

## Appeals Policy

### Policy Information

<b>Policy Name:</b>	Appeals
<b>Policy Number:</b>	616
<b>Current Version:</b>	02 – 23/11/2009
<b>Next Revision Date:</b>	23/11/2010
<b>Purpose:</b>	This policy provides information for SBIT students and staff members regarding students' rights to appeal academic decisions or decisions on their misconduct case which they consider to be unfavourable and/or unreasonable.
<b>Scope:</b>	This policy covers appeals made by students in relation to academic decisions or decisions on their misconduct case following the formal disciplinary process. This policy applies to all SBIT students and staff member involved in the appeals process.
<b>Exceptions:</b>	Nil
<b>Policy Owner:</b>	Director, Product Innovation
<b>Policy Author:</b>	Education Quality Manager, Norval Dunfee
<b>Related policies and legislation:</b>	<p>SBIT Policy No. <a href="#">601</a> – SBIT Student Rules            SBIT Policy No. <a href="#">602</a> – SBIT High Education Student Rules            SBIT Policy No. <a href="#">617</a> – International Student Appeals            SBIT Policy No. <a href="#">618</a> – International Student Academic Progression Monitoring            SBIT Policy No. <a href="#">619</a> – Higher Education Non-Academic Grievance &amp; Appeals            SBIT Policy No. <a href="#">620</a> – Higher Education Academic Grievance &amp; Appeals            SBIT Policy No. <a href="#">621</a> – VET FEE-HELP Non-Academic Grievance &amp; Appeals            SBIT Policy No. <a href="#">622</a> – VET FEE-HELP Academic Grievance &amp; Appeals</p>
<b>Internal procedures guided by this policy:</b>	<ul style="list-style-type: none"> <li>▪ SBIT Procedure No. <a href="#">6014</a> – Student Misconduct</li> <li>▪ SBIT Procedure No. <a href="#">6015</a> – Misconduct Appeals</li> <li>▪ SBIT Procedure No. <a href="#">6016</a> – Academic Appeals</li> <li>▪ SBIT Procedure No. <a href="#">6017</a> – International Student Appeals</li> <li>▪ SBIT Procedure No. <a href="#">6018</a> – International Student Academic Progression Monitoring</li> <li>▪ SBIT Procedure No. <a href="#">6019</a> – Higher Education Non-Academic Grievance &amp; Appeals</li> <li>▪ SBIT Procedure No. <a href="#">6020</a> – Higher Education Academic Grievance &amp; Appeals</li> <li>▪ SBIT Procedure No. <a href="#">6021</a> – VET FEE-HELP Non-Academic Grievance &amp; Appeals</li> <li>▪ SBIT Procedure No. <a href="#">6022</a> – VET FEE-HELP Academic Grievance &amp; Appeals</li> </ul>

### Revision History

Revision Date:	Status: (Draft/Final)	Summary of Changes	Prepared/Approved By:	Revision #:
08/08/2008	Final	New policy	Project Officer, Governance Transformation Officer /Director Product Innovation	01
19/11/2009	Final	Added VET Fee-Help policies and Procedures	Business Process Manager/Director Product Innovation	02

## Glossary of Terms/Definitions

Terms	Definitions
<b>Natural Justice</b>	The basic tenet of natural justice is that a person has rights with regard to: procedural fairness, objective decision making (without personal bias), being made aware of allegations and being given reasonable opportunity to present responses/claims.
<b>Principles of Assessment</b>	As defined in the TAA04 Training Package <a href="http://www.ntis.gov.au/Default.aspx?trainingpackage/TAA04/download">http://www.ntis.gov.au/Default.aspx?trainingpackage/TAA04/download</a> <ul style="list-style-type: none"> <li>▪ validity</li> <li>▪ reliability</li> <li>▪ fairness</li> <li>▪ flexibility</li> </ul>
<b>VET</b>	Vocational Education & Training
<b>VET Fee-Help</b>	VET FEE-HELP is a new scheme developed by the Federal Government to provide loans for fee paying students undertaking Diploma and Advanced Diploma courses, that are accredited as vocational education and training awards, and that have significant credit transfer arrangements to higher education.

## Distribution

- Institute Director
- Institute Directorate
- All Directors
- All Supervisors and Managers
- All Educational Staff
- All Administration Staff

## Policy

### 1.0 General Information

Southbank Institute of Technology is committed to providing clear policies governing appeals against decisions on misconduct cases and academic decisions which are fair and transparent. Because SBIT is a dual sector tertiary education provider in both the Vocational Education & Training (VET) and Higher Education sectors separate appeals processes are required for each sector.

International students have additional requirements set out by the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students regarding appeals. To facilitate these requirements and to make the process easier for International students a separate policy has been developed to manage all International student appeals.

SBIT has three types of students:

- Domestic VET Students
- Domestic Higher Education Students
- International Students

International students are also VET or Higher Educational students but all International student appeals will be covered by SBIT Policy No. [617](#) – International Student Appeals.

Policies covering appeals are divided into three categories:

- Overview policies
- Academic Appeal policies and procedures
- Non-Academic Appeal policies and procedures

### 2.0 Important Principles

All SBIT Staff Members involved in the appeals process, whether as a decision-maker, complainant, committee member or in any other capacity, should adhere to the following principles:

#### 2.1 Principle of Natural Justice

Decision-makers must act fairly and without any actual or perceived bias.

- A person is innocent until proven guilty
- Justice delayed is justice denied

Persons should have an opportunity to present their views and respond to any adverse material.

- People should know the origin of evidence against them.
- All parties to a decision should be heard and all relevant arguments considered before a decision is made.

#### 2.2 Principle of Confidentiality

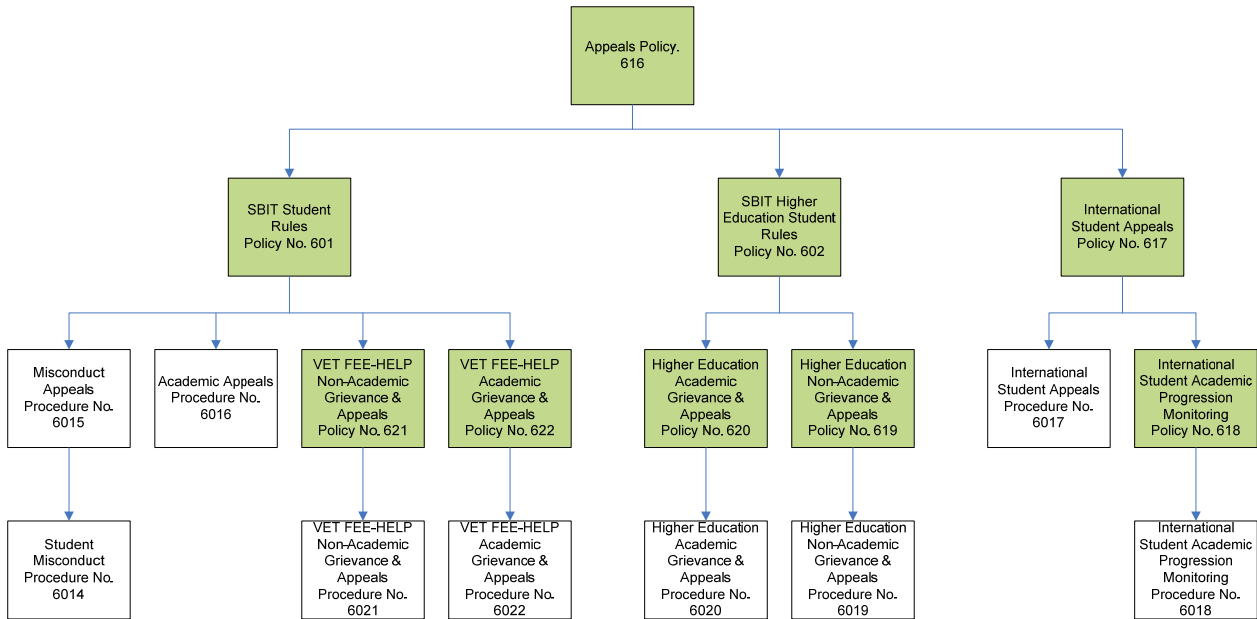
Details of an allegation and information about the complainant, the student, the investigation, the committee deliberations and the correspondence, should be restricted to persons who have a need to know in order to carry out their role in the process.

### 3.0 Types of Appeals

Appeals are divided into two broad categories: academic and non-academic but due to the three types of students enrolled at SBIT (refer General Information above) each student type may be managed differently depending on the individual appeal.

The Appeals structure below displays the hierarchy of appeals policies, student rules and appeals procedures. Procedures are for SBIT staff only and displayed in the diagram below without a coloured background. Procedures instruct SBIT staff in the actions required to ensure compliance with the policy.

**SBIT Appeals Structure**



The table below will also assist in understand which appeals policy is the appropriate policy to follow for any given situation.

Type	Policy Name	Vocational Education Training Students	Higher Education Students
<b>Overview</b>	Appeals Policy #616	Domestic & International	
	VET Student Rules	Domestic & International	
	Higher Education Student Rules		Domestic & International
	International Student Appeals Policy #617	International only	
<b>Academic</b>	VET Academic Appeals Procedure #6016	Domestic	
	VET FEE-HELP Academic Grievance & Appeals Policy #622	Domestic	
	Higher Education Academic Grievance & Appeals Policy #620		Domestic
	International Student Appeals Policy #617	International only	
	International Student Academic Progression Monitoring Policy #618	International only	
<b>Non Academic</b>	VET Misconduct Appeals Procedure #6015	Domestic	
	VET FEE-HELP Non-Academic Grievance & Appeals Policy # 621	Domestic	
	Higher Education Non-Academic Grievance & Appeals Policy #619		Domestic
	International Student Appeals Policy #617	International only	

## Non Academic Appeals

These are appeals made by Students in relation to the decision or decision process made against them.

Student may appeal the outcome/decision on one or more of the following grounds:

- a. that the Student thinks their behaviour was acceptable;
- b. that the Student thinks the decision of SBIT management was too severe;
- c. that the case had not been heard and/or decided on its merits;
- d. that the Student is able to provide new evidence;
- e. that a procedural irregularity has occurred.

### 3.1 Academic Appeals

These are appeals made by the student in relation to academic decisions or procedural process.

Student may appeal the outcome/decision on one or more of the following grounds:

- a. the Student believes an error has occurred in the calculation of the academic result;
- b. the Student believes the assessment did not comply with criteria published in the course guide;
- c. the student believes the criteria published in the course guide does not meet the requirements of the relevant training package or accredited course;
- d. the student believes the assessment did not comply with the Principles of Assessment (i.e. an error in process has occurred).

## 4.0 Appeals Committees

### 4.1 Non Academic Appeals

**VET Students** - The Misconduct Review Panel is a committee which is established by the CEO/Institute Director or Delegate to consider misconduct appeals by students who are not apprentices or trainees. The Misconduct Appeals Panel is established at the commencement of each calendar year. The committee should comprise of at least a Director or Business Manager not involved in original decision, a Teacher or Tutor representative and a representative from Student Administration and Services.

The Misconduct Review Panel shall be the final appeal body for the students on these matters. The decision of the Misconduct Review Panel is final (subject to the provisions of the Judicial Review Act).

**VET Fee-Help Students** - The VET FEE-HELP Non-Academic Appeals Panel will comprise the Director, Product Innovation, the Director Corporate Services and the Senior Manager, Student Administration and Services or the delegates provide none of these persons has been previously involved in the matter being appealed.

VET Fee-Help student can access an external appeals process if dissatisfied with the outcome from the VET FEE-HELP Non-Academic Appeals Panel. Please refer to Policy No. [621](#) VET FEE-HELP Student Non-Academic Grievance and Appeals for further information.

**Higher Education Students** - The High Education Non Academic Appeals Panel is a committee which is established by the Director Product Innovation to consider non academic appeals by students. The High Education Non Academic Appeals Panel is established at the commencement of each calendar year. The composition of this panel is outlined in the Higher Education Student Non-Academic Grievance and Appeals Policy.

Higher Education students can access an external appeals process if dissatisfied with the outcome from the High Education Non Academic Appeals Panel. Refer to SBIT Higher Education Student Rules for details.

### 4.2 Academic Appeals Committee

**VET Students** - The Academic Appeals Committee is a committee which is established by the Institute Director or Delegate to consider academic appeals by students. Refer to the TAFE Queensland Student Rules as to the composition of this committee.

The Academic Appeals Committee shall be the final appeal body for students on these matters. The decision of the Academic Appeals Committee is final (subject to the provisions of the Judicial Review Act).

**VET Fee-Help Students** - The VET FEE-HELP Academic Appeals Panel is a committee which is established by the SBIT VET Academic Board to consider academic appeals by students. Refer to Policy No. [622](#) VET FEE-HELP Student Academic Grievance and Appeals for further information.

VET Fee-Help student can access an external appeals process if dissatisfied with the outcome from the VET FEE-HELP Academic Appeals Panel. Refer to Policy No. [622](#) VET FEE-HELP Student Academic Grievance and Appeals for further information.

**Higher Education Students** - The High Education Academic Appeals Committee is a committee which is established by the Higher Education Academic Board to consider academic appeals by students. Refer to the SBIT Higher Education Student Rules as to the composition of this committee.

Higher Education students can access an external appeals process if dissatisfied with the outcome from the High Education Academic Appeals Committee. Refer to SBIT Higher Education Student Rules for details.