Academic Director will inform the CEO that an Appeal has been lodged.

Sage Institute of Education acknowledges that in some cases a student may choose to exercise his or her rights under common law or other external statute based legal processes. If a student commences external action, any action contemplated or in progress under the RTO’s Procedures or Policies shall cease and shall not be dealt with further unless referred back to by an external authority.

Right to an Advocate

All students have the right to a support person during the formal procedure. A support person is only an observer who shall not speak unless invited by the individual responsible for conducting the formal procedure.

Students whose capacity for self-advocacy is impaired because of disability, have the right to a non-legally trained advocate of their choosing during the informal and formal procedure. An advocate may represent the case on behalf of these students.

External Agencies

Complaints about administrative actions and decisions of the RTO can be made to the Australian Council for Private Education and Training (ACPET). If the RTO policy and process has not been followed, ACPET may ask the student complainant to do so before accepting their complaint.

Related Policies

The process above is supported by the following documents:

1. Student Complaints and Grievance Policy and Procedure

Reference Documents and Forms

1. Student Complaint and Grievance Form
2. Complaints, Grievances and Appeals Log
3. National Vocational Education and Training Reform Act 2011
5. Freedom of Information Act 1982
6. Victorian Information Privacy Act 2000

Policy & Procedure Directory Requirements:

Sage Institute of Education>Group Compliance> Policies and Procedures
*AQTF 2010 & VRQA VET Guidelines when registered in Victoria.

**Version Control and Change History**

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